

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)

Plaintiff,)

v.)

Case No.: 18-cv-03649-TDC/TJS

PRINCE GEORGE'S COUNTY)
PUBLIC SCHOOLS, ET AL.,)

Defendants.)
_____)

EXHIBIT 2

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>	Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA AMENDMENT <input checked="" type="checkbox"/> EEOC 531-2015-01787
---	--

Prince Georges County Human Relations Commission and EEOC
State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.) Ms. Jennifer Eller	Home Phone (Incl. Area Code) (703) 565-6468	Date of Birth
---	---	---------------

Street Address City, State and ZIP Code
200 South Van Dorn Street, Alexandria, VA 22304

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name PRINCE GEORGES CO PUBLIC SCHOOLS	No. Employees, Members 500 or More	Phone No. (Include Area Code) (301) 952-6115
---	--	--

Street Address City, State and ZIP Code
14201 School Lane, Upper Marlboro, MD 20772

Name	No. Employees, Members	Phone No. (Include Area Code)
------	------------------------	-------------------------------

Street Address City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)	DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 08-15-2011 <input checked="" type="checkbox"/> CONTINUING ACTION
--	---

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))
AMENDMENT 531-2015-01787

On or about February 20, 2015 I filed an internal Discrimination or Harassment Incident Report that constituted protected activity. After filing my complaint I was removed from teaching AP English classes. Since September 2015 I have been counseled on two separate occasions for the same incident, received a written counseling note, and my principal has sought disciplinary actions against me. Moreover, I add the following as examples of the ongoing harassment to which I continue to be subjected: repeatedly being misgendered by parents, faculty, and staff, called derogatory names such as "tranny," "freak," and "thing" by students and parents, and being told by a school secretary that I should be transferred where no one knows me. I believe that, in addition to my prior complaints of harassment and unequal terms and conditions of employment due to Sex and Gender Identity, I have been discriminated against in retaliation for protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended, with respect to harassment and unequal terms and conditions of employment.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements
---	---

I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT
--	--

29 April, 2016 <i>Jennifer Eller</i> Date Charging Party Signature	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)
--	---

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)
)
 Plaintiff,)
)
 v.)
)
 PRINCE GEORGE'S COUNTY)
 PUBLIC SCHOOLS, ET AL.,)
)
 Defendants.)
 _____)

Case No.: 18-cv-03649-TDC/TJS

EXHIBIT 3

10:15:26 1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF MARYLAND
 3 Southern Division
 4 ----- x :
 5 JENNIFER ELLER, :
 6 Plaintiff, : Civil Action No.
 7 vs. : 18-cv-03649-TDC/TJS
 8 PRINCE GEORGE'S COUNTY PUBLIC :
 9 SCHOOLS, et al., :
 10 Defendants. :
 11 ----- x :
 12
 13 Wednesday, March 11, 2020
 14 Washington, D.C.
 15
 16 The 30(b)(6) deposition of ROBIN POPE-BROWN,
 17 called for examination by counsel for the Plaintiff at
 18 the offices of Arnold & Porter, 601 Massachusetts Avenue,
 19 N.W., Washington, DC, on Wednesday, March 11, 2020,
 20 scheduled to commence at 10:30 a.m., the proceedings
 21 being stenographically recorded by Marjorie Peters,
 22 Fellow of the Academy of Reporters, (FAPR), Registered
 Merit Reporter (RMR), and transcribed under her
 direction.

1 INDEX

2	EXAMINATION	PAGE
3	ROBIN POPE-BROWN 30(b)(6)	
4	By Mr. Gonzalez-Pagan	5
5	Acknowledgment of Deponent	108
6	Certificate of Court Reporter	109
7	Errata Sheet	110
8	INDEX OF EXHIBITS	
9	PLAINTIFF'S EXHIBIT	PAGE
10	Exhibit 101 Defendant Prince George's	39
11	County Public Schools Answers	
12	to Plaintiff's First Set of	
13	Interrogatories	
14	Exhibit 102 Defendant Prince George's	75
15	County Public Schools'	
16	Responses to Plaintiff's	
17	First Set of Requests for	
18	Admissions	
19	Exhibit 103 e-mail chain, Fadli/Eller,	78
20	5.17.2011, 10998.0001	
21		
22		

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1 INDEX OF EXHIBITS

2	PLAINTIFF'S EXHIBIT	PAGE
3	Exhibit 104 e-mail chain, 11.3.2015	91
4	Eller	
5	Exhibit 105 e-mail chain, Eller, Adams,	96
6	5.2.2016	
7		
8	PREVIOUS EXHIBITS	PAGE
9	Plaintiff's 30 (b) (6) Notice	10
10	Exhibit 89	
11	Plaintiff's PGCPs EEOC response	80
12	Exhibit 93 documents, PGCPs 97-417	
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		

11:58:42 1 If a PS-74 is submitted, depending on
 2 the year, and depending on the vacancies in the building
 3 as far as positions, it may or may not make it into the
 4 file.
 5 Q. As a matter of policy, should PS-74s make it
 6 to a student file?
 7 A. Yes.
 8 Q. Is it your testimony that sometimes that
 9 policy is not followed?
 10 A. Yes. It's not followed on both ends. The
 11 teacher may not complete one, or if they do, it may not
 12 make it into the file.
 13 Q. Okay. Do you know whether student files
 14 were searched to see if they had responsive documents
 15 pertaining to this lawsuit?
 16 A. Do I know whether they were searched?
 17 Q. Yes.
 18 A. Whether those files --
 19 Q. Were reviewed.
 20 A. I'm sure they went through all types of
 21 files, so I'm sure they -- you know, I'm sure they did,
 22 so...

12:01:42 1 years that we were using carbon copies in the County,
 2 were to the teacher, back to the teacher, student's
 3 parents, 'cume [phonetic] folder -- well, student's
 4 folder, and I believe administrative.
 5 Q. Did guidance secretary receive copies of
 6 PS-74s?
 7 A. Well, the policy doesn't say that it has to
 8 be the guidance secretary. The policy says that it
 9 should be placed in the folder. But at Friendly, it was
 10 the guidance secretary.
 11 Q. So it was the practice that at Friendly High
 12 School, the guidance secretary would receive the PS-74
 13 forms?
 14 A. Right, and at other schools it may be
 15 another staff person.
 16 Q. Do pupil personnel workers receive copies of
 17 completed PS-74 forms?
 18 A. Not -- no, they won't. Unless there is
 19 probably an expulsion request, and they have to go into
 20 the file to, you know, retrieve that, but ordinarily,
 21 they're not in the distribution list.
 22 Q. So pupil personnel workers would receive

12:00:13 1 Q. Just to clarify: --
 2 A. Okay.
 3 Q. -- are you speculating, or are you sure, or
 4 do you know whether that happened?
 5 A. Speculating.
 6 Q. Okay. We mentioned PS-74s in our
 7 conversation. What is a PS-74 Form?
 8 A. It's a form where teachers would report an
 9 infraction, behavior infraction made by a student.
 10 Q. Who would typically fill out a PS-74 form?
 11 A. A classroom teacher, a substitute teacher.
 12 That's pretty much it. You may get a -- depending on the
 13 infraction, it could be a security person. Very rare,
 14 but I guess they could.
 15 Q. So other school personnel may fill out a
 16 PS-74?
 17 A. May. Most of the time it's not likely.
 18 Q. Who receives copies of completed PS-74
 19 forms?
 20 A. According to the policy?
 21 Q. Yes.
 22 A. So the policy, the carbon copies on the

12:03:09 1 copies dependent upon the remedial action or disciplinary
 2 action?
 3 A. Like an expulsion request, so that's
 4 actually something that has to go outside the building to
 5 the office of appeals.
 6 Q. Okay. Do PS-74 forms document any
 7 disciplinary actions taken against a student?
 8 A. Yes.
 9 Q. Does the school district have any policies
 10 or protocols specifically pertaining to the maintenance
 11 and retention of PS-74 forms?
 12 MR. SHARMA: Objection. Asked and
 13 answered. You can answer it again.
 14 A. The PS-74 form goes into the file. In a
 15 perfect world, if it goes into the file, then it would be
 16 maintained as a student record.
 17 Q. Okay. I think we spoke about this a little
 18 bit more generally, but just to clarify, to your
 19 knowledge was this policy -- scratch that.
 20 To your knowledge, this policy was not
 21 necessarily always followed at Friendly High School?
 22 MR. SHARMA: Objection. You can answer

12:04:26 1 it again.
 2 A. Yes.
 3 Q. Did the school district retain all of the
 4 PS-74 forms completed by Miss Eller?
 5 A. The school district? If it was part of a
 6 student's record, yes. And if it was in the file, yes.
 7 Q. Sorry. Just to clarify: If Miss Eller
 8 completed a PS-74 form, it is your understanding that it
 9 was retained in accordance to your school district
 10 policy?
 11 A. No.
 12 MR. SHARMA: Objection.
 13 A. So --
 14 Q. Why not?
 15 A. A number of factors.
 16 If we had a guidance counselor to file
 17 it. There are times that we went without guidance
 18 counselors or had temporary people back there. Those
 19 could be reasons that they weren't filed. That would be
 20 the only reason why they weren't filed.
 21 Q. Did the school district produce all of the
 22 PS-74 forms completed by Miss Eller, and that were kept

12:07:28 1 Per this response by the school
 2 district, June Allyson Evans was the guidance secretary
 3 assigned to Friendly High School during the 2011-2012
 4 school year; is that right?
 5 A. I was not there. I came 2012-2013. But
 6 when I first arrived at Friendly, Miss Beverly was not in
 7 that position.
 8 Q. Yes. Miss Beverly started on February '13,
 9 if that's -- in accordance with that response; is that
 10 right?
 11 A. If that's what they say, but I know that we
 12 have had two or three before we got Miss Beverly.
 13 Q. Is it your recollection that there were a
 14 couple of other guidance secretaries in between Miss
 15 Evans and Miss Beverly?
 16 A. Yes.
 17 Q. Do you recall who these guidance secretaries
 18 were?
 19 A. Actually, no, I don't. They were so
 20 short-lived. And actually, even with Miss Beverly,
 21 Mr. Adams had attempted to get her transferred because
 22 she was not completing her work, the filing and

66

12:06:13 1 in accordance with policy?
 2 A. Repeat that.
 3 Q. Did the school district produce to us in
 4 litigation all of the PS-74 forms completed by Miss Eller
 5 that were kept in accordance with policy?
 6 MR. SHARMA: Objection. You can answer.
 7 A. I have no idea. I have no idea what was --
 8 what was sent.
 9 Q. Okay. If we can go back to Exhibit 101, the
 10 Responses to the Interrogatories, please.
 11 If you see the answer to interrogatory
 12 number 13 on page 11.
 13 A. You said 15.
 14 MR. SHARMA: 13.
 15 Q. 13. On page 11?
 16 A. Okay.
 17 Q. Just going to go through some of the names
 18 that are listed in this answer if that's okay.
 19 A. Okay.
 20 Q. All right.
 21 In accordance -- per this answer by the
 22 school district, Joselyn Isom -- scratch that.

68

12:09:12 1 registrations and things like that.
 2 So there are personnel actions against
 3 Miss Beverly for, you know, not doing her work.
 4 Q. Is Miss Beverly still a guidance secretary
 5 at Friendly High School?
 6 A. So in name, yes, she is, but she is not in
 7 charge of that particular function.
 8 Q. Who is in charge of that particular
 9 function?
 10 A. Now, Ms. Anderson, who's the registrar.
 11 Q. When did Miss Anderson begin to be in charge
 12 of that particular function?
 13 A. That was this school year.
 14 Q. And before this school year, in between
 15 February 2013 and May 2016, was someone else in charge of
 16 this function in lieu of Miss Beverly?
 17 A. Not per se. It should have been Miss
 18 Beverly, so it's so many things that go on in the school
 19 that whoever can do it will do it.
 20 Q. Did Miss Evans keep copies of PS-74s
 21 completed by Miss Eller during the 2011-2012 school year?
 22 A. I didn't work under Miss Evans.

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EXHIBIT 5

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF MARYLAND
 3 Southern Division
 4 JENNIFER ELLER,)
 5 Plaintiff,)
 6 vs.) Case No. :
 7) 18-cv-03649-TDC
 8 PRINCE GEORGE'S COUNTY)
 9 PUBLIC SCHOOLS, et al.,)
 10 Defendants.)

11 DEPOSITION OF ROBIN POPE-BROWN

12 Thursday, December 12, 2019, 9:55 a.m.

13 Arnold & Porter Kaye Scholer

14 601 Massachusetts Avenue, NW

15 Washington, DC

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 25 301.864.6070

1 DEPOSITION OF ROBIN POPE-BROWN,
 2 a witness herein, called by the Plaintiff for
 3 examination, taken pursuant to the Federal Rule of
 4 Civil Procedure 30(b)(1), by and before Marjorie
 5 Peters, a Registered Merit Reporter, Certified
 6 Realtime Reporter and Notary Public in and for the
 7 District of Columbia, at Arnold & Porter Kaye
 8 Scholer, 601 Massachusetts Avenue, NW, Washington,
 9 DC, on Thursday, December 12, 2019, at 9:55 a.m.

1 INDEX

2 EXAMINATION	PAGE
3 ROBIN POPE-BROWN	
4 By Ms. Cheema	6
5 By Mr. Sharma	155
6 By Ms. Cheema	160
7 Acknowledgment of Deponent	164
8 Certificate of Court Reporter	165
9 Errata Sheet	166

11 INDEX OF EXHIBITS

12 PLAINTIFF'S EXHIBIT	PAGE
13 Exhibit 32 Administrative Procedure,	49
14 Discrimination and	
15 Harassment, PGCPS 679 -	
16 700	
17 Exhibit 33 <i>Providing Safe Spaces for</i>	65
18 <i>Transgender and Gender</i>	
19 <i>Non-Conforming Youth:</i>	
20 <i>Guidelines for Gender</i>	
21 <i>Identity</i>	
22 <i>Non-Discrimination</i>	

12:41:14 **1** can't get to the administrator that's assigned to
 12:41:17 **2** your content or grade level, so you go to, you know,
 12:41:21 **3** whatever administrator that's available, depending
 12:41:25 **4** on the seriousness of the infraction.

12:41:28 **5** Q. By "administrator," you mean vice
 12:41:32 **6** principal?

12:41:32 **7** A. Yes.

12:41:32 **8** Q. If the vice principal assigned to your
 12:41:35 **9** grade level or subject matter is not available, you
 12:41:36 **10** can go to a different vice principal?

12:41:38 **11** A. If they're not available, you can go to
 12:41:40 **12** any vice principal. Or the principal, if you see --
 12:41:44 **13** you know, if you -- if he happens to be near and you
 12:41:46 **14** wanted to report.

12:41:48 **15** Q. Would that be an oral conversation with
 12:41:51 **16** the vice principal or principal?

12:41:54 **17** A. It depends on the teacher. Sometimes
 12:41:57 **18** teachers do it orally. Sometimes teachers complete
 12:42:01 **19** documents.

12:42:01 **20** Q. Okay. Are there different kinds of
 12:42:04 **21** complaints for which teachers are advised to
 12:42:08 **22** document it in a PS-74?

12:43:28 **1** complaints should be -- you know, a PS-74 should be
 12:43:33 **2** completed. It doesn't always happen. But if the
 12:43:36 **3** administrator knows about it, the consequence is
 12:43:39 **4** still given.

12:43:40 **5** So the administrator won't stop the
 12:43:42 **6** consequence because the teacher didn't submit a
 12:43:45 **7** PS-74.

12:43:46 **8** Q. Okay. So once -- if a PS-74 is
 12:43:51 **9** completed, who would a teacher provide that to?

12:43:55 **10** A. So she would give it to the -- so it --
 12:43:59 **11** the grade level administrator, and the grade level
 12:44:03 **12** administrator would speak with the student, find out
 12:44:07 **13** what happened. If there were witnesses necessary to
 12:44:11 **14** talk to, depending on what the complaint was, speak
 12:44:14 **15** with the witnesses. Also speak with the teacher.
 12:44:19 **16** After the discipline was dispersed, the result would
 12:44:26 **17** be list on the bottom part of the PS-74.

12:44:29 **18** The teacher is supposed to get a
 12:44:31 **19** copy, the parent, and the guidance office is
 12:44:39 **20** supposed to receive a copy to be placed in the
 12:44:42 **21** student's file, but that doesn't happen all the
 12:44:49 **22** time.

94

12:42:10 **1** A. All complaints should be documented in a
 12:42:13 **2** PS-74, but the reality then was that the teachers
 12:42:19 **3** didn't always have time to do it. So if something
 12:42:22 **4** may have happened in the middle of class, they
 12:42:25 **5** wouldn't necessarily stop instruction to complete
 12:42:28 **6** it. And their plans may be to have completed it by
 12:42:33 **7** the end of the day, and sometimes those plans didn't
 12:42:36 **8** work out. They didn't complete it. But the student
 12:42:38 **9** would still receive a consequence.

12:42:41 **10** So for instance, if something
 12:42:43 **11** happened in the classroom, the teacher would maybe
 12:42:47 **12** contact the administrator, the administrator would
 12:42:50 **13** deal with the student, and then the teacher may or
 12:42:53 **14** may not complete a PS-74.

12:42:55 **15** Q. Okay. So there could be consequences
 12:43:04 **16** against students that were not documented in PS-74s?

12:43:08 **17** A. Oh, definitely.

12:43:09 **18** Q. Is that pretty common?

12:43:15 **19** A. Yes.

12:43:15 **20** Q. If a complaint was serious, would that
 12:43:20 **21** require a documentation of PS-74?

12:43:24 **22** A. Yes. When you say "require," all

96

12:44:56 **1** Q. When you say "administrator," again,
 12:44:58 **2** that's referring to vice principal?

12:45:01 **3** A. Vice principal.

12:45:01 **4** Q. And so the vice principal reviews the
 12:45:03 **5** complaint, evaluates it?

12:45:04 **6** A. Investigates it, yes.

12:45:07 **7** Q. Okay. Who provides a copy of the PS-74
 12:45:10 **8** to the PPW?

12:45:11 **9** A. I don't know. I really don't know.

12:45:28 **10** Q. Is it someone's responsibility to
 12:45:30 **11** provide the PS-74 to the PPW?

12:45:33 **12** A. I'm sure it is, but I don't know who
 12:45:36 **13** that person is.

12:45:37 **14** Q. When you were vice principal, in
 12:45:39 **15** responding to complaints and evaluating PS-74s, how
 12:45:43 **16** often did you provide copies to the PPW?

12:45:46 **17** A. I never provided anyone copies. I gave
 12:45:49 **18** them to the secretary.

12:45:50 **19** Q. Did you instruct the secretary to
 12:45:51 **20** provide them to the PPW as well?

12:45:53 **21** A. To anybody that was on the bottom of the
 12:45:56 **22** disbursement.

02:17:43 1 A. Yes.

02:17:44 2 Q. And in addition to a vast variety of

02:17:46 3 topics, one of the topics that were covered was the

02:17:50 4 anti-discrimination and harassment policy of the

02:17:52 5 school system?

02:17:53 6 A. Yes.

02:17:53 7 Q. Do you recall any complaints made by

02:17:58 8 Ms. Eller regarding parents and her transgender

02:18:02 9 status?

02:18:03 10 A. None.

02:18:04 11 Q. Do you recall any complaints made by

02:18:06 12 Ms. Eller about other staff and her transgender

02:18:11 13 status, other than the incident with regard to

02:18:14 14 Ms. Robinson?

02:18:15 15 A. No.

02:18:15 16 Q. And the Ms. Robinson incident is what we

02:18:18 17 discussed earlier today, was it not?

02:18:20 18 A. Yes.

02:18:20 19 Q. Okay. Do you recall any complaints made

02:18:23 20 by Ms. Eller with regard to being physically

02:18:28 21 assaulted as a result of her transgender status?

02:18:30 22 A. No.

02:19:40 1 Q. And were these anomalies by students,

02:19:43 2 these incidents -- these anomalies as you refer to

02:19:45 3 them, were they regularly addressed when they were

02:19:47 4 made known to you and her administrators?

02:19:49 5 A. Every time.

02:19:50 6 Q. Every single time?

02:19:51 7 A. Every single time.

02:19:52 8 Q. So then you would agree that there was

02:19:54 9 no deliberate indifference as to Ms. Eller's

02:20:01 10 concerns?

02:20:01 11 A. Not at all. Not at all.

02:20:03 12 Q. You also mentioned that the PS-74

02:20:05 13 reports were given back to the teachers?

02:20:07 14 A. Yes.

02:20:08 15 Q. So was that also done by the guidance

02:20:10 16 counselor, or was that done by someone else?

02:20:12 17 A. That should have been done by the

02:20:13 18 secretary.

02:20:13 19 Q. Of the main office?

02:20:14 20 A. Yes.

02:20:15 21 Q. And so if Ms. Eller filed a PS-74,

02:20:20 22 either in person or by e-mail, and it was

02:18:31 1 Q. How about the threat of being physically

02:18:33 2 assaulted?

02:18:34 3 A. No.

02:18:35 4 Q. I wrote this down because you said it

02:18:38 5 earlier. You said, anomaly -- it would -- student

02:18:42 6 issues were an anomaly at Friendly High School with

02:18:45 7 regard to Ms. Eller?

02:18:46 8 A. Yes.

02:18:46 9 Q. What did you mean by that?

02:18:48 10 A. That the majority of the students,

02:18:52 11 outlying the ones that she identified in the

02:18:54 12 correspondence, they loved Ms. Eller. She was a

02:18:58 13 significant part of Friendly. She was an AP

02:19:01 14 teacher. She is a great English teacher. She was

02:19:06 15 friendly -- she's friendly. And she's gotten

02:19:14 16 accolades from parents, from her students who are

02:19:17 17 very protective of her, because she has

02:19:21 18 conversations -- well, she had conversations with

02:19:23 19 her students about, you know, her transition in her

02:19:30 20 different classes.

02:19:31 21 So, yeah, it -- yeah. They were

02:19:39 22 anomalies.

02:20:23 1 investigated and there was some action taken.

02:20:27 2 ideally, she would have gotten that PS-74 back at

02:20:30 3 some point in time?

02:20:31 4 A. Yes.

02:20:31 5 Q. So she should have a copy?

02:20:33 6 A. Yes.

02:20:35 7 MS. CHEEMA: Objection.

02:20:37 8 MR. SHARMA: She already answered.

02:20:39 9 I'm done.

02:20:41 10 THE WITNESS: You're welcome.

02:20:42 11 RE-EXAMINATION

02:20:42 12 BY MS. CHEEMA:

02:20:43 13 Q. I have follow-up questions.

02:20:45 14 On the general assemblies that

02:20:46 15 Mr. Sharma was talking about, you mentioned this

02:20:48 16 morning that you didn't remember specifically how

02:20:53 17 many times gender identity was discussed at all in

02:20:55 18 those quarterly assemblies, correct?

02:20:57 19 A. Right.

02:20:57 20 Q. Do you remember how many minutes of a

02:21:00 21 general assembly gender identity would have been

02:21:02 22 discussed?

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)

Plaintiff,)

v.)

Case No.: 18-cv-03649-TDC/TJS

PRINCE GEORGE'S COUNTY)
PUBLIC SCHOOLS, ET AL.,)

Defendants.)
_____)

EXHIBIT 7

Subject: Friendly High School PS-74 (Second Semester)

From: Google Docs <nobody@google.com>

Date: 5/14/2013, 3:01 PM

To: jennifer.eller@pgcps.org

Thanks for filling out "Friendly High School PS-74 (Second Semester)"!

Here's what we got from you:

Friendly High School PS-74 (Second Semester)

Student name (Last) *

Wilson

Student name (First) *

Garrick

Student identification number *

000430322

Student's administrator *

- 9th grade Ms. Pope-Brown
- 10th grade Ms. Cowan
- 11th grade Mr. Hogans
- 12th grade Dr. Feazell

Conduct and details of conduct *

At the beginning of fourth period, he was standing in the hallway and shouting "stand up bitch" into Ms. Naldo's classroom. I had to repeatedly ask him to get to his class. He cursed me out and insulted me saying "Get the fuck out of here," "don't look at me freak," and "you really a man." At the end of fourth period he was, again, standing in front of Ms. Naldo's door and talking with her students. He cursed me out again and continued to refer to me as a man saying, "fuck off, freak," "you ain't no woman," and told his friend "look at that man there, he just guarding the door."

Indicate prior actions taken by yourself to resolve the pupil's problem *

He is not my student but is a disruptive hall walker interrupting classes.

Your electronic signature *

Jennifer Eller

Administrative response

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Subject: Friendly High School PS-74 2013-2014

From: Google Forms <nobody@google.com>

Date: 10/23/2013, 2:17 PM

To: jennifer.eller@pgcps.org

Thanks for filling out "Friendly High School PS-74 2013-2014"!

Here's what we got from you:

Friendly High School PS-74 2013-2014

*If instruction is interrupted, a referral must be completed.

Date *

10/23/13

Student Name (First) *

Tamika

Student Name (Last) *

Jacobs

Student Identification Number *

000561916

Student's Administrator *

- Cowan, grades 11 and 12 (-)
- Pope-Brown, grades 10 and 12 (-)
- Robinson, grades 9 and 12 (-)

Check Conduct of Student *

- Arson
- Possession of alcohol
- Physical attack on a staff member
- Shakedown/strong arm
- Vandalism and/or destruction of property
- Fighting
- Theft

- Continued classroom disruption
- Disrespect
- Distribution of unauthorized printed materials
- Forgery
- Gambling
- Insubordination
- Loitering
- Smoking
- Unauthorized sale or distribution
- Reported to class unprepared
- Other

Period of incident *

- 1 A
- 2 A
- 3 A
- 4 A
- 1 B
- 2 B
- 3 B
- 4 B

Details of misconduct *

Tamika was sitting in the ISS room, as monitored by Mr. Cook. As I walked down the hall she shouted loud with the intention I hear her: "There goes a man! That's a man in women's clothes! Did you see him?" I stopped in the door and asked if there was something she needed to tell me. She said, "Nah, I don't need no trouble, I just thought you was a woman, but you a man." I corrected her by telling her "I am female." She said, "Whatever, you think you are." She continued to talk about me to the other students referring to me as "he" and "it" and stating "I don't even know how to talk about this it-he person." I asked Mr. Cook for her name and he gave it to me; further she volunteered her name saying, "Go on, write me up, I don't care." As I left the room, she continued to call me "he" and "it."

This is a clear case of gender/sexual harassment and disrespect, as well as insubordination (her refusal to refer to me properly and respectfully).

Indicate prior action taken by yourself to resolve the pupil's problem. *

This includes parent contact information, PBIS strategies, progressive discipline according to the school's administrative policies.

Mr. Cook passed me a note saying "Mental I.E.P." But despite her behaviour he did not say anything to correct her or to quiet her.

Your electronic signature. Please finalize your PS-74 by signing your name. Before submission, please verify all information. No disciplinary action will occur without this form. *

Jennifer Eller

Response from administrator

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Subject: Friendly High School PS-74 2013-2014

From: Google Forms <nobody@google.com>

Date: 5/14/2014, 1:07 PM

To: jennifer.eller@pgcps.org

Thanks for filling out "Friendly High School PS-74 2013-2014"!

Here's what we got from you:

Friendly High School PS-74 2013-2014

*If instruction is interrupted, a referral must be completed.

Date *

5/14/14

Student Name (First) *

Christopher

Student Name (Last) *

Berryman

Student Identification Number *

000452883

Student's Administrator *

Cowan, grades 11 and 12 (-)

- Pope-Brown, grades 10 and 12 (-)
- Robinson, grades 9 and 12 (-)

Check Conduct of Student *

- Arson
- Possession of alcohol
- Physical attack on a staff member
- Shakedown/strong arm
- Vandalism and/or destruction of property
- Fighting
- Theft
- Continued classroom disruption
- Disrespect
- Distribution of unauthorized printed materials
- Forgery
- Gambling
- Insubordination
- Loitering
- Smoking
- Unauthorized sale or distribution
- Reported to class unprepared
- Other

Period of incident *

- 1 A
- 2 A
- 3 A
- 4 A
- 1 B

2 B

3 B

4 B

Details of misconduct *

Also: verbal sexual harassment, and violation of uniform code (black jacket). Christopher and two other boys were signaling each other and making each other laugh. They had been separated to opposite corners of the room to prevent their antics. I spoke with each of them twice about this this period. I explained additional outbursts would result in a visit to administration, a ps-74, and contacting their parents. They each said they understood this. Christopher continued to instigate with the others. He refused to be quiet, he used the word "fuck," "shit," and "god damn" multiple times in the conversation with me, while refusing to stop interacting with the others. I had them face the wall, but Christopher refused to do so. He continued to cuss at me and said "She's ugly as shit and she's blowin me!" This statement constitutes sexual harassment. When he is not skipping class, is a constant disruption. He is a continued source of distraction, rude behaviour, and insubordination.

Indicate prior action taken by yourself to resolve the pupil's problem. *

This includes parent contact information, PBIS strategies, progressive discipline according to the school's administrative policies.

I contacted his parents. I have written multiple PS-74s, and sent him to an administrator on multiple occasions.

Your electronic signature. Please finalize your PS-74 by signing your name. Before submission, please verify all information. No disciplinary action will occur without this form. *

Jennifer Eller

Response from administrator



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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)

Plaintiff,)

v.)

Case No.: 18-cv-03649-TDC/TJS

PRINCE GEORGE'S COUNTY)
PUBLIC SCHOOLS, ET AL.,)

Defendants.)
_____)

EXHIBIT 8

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER

Plaintiff,

v.

PRINCE GEORGE'S COUNTY PUBLIC
SCHOOLS, PRINCE GEORGE'S COUNTY
BOARD OF EDUCATION and MONICA
GOLDSON, *in her official capacity*,

Defendants.

Case Number: 18-cv-03649

**PLAINTIFF JENNIFER ELLER'S RESPONSES AND OBJECTIONS TO
DEFENDANTS' FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff Jennifer Eller, by her undersigned counsel, hereby serves her Responses to Defendant Board of Education of Prince George's County's First Set of Interrogatories upon Defendant Prince George's County Public Schools. These responses are made to the best of Plaintiff's ability after reasonable efforts to identify responsive information. Plaintiff is aware of her continuing obligation under FRCP 26(e) and will supplement her disclosures and responses as appropriate in accordance with the Rules of Civil Procedure.

GENERAL OBJECTIONS

1. Plaintiff objects to the Interrogatories including, without limitation, the instructions and definitions set forth therein, to the extent that they purport to impose on Plaintiff obligations beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or other applicable law. Plaintiff will respond to these Interrogatories in accordance with the Federal Rules of Civil Procedure, the Local Rules, and other applicable law.

of the objections and qualifications noted herein, Plaintiff was involved in a divorce which was an administrative proceeding and not a civil action.

9. Please identify each and every incident of discriminatory treatment on the basis of your sex (including any other category you contend is encompassed by sex discrimination) by Defendant that you believe occurred. For each alleged occurrence, please (a) provide the date of the alleged discrimination; (b) identify all persons engaging in conduct that you believe constituted such discrimination; (c) state the words, actions, or conduct that constitute the basis of your claim of discrimination; (d) state your claimed injury as a result of the alleged discrimination; and (e) state when and to whom you reported the alleged discrimination, what you reported, what action you requested taken, and what action you are aware of being taken.

Response to Interrogatory 9: Plaintiff objects to this Interrogatory as duplicative and unduly burdensome where she has already identified numerous instances of discriminatory treatment in the Complaint and additional information regarding instances of discrimination would be contained in documents and information within Defendants' custody and control, and more easily accessible by Defendants than Plaintiff, to the extent they occurred at the hands of Defendants' agents and employees. The Interrogatory fails to adequately define what is meant by "discrimination" or "discriminatory treatment." Plaintiff further objects to this Interrogatory to the extent that what qualifies as "discrimination" or "discriminatory treatment" calls for a legal conclusion. Plaintiff further objects to this Interrogatory as compound. Without waiving any of the objections and qualifications noted herein, Plaintiff is still reviewing documents recently produced by Defendants and will supplement this response in accordance with the Federal Rules of Civil Procedure.

10. Please identify each and every incident of hostile work environment by Defendant that you believe occurred. For each alleged occurrence, please (a) provide the date of the alleged hostile work environment; (b) identify all persons engaging in conduct that you believe constituted such hostile work environment; (c) state the words, actions, or conduct that constitute the basis of your claim of hostile work environment; (d) state your claimed injury as a result of the alleged hostile work environment; and (e) state when and to whom you reported the alleged hostile work environment, what you reported, what action you requested taken, and what action you are aware of being taken.

Response to Interrogatory 10: Plaintiff objects to this Interrogatory as duplicative and unduly burdensome where she has already identified facts supporting her claim of hostile

work environment in the Complaint and additional information regarding the hostile work environment she experienced would be contained in documents and information within Defendants' custody and control, and more easily accessible by Defendants than Plaintiff, to the extent the conduct occurred through Defendants' agents and employees. The Interrogatory fails to adequately define what is meant by "hostile work environment." Plaintiff further objects to this Interrogatory to the extent that what qualifies as a "hostile work environment" calls for a legal conclusion. Plaintiff further objects to this Interrogatory as compound. Without waiving any of the objections and qualifications noted herein, Plaintiff is still reviewing documents recently produced by Defendants and will supplement this response in accordance with the Federal Rules of Civil Procedure.

11. Please set forth all facts that tend to support your allegation that you were subject to retaliation. Specifically, please (a) identify each and every act/conduct you engaged in, which caused Defendant to retaliate against you; (b) provide the date of your act/conduct; (c) state the specific actions by Defendant constituting retaliation; (d) provide the date of Defendant's actions; and (e) identify all person engaged in such retaliation.

Response to Interrogatory 11: Plaintiff objects to this Interrogatory as duplicative and overly burdensome where she has already identified facts supporting her claim of retaliation in the Complaint and additional information regarding retaliation she experienced would be contained in documents and information within Defendants' custody and control, and more easily accessible by Defendants than Plaintiff, to the extent the conduct occurred through Defendants' agents and employees. The Interrogatory fails to adequately define what is meant by "retaliation." Plaintiff further objects to this Interrogatory to the extent that what qualifies as "retaliation" calls for a legal conclusion. Plaintiff further objects to this Interrogatory as compound. Without waiving any of the objections and qualifications noted herein, Plaintiff is still reviewing documents recently produced by Defendants and will supplement this response in accordance with the Federal Rules of Civil Procedure.

CERTIFICATION

I, Jennifer Eller, hereby verify that the foregoing Responses And Objections to Defendants' First Set of Interrogatories which have been prepared with the assistance of counsel are true and correct to the best of my knowledge, information, and belief.

Dated: 29 August, 2019

Jennifer Caitlin Eller
Jennifer Eller

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)

Plaintiff,)

v.)

Case No.: 18-cv-03649-TDC/TJS

PRINCE GEORGE'S COUNTY)
PUBLIC SCHOOLS, ET AL.,)

Defendants.)
_____)

EXHIBIT 9

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Southern Division

JENNIFER ELLER)
)
Plaintiff,)
)
) Case No.:
VS) 18-cv-03649-TDC
)
PRINCE GEORGE'S COUNTY)
PUBLIC SCHOOLS, et al.,)
)
Defendants.)

DEPOSITION OF LAURIE TRANMER
Thursday, April 30, 2020, 10:01 a.m.

Via WebEx

Page 2

1 DEPOSITION OF LAURIE TRANMER,
2 a witness herein, called by the Plaintiff for
3 examination, taken pursuant to the Federal Rules of
4 Civil Procedure, by and before Susan E. Alldridge,
5 RPR and Notary Public in and for the District of
6 Columbia, Via WebEx, on Thursday, April, 30, 2020,
7 at 10:01 a.m.
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Page 3

1 A P P E A R A N C E S
2
3 ON BEHALF OF PLAINTIFF JENNIFER ELLER:
4 REBECCA L. NEUBAUER, ESQUIRE
5 ELLIOTT C. MOGUL, ESQUIRE
6 ARNOLD & PORTER KAYE SCHOLER LLP
7 601 Massachusetts Avenue, NW
8 Washington, DC 20001-3743
9 (202)942-6806
10
11 ON BEHALF OF PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS,
12 ET AL., DEFENDANTS:
13 AMIT K. SHARMA, ESQUIRE
14 MCCOLLUM & ASSOCIATES, LLC
15 7309 Baltimore Avenue
16 Suite 117
17 College Park, MD 20740
18 (301)864-6070
19
20
21
22

Page 4

1 C O N T E N T S
2
3 EXAMINATION OF LAURIE TRANMER PAGE
4 By Ms. Neubauer 5
5
6 E X H I B I T S
7 (Attached to the transcript)
8 TRANMER DEPOSITION EXHIBIT PAGE
9
10 Exhibit 89 Notice of Subpoena for 5
11 Rule 30(b)(6) Deposition
12 to Prince George's County
13 Public Schools
14
15
16
17
18
19
20
21
22

10:17:12 1 Q Okay. In preparation, did you review any
2 documents?
3 A No. Just this one. Just the one that
4 you pointed out.
5 Q Okay. Did you speak to anyone else in
6 preparation to testify on this topic?
7 A No.
8 Q Other than this deposition notice, do you
9 have any other documents with you today?
10 A No.
11 Q Did you do anything else to prepare for
12 this deposition?
13 A I looked back through my notes just to
14 make sure I knew the dates, because it was so long
15 ago. So I just looked back through my emails and my
16 notes.
17 Q And could you generally describe what
18 type of notes these were?
19 A Most specifically when we made the -- the
20 transition from having a one-year archive to an
21 indefinite archive. And also the time line of the
22 name change situation when it was requested -- when

10:20:12 1 form that they have to complete. And it has to be
2 someone who has a title of PGCPs supervisor or
3 higher. So anyone can request one. We just don't
4 always honor them.
5 Sometimes people want, like, PTA
6 presidents to have them. And we find that that
7 becomes kind of political; so that kind of stuff is
8 denied.
9 Q When is the email account set up for a
10 PGCPs employee?
11 A So when the -- when HR enters them into
12 the Oracle system and hires them, gives them a
13 position and a salary and a supervisor, within the
14 next two hours, our system runs and it finds that
15 employee, and it creates the accounts that we've set
16 up within our business role. So it creates their
17 email account, their active directory account, their
18 SchoolMAX account if they're a school-based
19 employee, that kind of stuff.
20 Q And then what happens to the email
21 account after an employee is no longer employed by
22 PG County Public Schools?

10:18:29 1 the help desk ticket was placed, that kind of thing,
2 because I don't remember that far -- that far back.
3 So I just wanted to make sure I had the dates right.
4 Q Okay. And so you just mentioned that you
5 transitioned from a one-year archive to a five-year.
6 When did that occur?
7 A Well, it's not that we transitioned to a
8 five-year. We transitioned to an unlimited archive.
9 That occurred on November 1st, 2015.
10 Q I think we will definitely come back to
11 the topic of archives. I want to get a couple
12 basics before we get there.
13 So who receives a Prince George's County
14 Public Schools email address?
15 A Every employee, every student. And by
16 request, also contractors, student teachers, people
17 that are from companies that are working on our IT
18 systems that need specific access. Everybody
19 receives one automatically.
20 Q And who would request on behalf of
21 contractors or student teachers --
22 A It has to be -- there's an electronic

10:21:27 1 A So HR, when they terminate someone, they
2 enter an end date. Once that end date passes -- for
3 example, if they entered an end date of today, then
4 at 12:01 a.m. tomorrow, all of their accounts would
5 be automatically disabled. And they remain in the
6 system indefinitely, but they're disabled in terms
7 of the users being able to access them.
8 Q And has this system been the same as --
9 in 2016 as it is today?
10 A Yes. It's been this way since 2009.
11 Q So what administrative position is in
12 charge of the email server?
13 A I am.
14 We don't have servers. We use Google
15 Apps which is a Web-based application. But myself
16 and Sharon Thompson are responsible for the email
17 system.
18 Q So can you describe a little bit about
19 the platforms that you currently are using for the
20 emails?
21 A Sure.
22 Google Apps is a free Web-based

10:22:59 1 application that's provided to school systems. It
 2 allows for five gigabits of storage for every user
 3 that we have -- staff, students, contractors, even
 4 generic accounts.
 5 And it's maintained by Google. It
 6 includes -- it's a collaborative environment; so you
 7 have email and you have documents, you have sites.
 8 You have a number of different applications.
 9 Right now the biggest one we're using is
 10 Google Classrooms for distance learning for the
 11 students. And that's all contained within the
 12 Google Apps for education, or GAFE, as they call it,
 13 infrastructure.
 14 So it's something that we don't have to
 15 pay for these gigantic servers and a huge
 16 infrastructure in order for our employees to have
 17 access to email.
 18 Q And when did PG County Schools start
 19 using Google Apps?
 20 A In 2008.
 21 Q And has any elements of Google Apps usage
 22 changed from 2008 to the present?

10:24:16 1 MR. SHARMA: Objection.
 2 I don't understand the question.
 3 Ms. Tranmer, you can answer it if you
 4 understand.
 5 THE WITNESS: I don't -- I don't really.
 6 I mean, they modify things almost every day. But
 7 nothing in terms of how it's priced or how we access
 8 it has changed.
 9 BY MS. NEUBAUER:
 10 Q And you mentioned that each user gets a
 11 certain amount of storage through Google Apps;
 12 correct?
 13 A Yes. Google gives us five gigabits of
 14 storage.
 15 Q And what happens if the user uses the
 16 full amount?
 17 A We haven't had that happen yet. They've
 18 been pretty good at just increasing the limit. So
 19 we haven't had anybody go over the limit yet. But I
 20 would assume it would stop them from being able to
 21 send or receive email. We just haven't had it
 22 happen yet.

10:25:28 1 Q Can this email through Google Apps be
 2 accessed by any personal computer?
 3 A Yes, or mobile device.
 4 Q Or tablet?
 5 A Yes. Or PlayStation. Anything that has
 6 a browser.
 7 Q Are there any restrictions placed on
 8 access to email?
 9 A No.
 10 Q Since 2011, has there ever been any
 11 critical error or other event with the Google App
 12 system that resulted in a loss of emails affecting
 13 multiple employees?
 14 A No.
 15 Q Forgive my technology illiteracy, but
 16 through the Google App system, is there a backup
 17 system for the emails?
 18 A No. There's just an archiving system.
 19 So everything that goes in or out of Google Apps
 20 goes into the archives before it ever reaches the
 21 mailbox.
 22 Q Can you describe how that archiving

10:27:05 1 system works?
 2 A So it's called Google Vault. And it's
 3 part of the Google Apps infrastructure. They offer
 4 it to us free of charge along with the rest of the
 5 application. And it's just an archival system for
 6 email and documents; so -- you know, when a user
 7 sends an email, it goes from their mailbox to the
 8 archive, and it stays there forever. Even if they
 9 delete it from their mailbox and empty their trash,
 10 it's still in the archives.
 11 And the archive is only accessible by two
 12 people, myself and Sharon Thompson. And we can use
 13 that for requests for email or investigations. Or
 14 even users that say, "I never received this email,"
 15 sometimes we'll look in there, and we'll see that
 16 not only did they receive it but they read it and
 17 deleted it. We can tell that through the -- through
 18 the archive.
 19 Q Has PG County Schools used this Google
 20 Vault archival system since 2008?
 21 A 2016 is when we had the system. Before
 22 that we used what -- Google had purchased a company

Page 25

10:28:25 1 called Postini. And they didn't have Google Vault
 2 at the time; so we had to pay for Postini. So we
 3 archived emails only for full-time employees, and we
 4 paid for one year of storage.
 5 So if we -- back one year of email. And
 6 that was from, I want to say, 2008 until 2015.
 7 Q So just to be clear, with that system
 8 that you had from 2008 until 2015, it would save
 9 emails for one year?
 10 A Correct.
 11 Q And was there any way to save those
 12 emails beyond the one year?
 13 A No.
 14 Q So did PG County Public Schools have a
 15 policy set for how long electronic copies of the
 16 emails should be maintained?
 17 A No.
 18 Q So the email maintenance would be based
 19 on the capability of the system you had at the time?
 20 A Correct.
 21 Q And was this system always consistent
 22 across all PG County schools?

Page 27

10:33:12 1 their mailbox and do it, which we don't make a
 2 custom of doing.
 3 Q Okay. So it would be possible for the
 4 individuals to save the entire contents of their
 5 email beyond the one year prior to 2015 or the
 6 indefinite archive system now?
 7 A Correct.
 8 Q So what about a user who has since left
 9 Prince George's County Public Schools? Are their
 10 emails available on the account longer than the year
 11 from the --
 12 A If they -- we don't delete their mailbox.
 13 So whatever was in their mailbox when they left is
 14 still in their mailbox. It's just disabled so that
 15 it can't be accessed.
 16 Q So there's no way to access that former
 17 employee's own email after that point?
 18 A We can access it. Like I said, we have
 19 to enable their account; we have to change their
 20 password. We can go in and we can, you know, look
 21 for specific emails. There's no way to export them
 22 at that point.

Page 26

10:31:06 1 A I don't understand the question.
 2 Q Would this -- there would be no
 3 difference for the email system in use at, say, a
 4 high school versus a middle school?
 5 A Correct.
 6 Q Just to clarify. So the practice prior
 7 to 2015 was to maintain emails for one year. Does
 8 this mean that any emails older than that one year
 9 would be automatically deleted from the servers
 10 after that amount of time?
 11 A No. It just means that we would have
 12 administrative access to them. So the only place
 13 that they exist if the user did not delete them is
 14 in the user's specific mailbox. But they wouldn't
 15 show up in our archive.
 16 Q But in practice, the user could maintain
 17 them for as long as they chose?
 18 A Correct.
 19 I mean, I have emails from 2008 that I
 20 haven't deleted; so -- we just -- as administrators
 21 we have no way to access them other than we have to
 22 reset the user's password, log in as them, go into

Page 28

10:35:08 1 The way our Google Vault system works, we
 2 can do a search by keyword, a search based on users,
 3 a search based on dates -- any combination of them.
 4 And then we can export it in a way that we can send
 5 it to someone and they can read it.
 6 In this case, it would be, you know,
 7 going through specific mailboxes and enabling their
 8 account. We don't like to do that because if they,
 9 you know -- say they left but they still had their
 10 mobile device configured, if we enable their
 11 account, it's going to try to connect and download
 12 the email. Well, they're no longer employees; so we
 13 don't want that to happen. So we like to leave
 14 their accounts disabled.
 15 But we don't delete them in case they
 16 come back later, you know, that way if they -- if
 17 they leave in 2017 and they come back in 2019, they
 18 still have all of their emails that they had before.
 19 Q So anything that they would have saved
 20 during their time of employment would be there
 21 available in that email account when they --
 22 A Correct.

Page 37

10:48:08 1 tried to narrow the scope a little bit so that
 2 you're not getting 50,000 messages but instead
 3 getting messages that pertain to what it is you're
 4 looking for.
 5 Sometimes it's not clear exactly what
 6 you're being asked in a request; so we work with the
 7 requesting party to try to narrow the scope down and
 8 figure out what it is they actually want to get.
 9 And then we go into Google Vault, and we
 10 write the queries. Someone's it's one; sometimes
 11 it's ten. It just all depends on the request.
 12 The queries can be a combination of
 13 specific mailboxes, dates, and also combinations of
 14 key words. And we can also exclude a key word. So
 15 you know if you want everything that has "banana"
 16 but nothing that has "banana" and "orange," we
 17 can -- we can also exclude those.
 18 Q And do you always work with the
 19 requesting party to come up with these particular
 20 search terms and parameters?
 21 A Unless it's clear on the form -- and it's
 22 very specific on the form -- and we're getting

Page 38

10:49:17 1 them -- you know, we understand what it is that they
 2 want, because ultimately that's the goal, to give
 3 you exactly what you want and not to give you all
 4 this extraneous stuff; so -- you know, sometimes
 5 it's clear on the form and we don't have to work
 6 with them at all. We just send them the results
 7 when they're ready.
 8 Q So how often do you search not just in
 9 Google Vault but also the user's account on -- when
 10 you are doing these searches initiated by a
 11 requesting party?
 12 A We don't go into user's accounts. We use
 13 Google Vault to go into users' accounts. So we
 14 don't log into their mailbox to look for things. We
 15 go through Google Vault to look for things. So it's
 16 very rare, if ever, that we've gone into the user's
 17 mailbox to search for something.
 18 Q Could you describe a rare circumstance
 19 where you would go to the user's actual account?
 20 A I mean, the only time that would happen
 21 is if someone was saying that something was sent or
 22 received and we couldn't find it in Vault. But I

Page 39

10:50:31 1 don't remember a specific circumstance where that
 2 happened.
 3 Sometimes they're mistaken and it came
 4 from another user or what was sent to that user. I
 5 know in one case it was sent to the user's personal
 6 account which is why we didn't see it in Vault. It
 7 was a communication that was sent to a user, and the
 8 user was saying that they -- you know, that it was
 9 there but it wasn't there. And it turn out it was
 10 sent to their personal account instead; so that made
 11 sense.
 12 Q And what if the requesting party is
 13 seeking emails that go back from the time before
 14 PG County Public Schools started using Google Vault?
 15 A We haven't had any of those requests.
 16 There's no way for us to ask for the messages in
 17 that kind of a capacity; so --
 18 Q So what happens to emails after they have
 19 been collected and produced in a litigation?
 20 A I'm sorry. Can you repeat that?
 21 Q What happens to the emails that have been
 22 collected and produced at the requested or

Page 40

10:52:01 1 requesting party in a litigation context?
 2 A So -- sorry. All of a sudden the video
 3 is, like, not connecting, and it's distracting.
 4 It depends on how they're requesting it.
 5 Most of the time it's coming from someone internal
 6 from Vault access so that they can view the query
 7 that we -- click on the email just like you would in
 8 your mailbox and see the entire conversation thread.
 9 MR. SHARMA: And, Rebecca, I apologize.
 10 I didn't understand the question. I'm not sure if
 11 that was responsive. But I had a -- I'm not sure if
 12 that was the question that you asked about. I
 13 didn't understand the question either.
 14 BY MS. NEUBAUER:
 15 Q I can clarify.
 16 Is there any separate sort of storage
 17 system or protocols for these emails that have been
 18 reviewed and produced based on a request?
 19 A No. But it's our practice and custom
 20 that if the user requested -- for example, not
 21 everybody has access to our Google Vault; so if it's
 22 an external person who isn't a PG employee and

Page 41

10:53:35 1 doesn't have a PG account, we can export those
 2 emails to a PSC file or an MBS file so that they can
 3 actually view the email.
 4 Sometimes -- if it's only a few emails,
 5 we'll save them as PDF files. You know, if we're
 6 talking about 15 emails, we can save them as PDF
 7 files and then send them to the requester.
 8 Q Do you maintain an archive of these PDF
 9 file emails?
 10 A No.
 11 Q So was the process you described -- you
 12 know, getting a form from a requesting party and
 13 following these search parameters for these
 14 questions of emails -- followed for the particular
 15 email collection in this litigation?
 16 MR. SHARMA: Ms. Tranmer, I'll -- you can
 17 answer the question, but I would caution you from
 18 revealing any information that you and I discussed
 19 or anybody else from general counsel discussed.
 20 Okay?
 21 THE WITNESS: Okay.
 22 Yes, it was.

Page 43

10:56:52 1 Q And was there only one initiation by a
 2 requesting party for this particular litigation?
 3 A I believe so.
 4 Q In this collection, were there any emails
 5 identified that were dated prior to August 2014?
 6 A I don't think so. I don't recall. I
 7 would have to go through the investigation, and I --
 8 but I don't -- I don't recall.
 9 Q For this investigation, could you
 10 describe the sources that you looked for any
 11 relevant emails?
 12 A Google Vault.
 13 Q And did you look in any individual user
 14 email?
 15 A No.
 16 Q And did you search any individual user
 17 hard drive?
 18 A No.
 19 MR. SHARMA: Rebecca --
 20 MS. NEUBAUER: Yes.
 21 MR. SHARMA: -- is this a good time for a
 22 short break?

Page 42

10:54:52 1 BY MS. NEUBAUER:
 2 Q When did that investigation collection
 3 process begin?
 4 A I -- honestly, I can't tell you because
 5 all my paperwork is at the office; so -- the form is
 6 sitting there somewhere, and there's no way for me
 7 to access it. So I can't tell you exactly when all
 8 that happened.
 9 Q Could you give a general month and year
 10 range of when it began?
 11 A I'm looking now to see. One second.
 12 It looks like it was June of 2019.
 13 Q Was June of 2019 when you got the -- a
 14 form from the requesting party?
 15 A That's when I performed the search. So I
 16 can't tell you exactly when the form was signed or
 17 what date was on it or any of that. Sometimes we
 18 have, you know, ten investigations to do. So I
 19 can't tell you exactly when that was done.
 20 Q And generally, if you know, how long did
 21 the investigation for this litigation last?
 22 A I think it only took a day or two.

Page 44

10:58:28 1 MS. NEUBAUER: Sure.
 2 MR. SHARMA: Five minutes, maybe, if
 3 that's okay.
 4 MS. NEUBAUER: Okay.
 5 MR. SHARMA: Thank you, Rebecca.
 6 (A recess was taken.)
 7 BY MS. NEUBAUER:
 8 Q So when you collected emails in
 9 June 2019, would any emails stored on Postini be
 10 available to search?
 11 A No.
 12 Q And in your June 2019 search, how far
 13 back would those Google Vaults or emails go?
 14 A I believe they went back five years.
 15 Q And why would it go back for five years
 16 on -- with the Google Vault?
 17 A Because there wouldn't be anything past
 18 2015 in the vault. Like, the vault started on
 19 November 1st, 2015. But we actually -- in looking
 20 at the search query, I set it for June 1st, 2014,
 21 just to be safe.
 22 Q But the Google Vault would only pull

Page 45

11:08:58 1 emails back to the time of the -- which -- from
 2 Postini's vault?
 3 A One year before that. So when we went to
 4 Google Vault, we had one year stored in Postini. So
 5 when we went to Google Vault, we migrated that one
 6 year into Vault. So the earliest date we would have
 7 in Vault is November 1st, 2014.
 8 Q So does that mean that you switched to
 9 the Google Vault in November of 2015?
 10 A Yes. That's what I said.
 11 Sorry.
 12 Q So during your June 2019 search, any
 13 emails dated prior to November of 2014, would they
 14 be available to search?
 15 MR. SHARMA: Objection. Asked and
 16 answered.
 17 You can answer it again, Ms. Tranmer.
 18 THE WITNESS: No.
 19 BY MS. NEUBAUER:
 20 Q And in June 2019, was it technically
 21 feasible to review individual user account emails?
 22 A Yes. However --


Page 47

11:12:10 1 Q Did you speak to anyone at PG County
 2 Public Schools to determine whether or not
 3 Jennifer Eller's hard drive had been reviewed?
 4 A No. That wouldn't be my responsibility.
 5 Q Okay.
 6 MS. NEUBAUER: I have no further
 7 questions.
 8 Thank you so much, Ms. Tranmer.
 9 THE WITNESS: Thank you.
 10 MR. SHARMA: No questions.
 11 We'll read.
 12 Thank you.
 13 (Off the record at 11:12 a.m.)
 14
 15
 16
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 18
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 20
 21
 22

Page 46

11:10:31 1 MR. SHARMA: Objection.
 2 You can answer, Ms. Tranmer.
 3 THE WITNESS: Okay.
 4 However, it's not a practice or custom of
 5 our office to do so.
 6 BY MS. NEUBAUER:
 7 Q And would any emails dated prior to
 8 August 2014 have been available in any other
 9 location at the time that you undertook the
 10 collection in June 2019?
 11 A In the user's individual mailbox it's
 12 possible that they have emails prior to that. But
 13 no other storage location.
 14 Q And in June 2019 -- sorry.
 15 Go ahead.
 16 In your June 2019 collection, did you
 17 review Jennifer Eller's individual email account?
 18 A No.
 19 Q In your June 2019 collection, did you
 20 review the hard drive or the personal computer that
 21 had been issued to Jennifer Eller?
 22 A No. That wouldn't be my responsibility.

Page 48

11:12:43 1
 2
 3 Certificate of shorthand reporter - notary public
 4 I, Susan E. Alldridge, Registered Professional
 5 Reporter, Certified Shorthand Reporter, the officer
 6 before whom the foregoing deposition was taken, do
 7 hereby certify that the foregoing transcript is a
 8 true and correct record of the testimony given; that
 9 said testimony was taken by me stenographically and
 10 thereafter reduced to typewriting under my
 11 supervision; that reading and signing was not
 12 requested; and that I am neither counsel for or
 13 related to, nor employed by any of the parties to
 14 this case and have no interest, financial or
 15 otherwise, in its outcome.
 16 IN WITNESS WHEREOF, I have hereunto set my hand
 17 and affixed my notarial seal this 4th day of May
 18 2020.
 19
 20
 21 
 22 Susan E. Alldridge, RPR
 NOTARY PUBLIC IN AND FOR THE DISTRICT OF COLUMBIA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)

Plaintiff,)

v.)

PRINCE GEORGE'S COUNTY)
PUBLIC SCHOOLS, ET AL.,)

Defendants.)
_____)

Case No.: 18-cv-03649-TDC/TJS

EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)

Plaintiff,)

v.)

Case No.: 18-cv-03649-TDC/TJS

PRINCE GEORGE'S COUNTY)
PUBLIC SCHOOLS, ET AL.,)

Defendants.)
_____)

DECLARATION OF LAURIE TRANMER

I, Laurie Tranmer, affirm in accordance with 28 U.S.C. § 1746, as follows:

1. I am over the age of eighteen (18) years, am fully competent to testify to, and have personal knowledge of the matters stated herein.

2. I am the System Administrator Team Lead for Prince George's County Public Schools' Division of Information Technology and Enterprise Systems (hereinafter "IT").

3. I have been employed by Prince George's County Public Schools for twenty-three (23) years and have been in my current position for seven (7) years.

4. On November 1, 2015 Google Vault was implemented.

5. Google Vault is a Google Application that allows users to retain, search, and export content and date for eDiscovery and compliance matters.

6. Google Vault brought in emails from one year prior to its implementation.

7. Google Vault captures all emails sent and received through the PGCPSS system from November 1, 2014 through the present, no matter what the individual users do with the messages.

8. Through the use of Google Vault, IT is able to search all emails that have been sent or received by employees and students (existing or former) from November 1, 2014 to the present.

9. Through the use of Google Vault, IT is able to perform its search of emails from November 1, 2014, to the present independent of employee logins.

10. For emails prior to November 1, 2014 there is no archive system in place.

11. IT can access employee and student emails sent and received prior to November 1, 2014.

12. Access of employee and student emails sent and received prior to November 1, 2014, by IT requires IT to change the subject employee or student's password for all systems. IT then logs in as the employee or student and completes a manual search of the user's emails.

13. Logging in as another current employee/student is not a desirable first plan of action for retrieval of emails for several reasons:

- a. The employee or student would not have access to the system while IT has control of his or her login to complete the manual search.
- b. The employee/student could disrupt IT's search by changing the password in the middle of the process.
- c. IT wants to avoid any potential claim that unauthorized action was taken while they had access of another's login.

14. The more desirable first step is to request that a current employee do a manual search of his or her emails and produce the results.

15. IT can search the emails of former employees without issue because former employees do not have/need access to the emails and domain.

16. I assisted with producing emails for two (2) separate email searches requested in the case filed by Jennifer Eller for an incalculable number of hours from May 2020 through July 2020.

17. The first email search involved producing Ms. Eller's entire available email history, which I completed, as well as searching for emails of certain individuals prior to November 1, 2014 containing the term "Eller."

18. The second email search involved searching for emails prior to November 1, 2014 containing the following search terms:

- a. "transgender", "transgenders"
- b. "gender identity", "gender identities"
- c. "sex change", "sex changes"
- d. "gender change", "gender changes"
- e. "sex transition", "sex transitions"
- f. "gender transition", "gender transitions"
- g. "gender expression", "gender expressions"
- h. "sex expression", "sex expressions"
- i. "misgender", "misgenders"
- j. "transsexual", "transsexuals"
- k. "tranny", "trannies"
- l. "transvestite", "transvestites"
- m. "fag", "fags"
- n. "faggot", "faggots"
- o. "homo", "homos"
- p. "booty warrior", "booty warriors"
- q. "shemale", "shemales"
- r. "guy in a dress"

- s. “chick with a dick”
- t. “a he/she” or “the he/she”
- u. (gender or sex) /5 (transition or change or expression)

19. A search list of twenty-three (23) names was initially provided, followed by a subsequent list of eighty-seven (87) names, which included the original twenty-three (23) names.

20. Twenty-One (21) of the eighty-seven (87) individuals were not readily identifiable based on the information provided.

21. Two (2) of the eighty-seven (87) individuals were later identified to be Union Representatives/Employees.

22. Thirteen (13) of the eighty-seven (87) individuals were later identified as being students.

23. Three (3) of the eighty-seven (87) individuals remain unidentified.

24. I prepared instructions for current employees to search their emails for the first email search for all emails containing the term “Eller” prior to November 1, 2014.

25. Separate and subsequent to the first set of instructions prepared, I prepared a second set of instructions for current employees to search and produce emails and documents from hard drives prior to November 1, 2014 containing the following terms:

- a. “transgender”
- b. “gender identity”
- c. “gender identities”
- d. “sex change”
- e. “gender change”
- f. “sex transition”

- g. “gender transition”
- h. “gender expression”
- i. “sex expression”
- j. “misgender”
- k. “transsexual”
- l. “tranny”
- m. “trannies”
- n. “transvestite”
- o. “fag”
- p. “faggot”
- q. “homo”
- r. “booty warrior”
- s. “shemale”
- t. “guy in a dress”
- u. “chick with a dick”

26. It was unnecessary to include in the instructions for the second search, search terms with an “s” added to the end of the word because the system would automatically pick up those terms in the results for the terms without the “s” added.

27. The last two requested search terms, “a he/she” or “the he/she” and (gender or sex) /5 (transition or change or expression), were omitted from the instructions due to system limitations for complex searches. The “/” was incompatible and the system would interpret the request without the “/” and return every email including the word “he” and/or “she”.

28. I personally searched forty (40) email boxes.

29. Sixteen (16) of the forty (40) email boxes I searched were for current employees due to various reasons including requests for assistance and unresponsiveness to requests for the employee to conduct a search.

30. All search results were forwarded to counsel for Defendants.

I declare under penalty of perjury that the foregoing is true and correct.



Laurie Tranmer

9/7/2020

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)

Plaintiff,)

v.)

Case No.: 18-cv-03649-TDC/TJS

PRINCE GEORGE'S COUNTY)
PUBLIC SCHOOLS, ET AL.,)

Defendants.)
_____)

EXHIBIT 11

asharma@jmlaw.net

From: Mogul, Elliott <Elliott.Mogul@arnoldporter.com>
Sent: Tuesday, July 28, 2020 12:13 AM
To: Amit Sharma; jmccollum@jmlaw.net
Cc: Pompeo, Paul E.; Leskin, Lori B.; Omar Gonzalez-Pagan; Curtis, Doug
Subject: Eller v. PGCPs -- Meet and Confer

James and Amit,

Could you please let us know when you are available for a meet-and-confer during the below proposed windows?

- Thursday 7/30: 1pm-2:45pm;
- Friday 7/31: 2pm-4pm;
- Tuesday 8/4: 10am-noon or 1pm-2pm; or
- Wednesday 8/5: 10am-noon.

We believe a meet-and-confer is necessary to address two issues.

First, as you already know from prior communications and filings, we have several concerns about Defendants' fulfillment of their discovery obligations. This includes Defendants' failure to:

- institute a litigation hold;
- maintain video camera footage and PS-74 reports; and
- sufficiently prepare their Rule 30(b)(6) witnesses to testify concerning Defendants' knowledge of the noticed topics.

Added onto this is our concern, amplified by Defendants' recent supplemental production, that Defendants have either failed to maintain relevant emails and other electronic documents, or have failed to produce them. The recent supplemental production is deficient for several reasons, among them:

- there are no emails or electronic documents from a third of all identified custodians;
- no consistent methodology of collection and search was performed for those custodians for which there was a production, with large document dumps from some and selective narrow searches for others;
- many custodians' files were produced without native metadata;
- the production reveals that several custodians either failed to collect or deleted relevant emails because their productions lack emails that were found in other custodians' productions -- this begs the question of what else might have been deleted or simply left uncollected.

Second, Plaintiff sent a settlement demand letter a month ago, on June 26, and has not received any response. We would like to know Defendants' response, or confirmation that Defendants are refusing to engage in settlement negotiations.

Please respond to this email by 5pm on July 29 with your availability. If you do not, we will consider our obligation to meet and confer before filing a motion for sanctions completed.

Best,
Elliott

Elliott C. Mogul
Senior Associate
(he | him | his)

Arnold & Porter
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Washington | District of Columbia 20001-3743
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For more information about Arnold & Porter, click here:
<http://www.arnoldporter.com>

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)

Plaintiff,)

v.)

Case No.: 18-cv-03649-TDC/TJS

PRINCE GEORGE'S COUNTY)
PUBLIC SCHOOLS, ET AL.,)

Defendants.)
_____)

EXHIBIT 12

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF MARYLAND
 3 Southern Division
 4 ----- x :
 5 JENNIFER ELLER, :
 6 Plaintiff, : Civil Action No.
 7 vs. : 18-cv-03649-TDC/TJS
 8 PRINCE GEORGE'S COUNTY PUBLIC :
 9 SCHOOLS, et al., :
 10 ----- x :
 11 Defendants. :
 12 Friday, March 6, 2020
 13 Washington, D.C.

14 The deposition of BRETT TRAMNER, called for
 15 examination by counsel for the Plaintiff at the offices
 16 of Arnold & Porter, 601 Massachusetts Avenue, N.W.,
 17 Washington, DC, on Friday, March 6, 2020, scheduled to
 18 commence at 10:00 a.m., the proceedings being
 19 stenographically recorded by Marjorie Peters, Fellow of
 20 the Academy of Reporters, (FAPR), Registered Merit
 21 Reporter (RMR), and transcribed under her direction.
 22

1 INDEX
 2 EXAMINATION PAGE
 3 BRETT TRAMNER
 4 By Ms. Neubauer 4
 5 Certificate of Court Reporter 46

7 INDEX OF EXHIBITS
 8 PLAINTIFF'S EXHIBIT PAGE
 9 Exhibit 85 Notice 13
 10 Exhibit 86 Defendant Responses to 36
 11 Plaintiff's First Set of
 12 Requests for Admissions
 13 Exhibit 87 letter, 7.10.2019 40
 14 Exhibit 88 Defendant Board of Educations 42
 15 Responses to Plaintiff's
 16 First Set of Requests for
 17 Production of Documents

1 APPEARANCES:
 2 For the Plaintiff:
 3 Rebecca Neubauer, Esquire
 4 Elliott C. Mogul, Esquire
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 6 601 Massachusetts Avenue, NW
 7 Washington, DC 20001
 8 202.942.5000
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 11
 12 For the Defendants:
 13 Amit K. Sharma, Esquire
 14 McCOLLUM & ASSOCIATES, LLC
 15 7306 Baltimore Avenue
 16 Suite 117
 17 College Park, MD 20740
 18 asharma@jmlaw.net
 19 301.864.6070
 20
 21
 22

1 P R O C E E D I N G S
 2 (9:49 a.m.)
 3 BRETT TRAMNER,
 4 a witness, having been first duly sworn, was examined and
 5 testified as follows:
 6 EXAMINATION
 7 BY MS. NEUBAUER:
 8 Q. Good morning.
 9 A. Good morning.
 10 Q. My name is Rebecca Neubauer. I currently
 11 represent Jennifer Eller in a case against the Prince
 12 George's County Public Schools, the Prince George's
 13 County Board of Education, and Superintendent Monica
 14 Goldson in her official capacity. This is pending in the
 15 District of Maryland.
 16 I'm here with my colleague today, Elliot
 17 Mogul. We are here with the firm of Arnold & Porter
 18 representing Miss Eller.
 19 Can you state your name, please.
 20 A. Brett Tramner.
 21 Q. What's your address?
 22 A. 2011 Warners Terrace South, Annapolis,

09:54:36 1 A. Yes.
 2 Q. What was your position when you first
 3 started in 1999?
 4 A. Electrician.
 5 Q. Were you continuously characterized as an
 6 electrician?
 7 A. I was in that position from October of '99
 8 until I believe it was October of 2005 when I moved to
 9 security, which is my current position, which is alarm
 10 maintenance technician.
 11 Q. So what are the responsibilities associated
 12 with alarm maintenance technician position?
 13 A. We maintain all of the burglar alarms for
 14 the County, all of the camera systems for the County, all
 15 of the door access control, visitor management systems.
 16 We maintain the hardware for those as well.
 17 Q. You said that you have responsibility
 18 specifically related to the security cameras?
 19 A. Yes.
 20 Q. Do you have specific responsibilities at
 21 particular schools?
 22 A. No. My -- I deal with all of the schools.

09:57:37 1 Q. Do you use multiple different camera systems
 2 across the County?
 3 A. Yes.
 4 Q. How often would you say you have these,
 5 like, informational trainings?
 6 A. Not often. Once every few years.
 7 Q. Do you change companies every few years?
 8 A. No. We have been using Dedicated Micros
 9 from before I started with security until -- we still use
 10 their systems in a lot of the schools. As the technology
 11 has advanced, we've moved from analog cameras to IP
 12 cameras. We're using Genetec for our IP cameras and our
 13 access control.
 14 So eventually, it's my understanding,
 15 anyway, that we're going to move everything to Genetec,
 16 but I'm not sure of the exact timeline for that.
 17 Q. So currently, some of the cameras are
 18 Genetec, and some of them are the older, analog models?
 19 A. Correct.
 20 Q. Where would the newer cameras be located? I
 21 guess, are there particular schools that might have the
 22 newer cameras?

10

09:55:55 1 Q. So you deal with all of Prince George's
 2 County Schools security systems?
 3 A. Yes.
 4 Q. Who do you report to?
 5 A. My supervisor is Scott Bond.
 6 Q. And what is his position?
 7 A. Supervisor of technical services, I believe
 8 is his job title. If that's not exact, it's something
 9 very close to it.
 10 Q. For your current position, did you receive
 11 any training for this position?
 12 A. Again, it was all on-the-job.
 13 Q. So were there any formal materials provided?
 14 A. Not that I recall. We've had a couple
 15 half-day, classes, and you know, technical overview type
 16 things with different manufacturers. We have been to
 17 Dedicated Micros, like, for overviews of their camera
 18 systems, things of that nature.
 19 They have done a couple of Genetec as
 20 well, who is the company we use for the newer camera
 21 systems.
 22 (Clarification requested by the Court Reporter.)

12

09:59:14 1 A. Yes. When we went through -- when we first
 2 started with them, all of the schools that had no cameras
 3 got new Genetec cameras. And since then we have been
 4 working towards replacing the old systems in schools.
 5 Q. All right. So I want to unpack that a
 6 little. You said some of the schools did not have
 7 cameras; correct?
 8 A. Correct.
 9 Q. And which schools would that be; would that
 10 be -- is there a particular category of schools that did
 11 not already have cameras?
 12 A. For the most part, and I believe all of them
 13 that didn't have cameras were elementary schools at that
 14 time.
 15 Q. Okay. So we're going to come back to this
 16 discussion, but I kind of want to backtrack a little bit
 17 to talk about your preparation for today.
 18 So you understand that you're not being
 19 deposed in your personal capacity; correct?
 20 A. Yes.
 21 Q. You've been designated as a 30(b)(6) witness
 22 to testify on behalf of the defendants, PG County

10:06:12 1 using Genetec cameras, not all of them had them. That
2 was 2013.

3 Q. So in 2013, at that point all schools had
4 some sort of camera?

5 A. Correct.

6 Q. Is there a county-wide policy that dictates
7 the installation of cameras in the schools?

8 A. No.

9 Q. How does the decision to add a camera come
10 to be?

11 A. For the most part, and of course, when they
12 started putting cameras in schools, it was before I
13 started working in security. But I spoke to my coworkers
14 about it, and they started with the high schools I think
15 the mid to late '90s, adding cameras into the high
16 schools. And then they started with the middle schools.
17 I'm not sure exactly the process, you know, where the
18 funding came from, et cetera, et cetera, at that point.

19 From the time I have been in security,
20 when a school wanted to add cameras, usually they had to
21 come up with the money for the equipment, and then we
22 would go install the cameras.

10:09:10 1 schools would say, I need cameras, and we'd go and look,
2 and they'd spend the money, and you know, installation
3 would start within a month.

4 Q. So would it be fair to say that typically
5 that came down to the school to have the money to be able
6 to get the camera installed?

7 A. It would -- it would vary, to be quite
8 honest. You know, our budgets aren't consistent year to
9 year. You know, when we had the money to help a school,
10 we would help a school. If we didn't have the money,
11 there was nothing we could do.

12 Q. How would you determine which school you
13 would allocate some money towards to add the cameras?

14 A. That, I don't really know. I don't deal
15 with the budgets.

16 Q. Do you have any sense of how a school might
17 be given priority for the need to have cameras?

18 A. Yes. Typically, high schools have more
19 flexibility with their funding, and we would rely on them
20 more to come up with more money. For cameras.

21 Typically, there's no hard and fast
22 rule, and again, I don't deal with the budgets. I'm

18

10:07:35 1 High schools, if they wanted to add
2 cameras, they would buy the equipment. Or a lot of
3 times, if we had money in our budget, you know, they
4 would buy some of the equipment, we would provide some of
5 the equipment. You know, they would buy a DVR, we'd
6 purchase the cameras, and we'd go install the cameras.

7 Q. Would it be the schools that were requesting
8 to add -- have a camera system?

9 A. Usually, yes.

10 Q. Who would they make that request to?

11 A. It would vary. Sometimes they'd mention it
12 to the technicians when they were in the school.

13 Generally, all of that stuff goes through my supervisor.

14 Q. What is the particular department your
15 supervisor is a part of?

16 A. It's Security Services.

17 Q. Okay. Do you know how long it would take
18 between a school raising the need for security cameras
19 and the installation?

20 A. It would depend. Some schools would ask for
21 security cameras, but never come up with the money, and
22 so, things wouldn't necessarily get done. And some

20

10:10:48 1 giving you, you know, my observations, I guess you would
2 say, over the years as to how decisions were made, but
3 that's, again, not anything I can speak to definitively.

4 Elementary schools would have a harder
5 time coming up with the money. Those that seemed to have
6 more problems, you know, vandalism, whatever it may be,
7 we were more likely to provide assistance.

8 Q. Okay. So now I want to kind of focus in on
9 Friendly High School.

10 Are you familiar with Friendly High
11 School?

12 A. Yes.

13 Q. Did Friendly High School have security
14 cameras between the fall of 2011 and summer of 2016?

15 A. Yes. Again, the high schools were done in
16 the late '90s, and they have all had cameras since that
17 period.

18 Q. Which type of camera did Friendly have at
19 that time?

20 A. Their cameras were Dedicated Micros DVRs and
21 analog cameras.

22 Q. Was there ever a period between the fall of

10:23:41 1 Kenmore?

2 A. Yes.

3 Q. Do you recall any additions of cameras

4 during that period?

5 A. 2016 to 2017, I don't believe they did.

6 Q. Okay. Same question with regard to

7 location; similar?

8 A. Yes.

9 Q. Let me switch gears a little bit.

10 Does Prince George's County have a

11 policy for storing the security camera footage?

12 A. A written policy, no. The systems are set

13 up -- the Dedicated Micros systems basically run 24/7,

14 and they give us -- we don't have them set for a set time

15 period. They overwrite as, you know, the storage is

16 filled.

17 So they record at a certain rate. They

18 record at a slightly higher rate for activity. And you

19 know, whatever size hard drive it has is filled up, you

20 get whatever period of time. And it will vary.

21 Q. Over what time frame would typically occur,

22 the overwriting?

10:27:10 1 system you described and the Genetec system?

2 A. No. The Genetec systems are set at 90 days.

3 They don't -- the way those servers work, if you let the

4 hard drives fill up completely, it tends to bog the

5 system down a little bit. You know, I guess, they need a

6 little headroom to operate efficiently.

7 Q. Who made the decision to set it at 90 days?

8 A. I don't recall. I think -- I think it may

9 actually have been me. Basically, we test it, and that's

10 what we found to be efficient.

11 Q. Does this 90-day period, this applies to all

12 of these cameras across the County for the Genetec

13 cameras?

14 A. Yes.

15 Q. What is the process for deleting the

16 footage?

17 A. What do you mean deleting?

18 Q. Is it automatic upon the 90 days?

19 A. Yes, for the Genetec systems. For the

20 Dedicated Micros, there's again, they're designed to run

21 so that they're -- you know, when you put a machine in,

22 the hard drive fills up, and then it starts to overwrite.

30

10:25:27 1 A. Some of the systems could be three to four

2 weeks. Some of them we'll even get months out of.

3 Q. What causes that variability?

4 A. The amount of activity. Like, the camera in

5 the main entrance is going to have a lot more activity

6 than a small, side hallway or a stairwell that's empty

7 most of the time.

8 You know, the same thing with the

9 cafeteria. There's a lot of activity through the middle

10 of the day. Like I said, those cameras will record at a

11 higher rate for the activity. So you know, they're

12 eating up a little more storage during active periods.

13 And then they record at lower rates during inactive

14 periods, and we set it up that way to get additional

15 time.

16 Q. Was this the procedure that was followed

17 between fall of 2011 and the summer of 2016?

18 A. Yes.

19 Q. Has anything about this policy changed since

20 2016?

21 A. No.

22 Q. Is this process the same for both the analog

32

10:28:49 1 Q. So that's automatic?

2 A. Yes.

3 Q. You don't have a technician come in and

4 affirmatively --

5 A. No, nobody actively deletes anything on any

6 of our systems.

7 Q. In your experience does the 90-day deletion

8 for the Genetec cameras typically occur?

9 MR. SHARMA: Objection. He just said

10 nobody deletes anything on any system. So I object to

11 the word deletion, but you can answer if you know.

12 Q. What occurs after the 90 days passes on the

13 Genetec cameras?

14 A. I don't know, the setting I see I believe

15 says "automatic clean-up after," and you're able to set a

16 number of days.

17 And again, we test. We had some of the

18 systems running at 120 day, but they don't work. Again,

19 90 days is what seemed to work well.

20 Q. So you put in the 90 days input, but you

21 don't at 90 days affirmatively go into the system, and

22 say, check a box to clean and --

10:49:17 1 this is responding to?

2 Q. Did security cameras record the hallways at

3 Prince George's County Schools in 2013?

4 MR. SHARMA: If you understand the

5 question, you can answer it.

6 A. Yes. There were cameras recording the

7 hallways of Prince George's County Public School in 2013.

8 Q. And there were security cameras at Friendly

9 High School specifically in 2013?

10 MR. SHARMA: Objection. Asked and

11 answered several times, but you can answer it again.

12 A. Yes.

13 Q. Was footage from security cameras that

14 recorded the hallways at Friendly High School on

15 September 13, 2013, ever stored longer than the time

16 period provided for by the process implemented on these

17 cameras?

18 A. No.

19 Q. Therefore, can you confirm that as of the

20 date of defendant's letter, which was July 10, 2019, that

21 any security footage from the hallways of Friendly High

22 School from September 13, 2013, did not continue to

10:52:25 1 more than 90 days, depending on the school system."

2 Do you see that?

3 A. Yes.

4 Q. Is that consistent with your understanding

5 of the process applied to security footage at Friendly

6 High School?

7 A. Yes.

8 Q. Is that consistent with the process applied

9 at Kenmore?

10 A. Yes.

11 Q. Is that the process consistent with James

12 Madison?

13 A. Yes.

14 Q. Can you confirm that you have not identified

15 any footage that continued to exist on June 21, 2019, the

16 date of this Response, relating to Miss Eller's claims in

17 this case?

18 A. Again, for the specific dates requested, no.

19 If there's other -- other video that someone's looking

20 for that wasn't requested, I haven't -- I haven't looked

21 to see if there's any. I wouldn't know, unless a

22 specific date is requested, what pertains to any

42

10:50:28 1 exist?

2 A. That's correct.

3 (Plaintiff's Exhibit 88, Defendant Board of Educations

4 Responses to Plaintiff's First Set of Requests for

5 Production of Documents, was marked for identification.)

6 Q. Have you seen this document before?

7 A. No, I have not.

8 Q. Okay. This is Plaintiff Exhibit Number 88.

9 It is Defendant Board of Education's Responses to

10 Plaintiff's First Set of Requests For Production of

11 Documents.

12 Can you please turn to Request Number 8.

13 It begins at the bottom of page 4 and extends on to page

14 5. It requests "Security camera footage and all other

15 documents relating to the capture of verbal or physical

16 assaults against Miss Eller."

17 Do you see that?

18 A. Yes.

19 Q. Then in the defendant's response in the

20 middle of the paragraph, it states that, "Generally,

21 footage of verbal encounters without further cause is not

22 preserved, and that footage records over itself after no

44

10:53:31 1 particular case.

2 I don't -- our video is stored by date

3 according to each school. I'm going to look for a date,

4 find a particular school, and then by time frame. It

5 doesn't tell me what the incident is. It doesn't tell me

6 who's involved. I'm looking for dates and times.

7 Q. Were you or anyone in your office ever

8 instructed to save footage from security cameras in

9 connection with this case?

10 A. Again, you would have to give me specific

11 dates and times. I wouldn't know what it was for, to be

12 quite honest. I -- they give me a date, a start time, a

13 stop time, and which cameras they want. I don't know

14 who, I don't know what. I don't review the video. I'm

15 just making recordings. I'm downloading files and

16 burning them to disk.

17 Q. Do you recall ever being asked to look for

18 any footage relating to Miss Eller's claims?

19 MR. SHARMA: I'll instruct you not to

20 answer to the extent it's made by general counsel's

21 office or somebody from our office, but if anyone ever

22 asked you otherwise, you can answer.