

1 STATE OF ILLINOIS) 2) SS. 3 COUNTY OF COOK) 4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS 5 COUNTY DEPARTMENT - LAW DIVISION 6 DELBERT J. CHARLES, as) Independent) 7 Administrator of the) Estate of ABNERD JOSEPH,) 8 deceased,) Plaintiff,) 9) vs.) No. 2024 L 005346 10) MESA DEVELOPMENT, LLC,) 11 et al.,) Defendants.) 12 13 The video-recorded discovery deposition 14 of DIEGO ENRIQUE DE LA CRUZ, taken in the 15 above-entitled cause, before GINA M. SYLVESTER, 16 Certified Shorthand Reporter and Registered 17 Professional Reporter, at 321 North Clark 18 Street, Suite 900, Chicago, Illinois, on the 19 8th day of September, 2025, at the hour of 20 3:09 p.m., pursuant to notice. 21 22 23 Reported By: Gina M. Sylvester, CSR, RPR 24 License No: 084-004856	1 APPEARANCES (Continued): 2 LEWIS BRISBOIS BISGAARD & SMITH, LLP 3 BY: MR. SCOTT C. BENTIVENGA 4 550 West Adams Street, Suite 300 5 Chicago, Illinois 60661 6 (312) 345-1718 7 Scott.Bentivenga@lewisbrisbois.com 8 Representing Sudler & Company d/b/a 9 Sudler Property Management and 10 Legacy; 11 12 DERATANY & KOSNER 13 BY: MR. THOMAS STEWART 14 MS. MILAN DOAN (Remote) 15 221 North LaSalle Street, Suite 2200 16 Chicago, Illinois 60601 17 (312) 748-2985 18 tstewart@lawinjury.com 19 20 ALSO PRESENT: 21 KELLY WOODS, Videographer. 22 23 24
1 APPEARANCES: 2 ROMANUCCI & BLANDIN, LLC 3 BY: MR. STEPHAN BLANDIN 4 MS. ISABELLA MAZZANTI 5 321 North Clark Street, Suite 900 6 Chicago, Illinois 60654 7 (312) 458-1000 8 Sblandin@rblaw.net 9 Representing the Plaintiff; 10 11 SWEENEY SCHARKEY, LLC 12 BY: MS. ERIN WENGER 13 230 West Monroe Street, Suite 1500 14 Chicago, Illinois 60606 15 (312) 384-0500 16 Ewenger@ssbpartners.com 17 Representing Garrett M. Smith; 18 19 20 21 22 23 24	1 I N D E X 2 WITNESS EXAMINATION 3 DIEGO ENRIQUE DE LA CRUZ 4 BY MR. BLANDIN 06 5 BY MR. BENTIVENGA 163 6 BY MR. BLANDIN.....168 7 BY MR. STEWART 190 8 BY MS. WEGNER 201 9 10 11 12 13 14 15 E X H I B I T S 16 NUMBER MARKED 17 Exhibit No. 1 114 18 Exhibit No. 2 116 19 20 21 22 23 24



1 THE VIDEOGRAPHER: We are going on the record
2 at 3:09 p.m. on September 8th, 2025.

3 could the court reporter please swear
4 in the witness.

5 THE COURT REPORTER: Can you please raise
6 your right hand.

7 (Witness sworn.)

8 MR. BLANDIN: Good afternoon, Ricky. My name
9 is Stephan Blandin. I represent the Estate of
10 Abnerd Joseph. I'm going to be the one who's
11 starting with the questions.

12 If I ask a question that doesn't make
13 sense, just let me know and I'll ask you a
14 different one. If you want to hear it again,
15 just let the court reporter know and she can
16 repeat it if I don't remember it.

17 It's not quite a normal conversation
18 where we would interrupt and cut each other off.
19 It's a question-and-answer format. So I'll try
20 and -- even if you know right where I'm going,
21 let me get the full question out before you
22 answer. And even if I think I understand your
23 answer, I'm going to do my best to let you
24 answer before I ask you another question.

5

1 If you want a break for any reason, let
2 me know and we'll stop and we'll take a break.

3 THE WITNESS: Okay.

4 MR. BLANDIN: Do you have any questions
5 before we get started?

6 THE WITNESS: No.

7 MR. BLANDIN: All right. The other thing
8 that's going to happen is you're going to -- at
9 some point, you're going to say "uh-huh" or
10 "uh-uh," because we all do, and the court
11 reporter's going to say, what did you mean, and
12 you'll have to say yes, no, or whatever the full
13 appropriate answer is.

14 All right. So why don't we get
15 started?

16 DIEGO ENRIQUE DE LA CRUZ,
17 called as a witness herein, having been first
18 duly sworn remotely via Zoom video
19 teleconference, was examined and testified as
20 follows:

21 EXAMINATION

22 BY MR. BLANDIN:

23 Q. Can you state your full name for the
24 record?

6

1 A. Yes, my full name is Diego Enrique De
2 La Cruz.

3 Q. And what do you go by?

4 A. I go by Ricky.

5 Q. And can you spell your last name?

6 A. It's going to be D-E, space, L-A,
7 space, C-R-U-Z.

8 Q. Thank you.

9 what is your date of birth?

10 A. [REDACTED]

11 Q. And what is your current home address?

12 A. Address is [REDACTED]
13 [REDACTED]

14 Q. And how long have you lived there?

15 A. I've lived there 24 years.

16 Q. That's your family home?

17 A. Yes.

18 Q. And what I'm going to do is just go
19 through some very background things. Please do
20 not take offense at any of them. It's just
21 standard, necessary questions.

22 what is your highest level of formal
23 education?

24 A. High school education.

7

1 Q. Where did you go?

2 A. East Leyden.

3 Q. And did you graduate?

4 A. Yes.

5 Q. What year?

6 A. 2016.

7 Q. And have you been working since 2016?

8 A. Yes.

9 Q. Were you ever in the military?

10 A. No.

11 Q. Have you ever been convicted of any
12 crime?

13 A. No.

14 Q. And can you give me a brief summary of
15 the different work you've done from 2016 up till
16 now?

17 A. Customer service, building maintenance,
18 and security.

19 Q. All right. So the customer service was
20 when and where?

21 A. Customer service was, I worked as a
22 maintenance man cleaning up the building.
23 Customer service was when I also worked as a
24 front doorman for the facility greeting clients.

8

1 Customer service involved me as a doorman with
 2 Hermitage. Customer service involved me with
 3 The Legacy. Security was with multiple security
 4 companies.
 5 Q. All right. So let me -- let me --
 6 let's just go through in chronologic order.
 7 So after graduating high school, where
 8 did you work?
 9 A. I worked with a temp agency, staffing.
 10 Q. And what did you do for them?
 11 A. I worked as a warehouse hand laborer.
 12 Q. And what was your next job?
 13 A. X-Sport Fitness, cleaning/front desk
 14 attendant.
 15 Q. And your next job?
 16 A. Security with Allied Universal.
 17 Q. And how long -- how old were you when
 18 you went to Allied?
 19 A. Twenty-one.
 20 Q. And how long did you work for Allied?
 21 A. On and off, nine months.
 22 Q. Were you armed or unarmed security?
 23 A. Mainly unarmed.
 24 Q. Were there times that you were armed?

9

1 grade?
 2 A. Yes.
 3 Q. And after you became licensed, for whom
 4 did you work?
 5 A. I worked for Allied security, then I
 6 worked for SOS Security.
 7 Q. And --
 8 A. Then I worked for Allied security
 9 again. Then I worked for -- I can't remember
 10 the name -- Advanced Security Solutions.
 11 Q. All right. And your initial stint with
 12 Allied, where did they assign you?
 13 A. They assigned me at warehouse locations
 14 primarily, and then loosely I worked at the
 15 Woodfield Mall.
 16 Q. What did you do at Woodfield?
 17 A. I did foot patrol, vehicle patrol,
 18 camera monitoring, store access and check point
 19 access.
 20 Q. And how long did you do that work?
 21 A. Four months.
 22 Q. And then you went to SOS?
 23 A. Yes.
 24 Q. What year was that?

11

1 A. No.
 2 Q. All right. So were you a licensed
 3 security guard?
 4 A. Yes.
 5 Q. Where did you obtain your license?
 6 A. I went to the school of The Guardian
 7 security group.
 8 Q. And when and where did you -- when and
 9 where was that?
 10 A. I don't know the exact location for The
 11 Guardian security group, but I went to the
 12 school in 2018.
 13 Q. And how long was the course?
 14 A. The course was, for me, six months. I
 15 had to retake the course.
 16 Q. And why is that?
 17 A. I was two points short of a perfect
 18 pass.
 19 Q. What do you mean "a perfect pass"?
 20 A. They took our written test -- in order
 21 for us to get a certified license, we had to
 22 take a written exam. I was two points down.
 23 Q. All right. So you -- so you had to
 24 repeat the course in order to get a passing

10

1 A. That was 2019.
 2 Q. And where did they assign you?
 3 A. I worked at a warehouse where they
 4 shipped and received physical checks.
 5 Q. Physical checks?
 6 A. The run of the place was they sent in
 7 stubs for their location and sent out the stubs
 8 to the next location.
 9 Q. And how long were you there?
 10 A. Three months.
 11 Q. And your next stint, was it back with
 12 Allied?
 13 A. Yes.
 14 Q. And how long was that second stint?
 15 A. Two to three months, I believe.
 16 Q. And where did they assign you?
 17 A. They assigned me to another warehouse
 18 at -- I don't remember the warehouse name now.
 19 Q. That's fine.
 20 All right. And then your -- your last
 21 security position was with Allied something?
 22 A. Yes, Allied Universal.
 23 Q. And where did they assign you?
 24 A. I was working as a front desk security

12



1 for Weber Grill in -- near Itasca, Elk Grove.
 2 Q. And what did that involve?
 3 A. It involved me doing temperature
 4 checks, sign-ins, mask mandates, and access for
 5 the building.
 6 Q. That was during COVID?
 7 A. COVID. That was during the prime time
 8 of COVID.
 9 Q. And how long were you there?
 10 A. I was there for seven months.
 11 Q. Okay. Were you -- so you were employed
 12 by Allied Universal and they assigned you to one
 13 of their clients?
 14 A. Yes.
 15 Q. And after that, by whom were you
 16 employed?
 17 A. After that, I was employed by the
 18 Hermitage at 70 West Huron.
 19 Q. That's a residential condominium?
 20 A. Yes.
 21 Q. I lost the address.
 22 A. It's 70 West Huron.
 23 Q. 70 West Huron. So that's downtown.
 24 And how many units -- how many --

13

1 strike that.
 2 How many floors, stories is that
 3 building?
 4 A. I do not remember.
 5 Q. Is it a high-rise?
 6 A. It is a high-rise.
 7 Q. Is it similar to the Millennium?
 8 A. A lot shorter, but yes.
 9 Q. Okay. And were you -- were you
 10 employed by the building itself, the Hermitage?
 11 A. Yes.
 12 Q. Were you -- was it a similar situation
 13 where you were trained and supervised by a
 14 property manager?
 15 A. Not the property manager, but the head
 16 doorman, yes.
 17 Q. So do you know who the property manager
 18 was for the Hermitage?
 19 A. Yes.
 20 Q. Who was that?
 21 A. That was Deborah -- not -- no, Lori.
 22 Lori -- I do not remember her last name.
 23 Q. Was it -- was it -- was Sudler the
 24 property manager for the building?

14

1 A. No, not that one.
 2 Q. Who was the property management
 3 company?
 4 A. I don't remember at this time.
 5 Q. Okay. And your position at Hermitage,
 6 it was front door staff?
 7 A. Yes. But I was also a seasonal
 8 custodian.
 9 Q. And as a -- as a front door staff, were
 10 you a member of a union?
 11 A. Yes.
 12 Q. Which union was that?
 13 A. SIEU Local 1.
 14 Q. Did you receive any union training?
 15 A. No.
 16 Q. Did you receive any safety or security
 17 training through the union or through Hermitage?
 18 A. Through the Hermitage.
 19 Q. Did they have you attend courses or
 20 classes?
 21 A. No.
 22 Q. What was the training that the
 23 Hermitage provided you?
 24 A. The head doorman would provide me with

15

1 training for handling fire panels for emergency
 2 calls.
 3 Q. Do you remember his name?
 4 A. His first name was Oscar.
 5 Q. Do you remember his last name?
 6 A. I do not.
 7 Q. How long did you stay at Hermitage?
 8 A. Two and a half years.
 9 Q. And what were those years?
 10 A. Two -- it started at the end of 2019
 11 and then I stayed there until twenty -- 2023 or
 12 twenty-twenty -- yeah, 2023.
 13 Q. So the shooting involving Abnerd Joseph
 14 was September of 2023. Does that help you at
 15 all with when you came over to The Legacy?
 16 A. When I came over to The Legacy, I came
 17 in as a part-time worker, and I started during
 18 the second or third month of the 2023 year.
 19 Q. All right. So February or March of
 20 '23?
 21 A. Yes.
 22 Q. All right. And you would have been at
 23 the Hermitage up until that time?
 24 A. Yes.

16



1 Q. Did you receive -- I know you don't
2 remember the name of the -- of the property
3 management company for the Hermitage, but did
4 they provide you with any training as a front
5 doorman?
6 A. Not the property management.
7 Q. You mentioned that there was a -- that
8 Oscar, the front doorman, provided you with some
9 training?
10 A. Yes, the head doorman and the -- my
11 coworker doorman provided me with the on-the-job
12 training.
13 Q. Were you given any policies or
14 procedures while you worked at the Hermitage?
15 A. Not physical copies of it, no.
16 Q. Were you shown or instructed on what
17 the company's policies and procedures were for
18 safety and security?
19 A. Not given or shown, but they were
20 verbally told for me.
21 Q. Okay. Do you know, ballpark, how many
22 folks lived at the Hermitage?
23 A. Not by ballpark. There was a lot. If
24 I -- I believe the units for the Hermitage was

17

1 around either 27 or 28 floors.
2 Q. And do you know how many -- how many
3 units were on a floor?
4 A. Ten units per floor.
5 Q. And do you know how many bedrooms were
6 in the units?
7 A. There were units that were studios,
8 one-bedrooms and only a few two-bedrooms.
9 Q. Did more people live in the Hermitage
10 or live at Legacy --
11 A. More --
12 Q. -- 60 East Monroe?
13 A. More people lived at The Legacy than
14 the Hermitage.
15 Q. All right. Why did you leave the
16 Hermitage and go to The Legacy?
17 A. I was looking to change buildings for
18 timing schedule and -- no, that's pretty much
19 it, timing schedule.
20 Q. You mean because of the shift you were
21 assigned?
22 A. Yes.
23 Q. What shift were you working at
24 Hermitage?

18

1 A. I was the split shiftman. I worked
2 three days for the morning and two days during
3 the afternoon.
4 Q. Okay. And what did you want? What
5 were you looking for?
6 A. Mornings.
7 Q. And when you started at The Legacy, how
8 did you get that job?
9 A. I was a part-time and fill-in doorman.
10 Q. How -- how did you apply or find out
11 about the job?
12 A. There was a man in the Hermitage
13 building, his name is Louis, he came from The
14 Legacy, he messaged Deborah saying how I have a
15 doorman here who's looking to change buildings.
16 That's how I got the contact with The Legacy.
17 Q. And that's Deborah Romero?
18 A. Yes.
19 Q. And Deborah Romero is the property
20 manager at The Legacy currently and she was back
21 in 2023 when you started?
22 A. Yes.
23 Q. And Deborah Romero hired you?
24 A. Yes.

19

1 Q. And how long did you work as a doorman
2 at the -- at The Legacy?
3 A. Eleven months.
4 Q. I want to go through -- I want to go
5 through some of your training at The Legacy.
6 My understanding is that The Legacy has
7 an emergency communication system. Are you
8 familiar with that?
9 A. I do not remember.
10 Q. Are you -- do you know what an
11 annunciator panel is?
12 A. I don't remember for that location.
13 Q. Okay. Are you still working at The
14 Legacy?
15 A. I am not.
16 Q. When did you leave The Legacy?
17 A. I left The Legacy that -- during -- I
18 want to say the start of 2024.
19 Q. January of 2024?
20 A. I can't give an exact time for when I
21 left, but it was --
22 Q. Were you there for more or less than a
23 year?
24 A. Less than a year.

20



1 Q. And why did you leave? 2 A. Looking for a new career. 3 Q. Where did you go? 4 A. I went back into the field of 5 maintenance and custodial work. 6 Q. And where did you get your next job? 7 A. I first worked for a cleaning company, 8 ABM, but that did not plan out well. That was 9 only for three days. 10 Q. And what happened there? 11 A. The facility that we were going to 12 clean for did not follow through for its 13 contract. So they brought us in saying we had a 14 job, but the job did not follow through. 15 Q. Okay. And where did you go after ABM? 16 A. For three months, I worked primarily at 17 Uber Eats, deliveryman. 18 Q. And where did you go after that? 19 A. I went to the School District 87. 20 Q. Is that -- is that a high school or a 21 middle school or a grammar school? 22 A. It's a special school where it goes 23 from intermediate to high school. 24 Q. So middle school through high school? 21	1 Q. And are you in a union? 2 A. Yes. 3 Q. What -- what union? 4 A. I don't know the name for the union. 5 Q. Okay. All right. Let's go back to The 6 Legacy, the roughly 11 months that you worked at 7 The Legacy. 8 Now, we started out by asking you about 9 something called an annunciator panel. It's an 10 emergency communication system, as I understand 11 it, that's used during emergencies, fires, 12 tornadoes, active shooters, those kinds of 13 things. Does that refresh your recollection? 14 A. It does not. 15 Q. Did you receive any training on the 16 emergency communication system at The Legacy? 17 A. I will say no because I don't know what 18 that is that you're saying. 19 Q. When you worked as a doorman at The 20 Legacy, what shift did you work? 21 A. I worked as a morning shiftman, first 22 shift. 23 Q. And what are the hours, roughly? 24 A. 6:00 to 2:00 or 7:00 to 3:00. I don't 23
1 A. Yes. 2 Q. And what town is that in? 3 A. Berkeley. 4 Q. Berkeley. I don't know where Berkeley 5 is. 6 A. It's in -- well, the town is Berkeley, 7 but -- 8 Q. What's it near? 9 A. It is near Melrose Park. 10 Q. Okay. Got it. 11 And when did you start working there? 12 A. I started working there the third month 13 of 2024. 14 Q. And are you still there? 15 A. Yes. 16 Q. And what do you do there? 17 A. I am a custodian for the building. I 18 clean tables, remove trash, mop floors. 19 Q. How do you like that job? 20 A. It's very nice. 21 Q. And do you have, like, a set shift that 22 you work? 23 A. Oh, yes. I work as a second shiftman 24 now. 22	1 remember. 2 Q. And the second shift at The Legacy 3 would be when? 4 A. From 3:00 to 11:00, I believe. 5 Q. And the third shift? 6 A. From 11:00 till 6:00 or -- yeah. 7 Q. While you were at The Legacy, did they 8 have a head doorman? 9 A. Hmm? Sorry. 10 Q. When you were at The Legacy, was there 11 somebody who was designated as the head doorman? 12 A. Yes. 13 Q. Who was that person? 14 A. His name was Adrian. 15 Q. Do you remember Adrian's last name? 16 A. I do not. 17 Q. While you worked at The Legacy, did you 18 receive any training as to how to communicate 19 with the residents in the event of an emergency? 20 A. No. 21 Q. While you worked at The Legacy, did you 22 receive any training as to what you were 23 supposed to do in the event that someone broke 24 into the building? 24



1 A. No.
2 Q. Did you receive any training from The
3 Legacy as to what you were to do if there was a
4 domestic disturbance?
5 A. No.
6 Q. Did you receive any training from The
7 Legacy of what your duties were if there was an
8 active shooter in the building?
9 A. No.
10 Q. Did you receive any training from The
11 Legacy, if there was a tornado or a severe
12 storm, how to communicate with the residents?
13 A. No.
14 Q. Did you receive any training from The
15 Legacy as to what to do in the event that there
16 was a fire in the building?
17 A. Yes.
18 Q. What were you supposed to do in the
19 event there was a fire in the building?
20 A. I was told to pull the fire alarm on
21 the wall and then to go to the fire panel and
22 press the alarm button.
23 Q. Were you given any additional training
24 as to what to do in the event of a fire?

25

1 A. I do not remember.
2 Q. Okay. Same type of question for
3 terrorism. In the event that the building was
4 struck by terrorists, were you given any type of
5 training?
6 A. No.
7 Q. Were you given any type of training as
8 to how to communicate with residents about
9 leaving, evacuating the building or staying in
10 their units?
11 A. No.
12 Q. Were you given any type of safety
13 training by The Legacy?
14 A. No.
15 Q. Were you told or instructed by Deborah
16 Romero that as a doorman at The Legacy, that you
17 were responsible for the residents' safety and
18 security?
19 A. Yes.
20 Q. Did she provide you with any safety or
21 security training?
22 A. No.
23 Q. Did anyone at The Legacy provide you
24 with any resident safety or security training?

26

1 A. Yes.
2 Q. Whom?
3 A. The head doorman, Adrian.
4 Q. Okay. What did that training consist
5 of for resident safety?
6 A. It consisted of access to the building,
7 documenting visitors/guests, contacting the
8 units to get prior authorization if said
9 visitors or guests were not inputted into the
10 system, and who to and who not to allow
11 upstairs.
12 Q. Were you given any training from The
13 Legacy by Adrian or anyone as to what you were
14 to do for the residents' safety in the event
15 that there was an emergency?
16 A. Yes.
17 Q. What training were you provided?
18 A. I was provided for the safety and
19 wellness check of -- training for if a tenant,
20 resident, owner, or renter did not respond to
21 outside families attempting to contact them but
22 without response.
23 Q. Okay. You were told that you may need
24 to make safety and wellness checks of a resident

27

1 in the event that the family was not able to
2 contact a resident?
3 A. Yes.
4 Q. Were you given any other training as to
5 what to do in the event of an emergency for
6 resident safety?
7 A. No.
8 Q. Specifically, were you trained under
9 what circumstances you were supposed to notify
10 911?
11 A. Can you repeat?
12 Q. Sure. 911 is the emergency that we all
13 are familiar with for police, fire, or other
14 emergencies, and I'm trying to find out if The
15 Legacy provided you with any specific training
16 as to when you should call 911?
17 A. Yes.
18 Q. And what training were you provided?
19 A. Mostly verbal. Adrian instructed me
20 that if there were any situations that seemed to
21 lead to the threat of the building, to the
22 threat of the tenants or to the disruption of
23 the building, when to call 911.
24 Q. Did he give you any specific examples?

28



1 A. Specific examples that we manly dealt
2 with were intrusions in the main lobby, a rowdy
3 guest that came from the streets, an uninvited
4 guest that came from the street.

5 Q. The Legacy, 60 East Monroe, is located
6 on Monroe between Michigan Avenue and Wacker --
7 excuse me, Wabash, correct?

8 A. Correct.

9 Q. Where -- was it -- was it a common
10 occurrence to have unwanted or unpermitted
11 guests attempt to enter The Legacy?

12 A. Yes.

13 Q. How often did that happen while you
14 worked there? Was it a daily occurrence?

15 A. I would say not -- not unoften or
16 often, in between.

17 Q. And I'm trying to break that down to
18 get -- because different people might have
19 different understandings --

20 A. Right.

21 Q. -- as to what that means. Can you give
22 me an approximation?

23 A. Yes, let me think.

24 In one week of, like, my workweek, I

29

1 would say two, three times, unwanted guests
2 would wander into our lobby.

3 Q. And that would be during your shift?

4 A. Yes.

5 Q. And what were you trained and
6 instructed to do in that circumstance?

7 A. In our training, we were told do not
8 let anyone that you do not recognize past the
9 front desk. Ask them to please wait, identify
10 yourself so that we can notify a renter, owner,
11 or to understand if you are permitted or banned
12 from the building.

13 Q. Were there instances -- were there
14 times where people would get past you and get up
15 into the building?

16 A. For me, no.

17 Q. While -- during the 11 months that you
18 worked at The Legacy, do you know of times where
19 unpermitted guests came into the building and
20 got past the front desk?

21 A. Yes.

22 Q. How often did that happen?

23 A. There was one documented case where it
24 happened.

30

1 Q. In the -- in the 11 months that you
2 worked there, there was one case. Do you know
3 the circumstances?

4 A. The unwanted guest gained access to the
5 roof.

6 Q. To the roof? Do you know where they
7 came in from?

8 A. They walked through the front door.

9 Q. Do you know how they got in?

10 A. It was during a party event where the
11 street of Wabash and the party area for
12 Millennium Park flooded through our front doors.

13 Q. So aside from that one party where
14 somebody snuck in, were there other times for --
15 that you know of that you worked there that
16 people snuck in, actually got into the building?

17 A. During the times when I worked, I made
18 sure I did not allow any unwanted guests to
19 enter.

20 Q. Okay.

21 A. And there were times when they
22 attempted, but did not get past the desk.

23 Q. What would you do?

24 A. I'd tell them to leave.

31

1 Q. And would they always leave?

2 A. Yes, but with attitude.

3 Q. Image that.

4 A. Chicago.

5 Q. I imagine there was quite a bit of
6 attitude.

7 Did you ever have to call the police?

8 A. No.

9 Q. While you worked there, did you ever
10 hear of other front door staff that had to call
11 the police?

12 A. No.

13 Q. The --

14 MR. BENTIVENGA: You're talking about for
15 that situation, right?

16 THE WITNESS: Prior -- sorry.

17 MR. BENTIVENGA: Go ahead.

18 MR. BLANDIN: We'll do it both ways.

19 BY MR. BLANDIN:

20 Q. So you're saying you never had to call
21 the police and never heard of a time where the
22 police had to be called because somebody was
23 trying to sneak in, right?

24 A. Oh, my -- my mistake. The one time was

32



1 for the one documented case, yes.
 2 Q. The police were called?
 3 A. Yes.
 4 Q. What happened?
 5 A. The police escorted the two individuals
 6 out of the building.
 7 Q. Okay. Do you know who was on shift?
 8 A. No, I don't remember.
 9 Q. The building manager brought it to your
 10 attention and the other front door's attention
 11 that this kind of thing can't happen again, is
 12 that why you know about it?
 13 A. Yes.
 14 Q. Okay. Aside from that one occasion
 15 where somebody snuck into a party and the police
 16 were called, are there any other times or
 17 occasions where you had to call the police?
 18 A. No.
 19 Q. And do you know of any other times or
 20 occasions where someone had to call the police
 21 at The Legacy?
 22 A. For the one documented case, yes, that
 23 was the one time I heard the police were called.
 24 Q. You're -- again, you're referring to

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1 the party --
 2 A. Yes.
 3 Q. -- where people snuck in and got up to
 4 the party?
 5 Aside from that, any other times where
 6 somebody had to call the police because of any
 7 type of an emergency situation at The Legacy
 8 that you're aware of?
 9 A. Yes, but it was for a wellness check.
 10 Q. Okay. Aside from the wellness check,
 11 any other occasions?
 12 A. No.
 13 Q. Did Deborah Romero provide you with any
 14 training or direction as to what you, as a
 15 doorman at The Legacy, were supposed to do after
 16 the police were notified that there was an
 17 emergency in the building?
 18 A. Yes.
 19 Q. What did she say to you?
 20 A. She said to document it in our shift
 21 logs and to send an e-mail to her explaining the
 22 situation that has happened.
 23 Q. Did she provide you with any other
 24 training?

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1 A. No.
 2 Q. Did she provide you with any direction
 3 as to whether you should go and investigate or
 4 encounter or assess the situation before the
 5 police arrived?
 6 A. Yes.
 7 Q. What did she tell you?
 8 A. To make the calls if there is a
 9 disturbance -- if there's a noise complaint, to
 10 call and see what's going on, to examine the
 11 cameras to see what we can have as a visual.
 12 Q. You're telling me about a noise
 13 complaint from a resident, you would be told by
 14 Deborah Romero to investigate or access and look
 15 at cameras, correct?
 16 A. Yes.
 17 Q. I'm not talking about that. I'm
 18 talking about training where Deborah Romero said
 19 to you, in the event that a resident calls the
 20 police or you have to call the police, did she
 21 provide you with any direction or training as to
 22 what you were to do in that situation, whether
 23 you were to wait for the police or to go and
 24 assess and investigate?

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1 MR. BENTIVENGA: Just going to object to the
 2 form of the question. I think it depends on the
 3 circumstances, but you haven't provided any
 4 circumstances.
 5 But go ahead, you can answer, if you
 6 can.
 7 THE WITNESS: No opinion?
 8 MR. BENTIVENGA: No, it's up to you.
 9 THE WITNESS: Oh. She said -- I don't
 10 believe she said anything to me about that.
 11 BY MR. BLANDIN:
 12 Q. Okay. And to be clear, what you're
 13 telling me is that Deborah Romero did not ever
 14 tell you what you were supposed to do after you
 15 contacted the police or were notified that the
 16 police were contacted because of an emergency in
 17 the building; is that correct?
 18 A. Yes.
 19 Q. And the reason I'm breaking it down
 20 like this is one of the issues in the case is
 21 whether the doormen received training from
 22 Deborah Romero as to whether or not they should
 23 go and investigate after the police were called
 24 about an emergency or whether they were to stay

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1 at the front desk.
 2 Did you receive training from her one
 3 way or the other as to what you were supposed to
 4 do in that situation?
 5 A. In that situation, no.
 6 Q. Okay. Did the front doorman -- the
 7 head doorman, Adrian, did he provide you with
 8 any training as to what you were supposed to do
 9 after the police were notified of a -- that
 10 there was an emergency in the building as to
 11 whether you should stay put at the -- at the
 12 desk and stay in a place of safety or whether
 13 you should go and investigate the emergency?
 14 A. Yes.
 15 Q. What did Adrian train you?
 16 A. He trained me for scenarios that
 17 involved us -- if the emergency involved gaining
 18 access into the unit, if someone called claiming
 19 they heard someone fall, they smelled smoke,
 20 that we should go see or try to speak to the
 21 emergency, check for that.
 22 Q. You're telling me that Adrian trained
 23 you that if there was a resident who notified
 24 the front desk, hey, I smell smoke or I heard

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1 someone fall, in those situations, you're
 2 supposed to go and investigate; is that
 3 accurate?
 4 A. Yes.
 5 Q. I'm talking about a different
 6 situation, a situation where a resident has
 7 called the police and then tells you, I've
 8 called the police, there's an emergency on the
 9 48th floor or the 29th floor.
 10 Did Adrian instruct you as to what you
 11 were supposed to do in those situations, whether
 12 you're supposed to stay put at the front desk or
 13 go and investigate?
 14 MR. BENTIVENGA: Object to form and
 15 foundation.
 16 You can answer, if you can.
 17 THE WITNESS: No.
 18 BY MR. BLANDIN:
 19 Q. He did not provide you with that
 20 training; is that accurate?
 21 A. Yes.
 22 Q. Did anybody at The Legacy or Sudler or
 23 anybody at 60 East Monroe provide you with that
 24 type of training?

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1 A. No.
 2 Q. Had you received that knowledge or that
 3 training from any source before you went to work
 4 at The Legacy?
 5 A. Before I worked at The Legacy?
 6 Q. Yeah. I know you told me that you had
 7 -- you worked at the Hermitage and that you had
 8 some training on the job from their front
 9 doorman, and I'm trying to find out now if any
 10 of that training provided you with information
 11 as to what you were supposed to do?
 12 A. Yes, the training mainly consisted of
 13 calling the police, contacting the floor that
 14 made the complaint to hear more of the situation
 15 that was going on, to assess what the situation
 16 may or may not be.
 17 Q. So when you worked at the Hermitage --
 18 and I've forgotten the fellow's name, the lead
 19 doorman. Oscar?
 20 A. Oscar.
 21 Q. Did Oscar tell you, Ricky, if you get a
 22 call from a resident that they've called the
 23 cops because there's an emergency going on, did
 24 Oscar tell you what you were supposed to do in

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1 that situation?
 2 A. Yes. At the Hermitage, it was made
 3 clear stay at the front desk, continue -- if the
 4 tenant has called 911, we will continue to call
 5 911 if they have not arrived, or from the time
 6 they expect, continue to call until someone
 7 shows up.
 8 Q. That was the training that you had from
 9 the Hermitage; is that correct?
 10 A. Yes.
 11 Q. Were you -- were you working -- I know
 12 you weren't there on the shift when the shooting
 13 happened, but were you still working as a
 14 doorman during that time period back in
 15 September of 2023?
 16 A. Yes.
 17 Q. After the shooting, did you meet with
 18 the other doorman and Deborah Romero in a
 19 discussion to determine what happened?
 20 A. They did inform me that an incident did
 21 happen, but they did not go into specifics at
 22 the time.
 23 Q. Did Deborah Romero or any of the other
 24 staff from The Legacy or Sudler ever sit down

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1 with you and the other doormen in an attempt to
2 come up with a -- to inform you about the events
3 that occurred to make sure that you were aware
4 of them?

5 A. Yes.

6 Q. What were you told?

7 A. I was told that there was an incident
8 involving one of our tenants and there was a
9 shooting afterwards and that one of our doormen
10 were injured.

11 Q. Were you told anything else?

12 A. At the time, no.

13 Q. Later on, were you told anything else?

14 A. Yes.

15 Q. What were you told?

16 A. I was told later on that it was the --
17 I cannot remember the tenant's name, the
18 deceased that was causing the situation.

19 Q. You're talking about Abnerd Joseph?

20 A. Yes.

21 Q. Who told you that?

22 A. It was my coworker, Joseph.

23 Q. Joseph?

24 A. Joseph or Joe.

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1 with Deborah Romero or the other staff in an
2 attempt to try and make sure that -- that the
3 events that unfolded on the night of the 14th
4 would not happen again?

5 MR. BENTIVENGA: Object to form and
6 foundation.

7 Go ahead, you can answer, if you can.

8 THE WITNESS: No, we did not discuss
9 anything.

10 BY MR. BLANDIN:

11 Q. Was there any discussion with Deborah
12 Romero or the staff about steps or procedures
13 that could be taken to prevent the shooting from
14 occurring?

15 MR. BENTIVENGA: Object to form and
16 foundation.

17 But go ahead, you can answer.

18 THE WITNESS: I do not remember.

19 BY MR. BLANDIN:

20 Q. Was there any discussion with the
21 doormen, Deborah Romero, or the staff about
22 whether Jonah Nena should have left the desk and
23 went on the elevator up to the 48th floor?

24 THE WITNESS: Can I state no opinion?

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1 Q. Jonah?

2 A. No, not Jonah. Joe -- I do not
3 remember his name.

4 Q. What was his job?

5 A. He was also the doorman.

6 Q. Okay. So the initial -- that first
7 conversation where Deborah told you about --
8 that there was an incident that took place and a
9 resident was shot, how long after the -- the
10 shooting, how long after September 14th was
11 that?

12 A. The day after it happened.

13 Q. So the 15th?

14 A. Yes.

15 Q. And then Joe, the other doorman, when
16 did that conversation happen?

17 A. He informed me as we were changing
18 shifts for the day.

19 Q. Which day?

20 A. The next day after it happened.

21 Q. The 15th also?

22 A. The 15th or the 16th. I don't
23 remember.

24 Q. Okay. Did you have any conversations

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1 MR. BENTIVENGA: He's asked you whether there
2 was any discussion of that.

3 THE WITNESS: Oh, any discussion.

4 MR. BENTIVENGA: Right? Is that your
5 question?

6 THE WITNESS: I see. Yes, there were
7 discussions.

8 BY MR. BLANDIN:

9 Q. Tell me about those.

10 A. The discussions were between the fellow
11 door staff whether or not Jonah should or should
12 not have gone upstairs.

13 Q. And what was said and by whom?

14 A. It was with my coworker, Warner, Dave,
15 Joe, Adrian, like, we were all discussing should
16 he or should he have not gone upstairs.

17 Q. Okay. And do you remember those
18 conversations?

19 A. I do not.

20 Q. Okay. Separate and apart from you guys
21 talking amongst yourselves, did management, the
22 assistant property manager, the property
23 manager, did anybody sit down with the doormen
24 and go over with you when and when you should

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1 not leave the front door to go up in that type
2 of emergency situation?

3 MR. BENTIVENGA: Let me just object because
4 there's no time associated with your question,
5 whether it's before or after the event.

6 MR. BLANDIN: Well, I thought we were pretty
7 clear, but I'll do it again.

8 BY MR. BLANDIN:

9 Q. You're telling me that those
10 conversations never happened before the
11 shooting, right?

12 A. Before the shooting, yes.

13 Q. And now we're talking about after the
14 shooting, after you found out Abnerd Joseph was
15 shot and killed, did Deborah Romero or any of
16 the other staff from Sudler or The Legacy sit
17 down with you and the other doormen and say
18 anything like, we're trying to evaluate and make
19 sure that you doormen receive the training and
20 direction that you deserve as to when you should
21 leave your front desk and go up and encounter an
22 emergency situation and when you need to stay at
23 your front desk? Did you have any of that type
24 of training from Deborah Romero after the

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1 You've now added in a whole set of
2 circumstances.

3 But if you can answer it as it's
4 stated, go ahead.

5 THE WITNESS: I do remember the door staff,
6 we all were sat down and there was a discussion
7 for the training. She did -- verbally spoke
8 with us and she also gave us the packets. I
9 don't remember the discussion that was had,
10 though.

11 BY MR. BLANDIN:

12 Q. What I'm focussing on is the very
13 specific topic of whether Deborah Romero told
14 you and the other doormen once the police are
15 called, and you know the police were called, do
16 not leave your desk. Did she ever tell you that
17 after the shooting?

18 A. She did not.

19 Q. Did you and the other doormen talk
20 about that after the shooting?

21 A. Yes.

22 Q. Did you bring that to the attention of
23 Deborah Romero or the assistant property
24 manager?

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1 shooting?

2 A. Yes.

3 Q. How long after the shooting?

4 A. I do not remember.

5 Q. Was it the same week? Same month?

6 A. Same month.

7 Q. What did she say to you?

8 A. She said that they were putting
9 together a plan for when these situations
10 happened and that -- she gave us a packet for
11 explaining emergency situations.

12 Q. And the emergency situation that
13 presented itself on the night of the shooting,
14 was that contained in those examples?

15 A. I do not remember what's in the
16 packets.

17 Q. Did she just hand you a packet of
18 information, or did she sit down and attempt to
19 explain to you and the other doormen what you
20 should do to prevent the Abnerd Joseph type of
21 situation from resulting in a fatality?

22 MR. BENTIVENGA: I'm just going to object to
23 the form and the foundation of that question.
24 That's much different than just training.

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1 A. Sorry, can you repeat?

2 Q. So here's the picture that I have in my
3 head and I'm looking for you to tell me if I'm
4 right or wrong, the doormen are sitting around,
5 you guys are talking, hey, should he have gone
6 or not gone, what do we do in this situation; is
7 that generally right?

8 A. Yes.

9 Q. And then Deborah sits the group of you,
10 the doormen, down to go over what should be done
11 and what should not be done going forward; is
12 that part accurate?

13 A. Yes.

14 Q. And the topic of once the police are
15 called, whether you go and investigate or you
16 stay at your desk, you're telling me Deborah
17 never brought that up?

18 MR. BENTIVENGA: I'm just going to object
19 because I think that misstates his testimony.

20 But go ahead, you can answer.

21 THE WITNESS: I cannot remember what she said
22 about that.

23 BY MR. BLANDIN:

24 Q. Okay. Did -- the topic of whether you

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1 guys are supposed to stay at your desk after the 2 police are called or leave and go and 3 investigate, did that get resolved after the -- 4 the shooting? 5 A. No. 6 Q. Why not? 7 A. I -- 8 MR. BENTIVENGA: Object to form and 9 foundation. 10 But go ahead, you can answer. 11 THE WITNESS: I don't remember the 12 discussions we had at the time. I'm trying to 13 think. 14 BY MR. BLANDIN: 15 Q. So what I'm -- what I'm trying to get 16 clarity on is it seems to me the doormen are 17 aware that this is an issue and that you sit 18 down with the property manager, and does it get 19 brought up by the doormen with the property 20 manager in this meeting? 21 A. Yes. 22 Q. And how was that handled? 23 A. We discussed about the situation that 24 did happened. We discussed procedures for how 49	1 there were some circumstances where it was okay 2 to go up and encounter the hazard? 3 A. I'm trying to remember. 4 There were discussions about what was 5 possible if we felt comfortable with potentially 6 investigating. 7 Q. Okay. So -- so even after the 8 shooting, even after the 14th, Deborah Romero 9 was -- was talking with the doormen and telling 10 the doorman -- doormen that if you feel 11 comfortable going to investigate, you can leave 12 your front door position and go and investigate 13 even when the police have been called because of 14 the emergency? 15 A. If we felt comfortable. 16 Q. Then it would be okay? 17 MR. BENTIVENGA: I'll object. It's been 18 asked and answered now. 19 But go ahead. 20 THE WITNESS: Let me think. 21 If we felt comfortable, yes. 22 BY MR. BLANDIN: 23 Q. All right. So Deborah was putting it 24 back on the doormen, saying, doormen, if you're 51
1 to handle said situations. 2 Q. Okay. And was -- did Deborah say that 3 Jonah did the right thing by leaving his desk 4 and going up and encountering Abnerd Joseph, or 5 did she say that he did the wrong thing and 6 shouldn't have left his desk? 7 A. She said Jonah felt comfortable going 8 upstairs. 9 Q. And that was permitted because he felt 10 comfortable? 11 A. He felt comfortable going upstairs to 12 investigate. 13 Q. After the police were called that there 14 was an emergency and Deborah said that was okay? 15 A. Deborah said that -- what did she say? 16 I don't remember what she said about that. 17 Q. I recognize you may not recall the 18 details of what she said, but I'm trying to get 19 the takeaway of after you left that meeting, did 20 you have a clear understanding as to what you 21 and the other doormen were supposed to do once 22 the police were called and told about an 23 emergency, whether you were supposed to stay at 24 your desk under all circumstances, or whether 50	1 comfortable -- by the way, there were doorwomen, 2 too -- door staff, if you feel comfortable after 3 the police have been called about an emergency, 4 it's okay for you to go and investigate; is that 5 accurate? 6 MR. BENTIVENGA: Objection; asked and 7 answered several times now. 8 But go ahead, you can answer it again. 9 THE WITNESS: It -- I will say yes. 10 BY MR. BLANDIN: 11 Q. Okay. So she was leaving the decision 12 up to the door staff as to whether to go and 13 investigate a hazard after the police were 14 notified, after 911 was called? 15 A. Yes. 16 Q. Okay. Did she give you any reason as 17 to why they didn't just have a blanket rule that 18 once the police are called, you cannot leave the 19 front desk and go to a place of danger, that 20 you're supposed to wait for the police? Was 21 that discussed at all? 22 MR. BENTIVENGA: I'll object to the form and 23 foundation of that question. 24 But go ahead, you can answer. 52



1 THE WITNESS: I will say no.
 2 BY MR. BLANDIN:
 3 Q. Were you -- were you trained and
 4 instructed by Deborah Romero or anybody at The
 5 Legacy as to what you were supposed to do if you
 6 were notified that someone was attempting to
 7 break into a resident's unit?
 8 A. No.
 9 Q. Were you trained and instructed as to
 10 what you were supposed to do if there was a
 11 physical threat from one resident to another
 12 resident?
 13 A. Yes.
 14 Q. What were you supposed to do?
 15 A. Contact the police and inform them that
 16 there was a now physical threat being
 17 potentially given.
 18 Q. And were you told to go and do anything
 19 after you called the police, or were you told to
 20 stay put?
 21 MR. BENTIVENGA: Objection; asked and
 22 answered numerous times now.
 23 Go ahead, you can answer.
 24 THE WITNESS: No.

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1 BY MR. BLANDIN:
 2 Q. Okay. Did you receive any -- any
 3 training about what to do in the event that a
 4 resident was having a mental health crisis?
 5 A. No.
 6 Q. Were you -- were you told what to look
 7 for to identify a mental health crisis?
 8 A. No.
 9 Q. Were you given any direction or
 10 training in how to deescalate, calm down a
 11 potentially hazardous conflict with a resident?
 12 MR. BENTIVENGA: Object to form and
 13 foundation.
 14 You can answer, if you can.
 15 THE WITNESS: No.
 16 BY MR. BLANDIN:
 17 Q. Okay. Were you told what to do in the
 18 event that a resident was running around acting
 19 crazy, pounding on doors?
 20 A. No.
 21 Q. Were you ever told or instructed that
 22 you were to protect residents by physically
 23 intervening to protect a resident?
 24 MR. BENTIVENGA: Objection to form and

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1 foundation. Under what circumstances?
 2 MR. BLANDIN: Any.
 3 THE WITNESS: No.
 4 BY MR. BLANDIN:
 5 Q. Did you receive any training or
 6 direction from The Legacy or Deborah Romero and
 7 her staff that you should never bring residents
 8 back to a place of danger or into a hazardous
 9 situation?
 10 MR. BENTIVENGA: Objection to form and
 11 foundation and lacks detail.
 12 But go ahead, you can answer, if you
 13 can.
 14 THE WITNESS: No.
 15 BY MR. BLANDIN:
 16 Q. Were you aware that -- that Garrett
 17 Smith, one of the residents of the building,
 18 told Jonah that he had a gun with him when they
 19 went up to encounter Abnerd Joseph?
 20 MS. WEGNER: Objection; foundation.
 21 THE WITNESS: I don't remember.
 22 BY MR. BLANDIN:
 23 Q. Did you hear about that?
 24 A. I will say no.

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1 Q. So what happened is Jonah gave a
 2 deposition that he was aware that Garrett Smith
 3 had a gun when he and several other residents
 4 went into the elevator back up to go to the 49th
 5 floor.
 6 MS. WEGNER: Just for clarification, 48th
 7 floor, Stephan.
 8 MR. BLANDIN: 48th floor. Thank you. I'll
 9 probably do that every time.
 10 BY MR. BLANDIN:
 11 Q. Were you aware of any of that until I
 12 just said it?
 13 A. Sorry, can you rephrase?
 14 Q. Sure. So what we have learned in this
 15 case is that on the night of the shooting, a
 16 number of residents came down to the lobby and
 17 talked to Jonah. There were the Bishopps, there
 18 was Andrew Clement, and Garrett Smith.
 19 And Garrett told Jonah that he had a
 20 gun.
 21 Jonah said, I hope you don't have to
 22 use the gun.
 23 Then the group went into the elevator
 24 and went up to the 48th floor.

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1 were you aware of that until I just
2 said it?
3 MS. WEGNER: I'm just going to object to the
4 characterization.
5 MR. BENTIVENGA: I'll object to form and
6 foundation.
7 Go ahead, you can answer, if you can.
8 THE WITNESS: I will say no because I did not
9 hear that conversation between the two.
10 BY MR. BLANDIN:
11 Q. No, I know you didn't hear the -- I
12 know you weren't there. You and the other
13 doormen have talked about this. You said you
14 met with Deborah Romero.
15 I'm talking about -- I'm not asking you
16 to verify that it happened or not, I'm trying to
17 tell you what we have learned in this case. And
18 I'm wondering if anybody shared any of that
19 information with you. I'm not talking about
20 your lawyer, but the other doormen or Deborah,
21 did you talk about any of that?
22 A. They did say that the tenant had a gun.
23 I just didn't hear about the conversation that
24 was had about it.

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1 Q. Okay.
2 A. I was just made aware that there was a
3 gun involved.
4 Q. Did you receive any training from
5 Deborah or anybody at the building that you
6 should not bring a resident who had a gun to go
7 and encounter a hazardous situation?
8 A. NO.
9 Q. Was there any discussion with Deborah
10 after the shooting that that would be precluded
11 going forward, that door staff would not be
12 permitted to bring residents from the lobby up
13 to encounter residents?
14 MR. BENTIVENGA: I'm going to object to form
15 and foundation. Also, it's been asked and
16 answered. I think he just answered that
17 question.
18 But go ahead, you can answer it again.
19 THE WITNESS: Sorry, can you repeat the
20 question again?
21 BY MR. BLANDIN:
22 Q. Right. So what I'm doing is I'm taking
23 the events, I'm taking the number of factors and
24 asking you about them in different ways. So

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1 you've told me a bunch already. And I'm not
2 trying to repeat myself, I'm trying to be --
3 specifically asking you different questions.
4 I'm asking if when you sat down with
5 Deborah Romero and the other door staff, did you
6 talk about, hey, the doorman should not be
7 bringing a group of residents in the elevator up
8 into the building to encounter somebody who's a
9 potential threat? Did you talk about that at
10 all?
11 A. It was brought up, but I don't remember
12 the discussion of it at the time.
13 Q. Okay. Were you told that you should
14 not -- as door staff, you should not be doing
15 that?
16 MR. BENTIVENGA: Object to form and
17 foundation. It's been asked and answered.
18 Go ahead, you can answer it again.
19 THE WITNESS: NO.
20 BY MR. BLANDIN:
21 Q. And the gun part, the part where -- and
22 I'm representing to you -- I'm asking if that
23 was talked about with Deborah Romero. Did she
24 talk about that the door staff should not

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1 knowingly be bringing one resident who has a gun
2 with them to encounter an individual in the
3 building?
4 MR. BENTIVENGA: I'm going to object to form
5 and foundation. It's been asked and answered,
6 and I think it misstates the evidence in this
7 case.
8 But go ahead, you can answer it, if you
9 can.
10 BY MR. BLANDIN:
11 Q. Was that talked about?
12 A. It was talked about, but I don't
13 remember the outcome at this time.
14 Q. All right. So Deborah did talk about
15 whether it was okay for door staff to get on an
16 elevator with another resident who had a gun?
17 MR. BENTIVENGA: Object to form, foundation.
18 I think that misstates his testimony. He says
19 he didn't recall the testimony -- or the
20 discussion.
21 Go ahead, you can answer, if you can.
22 THE WITNESS: There were discussions about
23 this and there were discussions continuing
24 between the door staff and the management, but I

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1 just don't remember at this time.
 2 BY MR. BLANDIN:
 3 Q. Well, give me an idea of what you do
 4 remember.
 5 A. I remember how -- when I was working
 6 with my coworker, the discussions were, you
 7 know, about the incident that happened, if it
 8 was okay for what was to have happened.
 9 Q. And what was said?
 10 A. They were just trying to put together a
 11 plan, and we would discuss with management what
 12 would be the protocols moving forward.
 13 Q. Okay. And were you part of those
 14 conversations?
 15 A. At the time, yes.
 16 Q. And how long did those go on for?
 17 A. When it was -- when we had the meetings
 18 with Deborah, there was a meeting about that. I
 19 believe it was -- the conversations weren't
 20 short, I just don't remember the time span, but
 21 there were discussions.
 22 Q. Yeah, I don't care about how long. I'm
 23 trying to get to the meat of the matter.
 24 Did she put -- did Deborah put together

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1 a protocol as to what the door staff were
 2 supposed to do?
 3 A. She mentioned to us that they were
 4 putting together information and guidelines for
 5 it.
 6 Q. For what?
 7 A. For encountering situations.
 8 Q. For when the doorman should go and
 9 encounter an individual; is that correct?
 10 A. Yes.
 11 Q. And were those guidelines put together
 12 by Deborah Romero as to when door staff should
 13 go and encounter an individual?
 14 A. I want to say it was put together by
 15 her. I think I remember the discussion saying
 16 that they were putting together a protocol from
 17 -- I believe the protocol was being put together
 18 from a training from another individual that had
 19 training for this.
 20 Q. What do you mean?
 21 A. What am I saying? There was -- I
 22 believe at the time there was a plan,
 23 discussions. I think the building was talking
 24 to a company about safety and safety protocols

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1 to follow.
 2 Q. Okay. You're saying that Deborah
 3 Romero was speaking with an outside contractor
 4 to help put together a protocol for the door
 5 staff as to how to handle this situation in the
 6 future?
 7 MR. BENTIVENGA: I'm going to object to form
 8 and foundation. I think that misstates what he
 9 said.
 10 But go ahead, you can answer.
 11 THE WITNESS: I can't say yes or no for that
 12 one. There was discussions about it, but I
 13 didn't stay that long after for the final
 14 results.
 15 BY MR. BLANDIN:
 16 Q. So I'm just -- I'm trying -- it's late
 17 in the day. You don't do this very often and I
 18 do it way too much. And I'm trying to just cut
 19 to the chase. I'm trying to get you to tell me
 20 what you remember.
 21 You're telling me there was a
 22 protocol --
 23 MR. BENTIVENGA: Objection. That's not what
 24 he testified to.

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1 BY MR. BLANDIN:
 2 Q. You're telling me there was a protocol
 3 that was talked about for this type of
 4 situation; do I have that part correct?
 5 A. Yes.
 6 Q. Okay. Was that -- while you worked
 7 there for the balance of the year, from
 8 September until the time you left, was that
 9 protocol ever put into place?
 10 A. I -- I don't know. I left before the
 11 final discussions.
 12 Q. In what month did you leave?
 13 A. The third or fourth month of the 2024
 14 year.
 15 Q. Okay. So from September of 2023,
 16 September 15th, the next day, up until you left
 17 in -- when was it? March, February, March?
 18 A. For my final date?
 19 Q. Yeah.
 20 A. I don't remember the month that I left.
 21 I just vaguely remember at the time from the new
 22 year when I did.
 23 Q. You're telling me it was about four or
 24 five months after the shooting that you left?

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1 A. Yes.
2 Q. During that time period, those four to
3 five months after the shooting before you left,
4 was there any protocol put into place by Deborah
5 Romero or anybody at the building as to how to
6 handle this situation as to when the door staff
7 were to leave the front door and go and
8 encounter an individual?
9 MR. BENTIVENGA: Objection. It's been asked
10 and answered.
11 But go ahead, you can answer it again.
12 THE WITNESS: There was a discussion, but I
13 wasn't there to see if the protocol was put into
14 place.
15 BY MR. BLANDIN:
16 Q. Okay. No protocol that you know about;
17 is that accurate?
18 A. Yes.
19 Q. Okay. Different topic.
20 The doors on the -- on the floors, are
21 you familiar with them?
22 A. Vaguely familiar.
23 Q. Let's talk about the maintenance role
24 you served.

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1 Did you work maintenance at The Legacy
2 for a period of time?
3 A. No, I was just strictly a doorman
4 there.
5 Q. Okay.
6 A. The only time I worked maintenance was
7 at the Hermitage.
8 Q. Okay. Do you have any knowledge or
9 information about what it would take to knock
10 open, break open one of the residents' doors at
11 The Legacy?
12 MS. WEGNER: Objection; form, calls for
13 speculation.
14 THE WITNESS: I wasn't told anything about
15 that for the building.
16 BY MR. BLANDIN:
17 Q. Okay. Did you work the morning of the
18 -- before the shooting on the -- September 14th?
19 A. Did you say did I work before?
20 Q. Before.
21 A. Before. During the day?
22 Q. During the day.
23 A. What was that day? Was it a Monday,
24 Tuesday, or --

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1 Q. I think it was a Thursday because it
2 was -- it was something like margarita night at
3 one of the area restaurants that the Bishopp
4 told us about?
5 MR. BENTIVENGA: September 14th, 2023.
6 THE WITNESS: Okay. Thursday. Yes, I worked
7 the morning.
8 BY MR. BLANDIN:
9 Q. And so your shift would have ended at
10 2:00?
11 A. I don't remember the shift time, if it
12 was from 6:00 to 2:00 or from 7:00 to 3:00. But
13 from that time span, yes, I would have worked
14 for those hours.
15 Q. Do you know who relieved you?
16 A. That day, Thursday, it was Joe, I
17 believe.
18 Q. And my understanding is that the
19 building had two -- regularly had two door staff
20 per shift; is that accurate or not?
21 A. At the time, for morning shift, yes,
22 but for second shift, there were times where
23 morning shift had to assist them.
24 Q. Explain that, if you can.

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1 A. During second shift, sometimes there
2 would be just one doorman for a while.
3 Q. Why is that?
4 A. There was a deceased employee that's
5 there now, his name was Joel Brown or Joel Bobb,
6 he would work the afternoon shifts and then he
7 would work the overnight shifts.
8 Q. He worked double shifts?
9 A. No, so for his shift, he would work
10 three days for the afternoon, and then he would
11 work two nights for the weekends, I believe, if
12 that's...
13 Q. So let me -- let me try it this way:
14 Did every shift, was it supposed to have two
15 door staff?
16 A. Yes.
17 Q. And you're saying there were times when
18 that didn't work out for one reason or another?
19 A. Yes.
20 Q. Was that common?
21 A. At the time when I was working there,
22 yes.
23 Q. And you're trying to explain to me why
24 that was; it was because one of the individuals

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1 worked two shifts?

2 A. Not two -- he worked also split shift.
3 So just like how I worked at the Hermitage from
4 mornings and then afternoons, this individual
5 worked afternoons and then overnights for his
6 other two days.

7 Q. At the -- at the time of the shooting,
8 Jonah Nena was the only front door staff that
9 was -- that was there. Was -- do you know if
10 that was a common or uncommon occurrence for
11 that shift?

12 A. For that shift, yes.

13 Q. Yes what?

14 A. The -- he was alone from time to time.

15 Q. Why would that be?

16 A. For morning shift workers, we would
17 sometimes hold over for an extra four hours, and
18 then once the four hours came, we had left. So
19 that was our overtime for those days when the
20 overnight man couldn't come in early or -- we
21 could stay late.

22 Q. So it would not be uncommon for -- for
23 Jonah Nena's shift to only have one door staff?

24 MR. BENTIVENGA: I'm going to object to form

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1 from the morning shift would stay from 3:00
2 until 7:00?

3 A. 3:00 until 7:00, yes. That sounds
4 right.

5 Q. And then from 7:00 until the end of
6 Nena's shift, he would be the only staff, door
7 staff?

8 MR. BENTIVENGA: Objection. You don't have a
9 time frame on there. He didn't say it was all
10 the time.

11 But go ahead, you can answer, if you
12 can.

13 So I object to form and foundation and
14 no timing.

15 THE WITNESS: There -- let me think. There
16 were times where for his final four hours, he
17 may have been alone.

18 BY MR. BLANDIN:

19 Q. And that's what I'm trying to get some
20 sense of as to how often that happened. Was it
21 common or uncommon?

22 A. At the time, since the deceased
23 employee, Joel, was still out, but he was still
24 employed, it was common. That was one of the

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1 and foundation. I think that misstates his
2 testimony.

3 But go ahead, you can answer.

4 THE WITNESS: Yes, there were times where the
5 second shift, there would be one doorman.

6 BY MR. BLANDIN:

7 Q. And I'm just trying to figure out how
8 often that happened. Was it -- was it several
9 times a week? Or how would you characterize it?

10 MR. BENTIVENGA: I'll object to form and
11 foundation.

12 Go ahead, you can answer, if you can.

13 THE WITNESS: He would not be alone for the
14 full shift. There was always someone there from
15 first shift that would hold over an extra four
16 hours. So he wasn't alone all the time. Like,
17 there would be someone that would work with him
18 from morning shift for an additional four hours.
19 We would hold over.

20 BY MR. BLANDIN:

21 Q. You're -- all right. So Nena's shift
22 would be when? When would it start?

23 A. 3:00 to 11:00.

24 Q. So you're -- you're saying that someone

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1 main reasons why they had hired me on as a
2 part-time worker.

3 Q. Okay.

4 A. I was filling in for the empty slots.

5 Q. All right. Let's -- let's go to Abnerd
6 Joseph. Did you know him?

7 A. Abnerd Joseph. I ran into him on rare
8 occasions, every now and then.

9 Q. At the building?

10 A. Yes.

11 Q. Did you know each other by -- by name?

12 A. No, I didn't know him at first by name.
13 How I would see him, he would leave for the day,
14 and my coworker would say, oh, that's Joseph,
15 good guy.

16 Q. The coworker you're referring to was
17 who?

18 A. That would be Adrian and Warner.

19 Q. Okay. Did you know Abnerd well enough
20 to say -- say -- to talk to him?

21 A. Not personal conversations, just the
22 polite hello, have a good day, welcome back.

23 Q. Okay. Were there any -- were there any
24 descriptions of Abnerd Joseph as violent or

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1 unhinged or mentally unstable at any point in
2 time that you're aware of?
3 A. No, there was --
4 MR. BENTIVENGA: Go ahead.
5 THE WITNESS: No, there was no descriptions
6 of him like that.
7 MR. BENTIVENGA: You're talking about prior
8 to the event?
9 BY MR. BLANDIN:
10 Q. Yeah, prior -- you're not aware of
11 anybody who described him that way other than
12 during the -- the night of the shooting; is that
13 accurate?
14 A. Yes.
15 Q. And you never observed Abnerd acting
16 any way other than as a nice guy; is that
17 accurate?
18 A. Yes.
19 Q. All right. Let me -- did you ask Jonah
20 Nena what happened?
21 A. No, I never asked him directly what
22 happened.
23 Q. Why not?
24 A. I didn't feel comfortable talking to

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1 him about it.
2 Q. Who did you ask about what happened?
3 A. I didn't have to ask. It was being
4 discussed.
5 Q. How were you notified of the shooting?
6 A. The next day when I came into work,
7 there was an e-mail saying that there was an
8 incident involved in the building. I believe
9 that's how it was stated on the incident -- but
10 then I hear from a -- I believe I heard from a
11 maintenance man that there was a shooting
12 involved.
13 Q. Was it Hamilton?
14 A. I do not remember.
15 Q. So in terms of the details of what
16 happened, how did you learn the details?
17 MR. BENTIVENGA: I'm just going to object to
18 form and foundation, but -- because I don't
19 think he's testified that he learned the
20 details.
21 But go ahead.
22 THE WITNESS: How I heard about the incident
23 mainly just came from secondhand. It was
24 brought up by -- first, I read the e-mail saying

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1 that an incident had happened, so that -- there
2 was that. Then I heard from -- I believe it was
3 maintenance that brought it up to the door
4 staff.
5 BY MR. BLANDIN:
6 Q. And what was your understanding as to
7 what occurred?
8 A. My first understanding was that a
9 situation happened in the building and there was
10 a shooting involving a tenant.
11 Q. Did you have any other information
12 besides that?
13 A. No, that's all I heard at the time.
14 Q. Did you learn who -- who fired the gun?
15 A. At the time, no, I didn't hear who
16 fired the gun.
17 Q. When did you find out who fired the
18 gun?
19 MR. BENTIVENGA: Just an objection for the
20 record.
21 He's not asking you about anything that
22 you and I have discussed in the case because of
23 the attorney-client privilege. He's asking
24 about your discussions with your coworkers or

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1 however you heard about it.
2 MR. BLANDIN: Yes, that's correct.
3 THE WITNESS: I understand.
4 During one of the meetings between the
5 door staff and the management, Deborah did bring
6 up that the deceased, Abnerd, and the other
7 individual, Garrett, were involved.
8 BY MR. BLANDIN:
9 Q. Did she explain what happened?
10 A. No, not the direct details at the time,
11 but details came further down.
12 Q. And that's what I'm trying to
13 understand, what details did you learn about?
14 A. When the final discussion was had, when
15 time had passed and Deborah sat down with the
16 door staff, she told us the full event that had
17 happened.
18 Q. And to the best of your recollection,
19 what did she say to you?
20 A. She said to me that the night it had
21 happened, people had called the police, they
22 called the front desk. People came down the
23 elevator. They spoke with Jonah. The panic
24 button was pressed and -- and that Jonah and the

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1 group of individuals went up the elevator.
 2 Q. And did -- what else did she say?
 3 A. She said they came down, Jonah was
 4 hurt, and the incident happened in the hallway
 5 where the shooting happened.
 6 Q. Well, it seems like she left out the --
 7 the part about the shooting. Did she discuss
 8 that with you?
 9 A. She said that the shooting -- that
 10 Garrett had the firearm and the one that was
 11 shot was Abnerd Joseph.
 12 Q. Did she say anything else about why
 13 Garrett shot Abnerd Joseph?
 14 A. From what Deborah said, she said that
 15 Abnerd attacked the group.
 16 Q. Did she say anything else?
 17 A. She said -- she said how Jonah was
 18 trying to talk down Abnerd.
 19 Q. Did she say anything else?
 20 A. She said how Abnerd went to attack
 21 Jonah.
 22 Q. Did she say anything else?
 23 A. For the meeting, that's all I can
 24 remember.

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1 Q. Did -- was there a discussion about why
 2 Abnerd attacked any of these people?
 3 A. There -- the front desk was saying, why
 4 did he attack people?
 5 Q. And what did Deborah say?
 6 A. We don't know why he attacked.
 7 Q. Did the front desk ask Deborah why
 8 Garrett Smith went in the elevator with a gun?
 9 A. The front desk did -- we didn't ask her
 10 about that, no.
 11 Q. Okay. Did the front desk staff ask
 12 Deborah why Jonah got into the elevator with
 13 residents to go up after the police were called?
 14 A. There were individuals in the lobby
 15 that were concerned about their door being
 16 unlocked. That's what Deborah did bring up.
 17 Q. Was it your understanding, based on
 18 Deborah's description, that Jonah and this group
 19 of residents went into the elevator and up to
 20 the 48th floor because one of the residents was
 21 concerned their door was unlocked?
 22 A. I will say yes, the residents were very
 23 concerned that they didn't lock -- or had
 24 unlocked doors.

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1 Q. You mentioned that Deborah told you
 2 Jonah was injured?
 3 A. Was that it?
 4 Q. Yeah, did Deborah tell you that
 5 Jonah --
 6 A. Yes, yes, Deborah did -- Deborah did
 7 say Jonah was injured.
 8 Q. Did she describe what his injuries
 9 were?
 10 A. She said that Jonah had told her that
 11 Abnerd punched him repeatedly on his head.
 12 Q. And other than that, was there any
 13 description or discussion about what, if any,
 14 injury Jonah had?
 15 A. Yes. There was a description that he
 16 had a large lump on the side of his head.
 17 Q. Did you ever see a large lump on the
 18 side of Jonah's head after this incident?
 19 A. No, because time had passed and Jonah
 20 was leave of absence for a while.
 21 Q. Do you know how long he was off work?
 22 A. I can't say for a correct time frame.
 23 Q. Okay. And the discussion that you had
 24 with Deborah where she told you about the large

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1 lump on the head, was that the day after the
 2 shooting?
 3 A. Are you asking was the large lump
 4 discussed the day after, or are you trying to
 5 say what time the discussion was?
 6 Q. Yeah, I'm trying to get an -- you've
 7 told me about the timing of these discussions,
 8 and I'm trying to figure out when Deborah told
 9 you Jonah was injured and had this large lump.
 10 A. I see. All right. So from the time
 11 frame, Deborah did tell me he was attacked and
 12 then some time passed, and then I believe she
 13 said that due to the attack, there was a large
 14 lump on his head because of it.
 15 Q. All right. So -- and I don't want to
 16 repeat what we've talked about.
 17 My understanding is that there were two
 18 discussions with Deborah Romero about the
 19 shooting, one that took place the day after the
 20 shooting and one a couple of -- maybe two days
 21 later; is that accurate?
 22 A. I can't say for the time span. There
 23 was the original discussion. I didn't discuss
 24 with her directly during the day after. I had

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1 heard there was the incident and I read
2 something in the e-mail. And then I believe I
3 spoke with Deborah after, saying, hey, did
4 something happen here so I could actually hear
5 from her instead of --

6 Q. So you're telling me about a
7 conversation that was different from the
8 meetings that the door staff had; is that true?

9 A. There was a direct meeting about what
10 had happened, but then I went to talk to her
11 directly. I'm, like, Deborah, did something
12 happen here in the building so that I can hear.

13 Q. All right. I don't think we've had --
14 talked about that conversation; is that right?

15 A. I don't think so.

16 Q. When was that conversation with
17 Deborah?

18 A. Probably the day after I came back from
19 work because I kept on hearing from the
20 maintenance side that did reach to the door
21 staff about an incident that happened. So I
22 spoke with Deborah the next day and I asked her
23 did something happen. And that's when I was
24 told there was an incident in the building that

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1 couple of days of the shooting. Is that
2 timeline accurate or not?

3 A. The staff meeting, yeah, it did happen
4 within a couple of days from the shooting.

5 Q. Was there a third conversation with
6 Deborah or not? Remember, we were talking about
7 protocols? Was that all within one staff
8 meeting, or were there two staff meetings where
9 protocols were discussed?

10 A. That was only one staff meeting.

11 Q. Okay. Was there a second staff meeting
12 that you participated in?

13 A. No.

14 Q. Okay. All right. So it would have
15 been within a couple of days of the shooting
16 that Deborah would have told you about Jonah's
17 injury; is that accurate?

18 A. Yes. When -- yes, yes, a couple of
19 days.

20 Q. Okay. At any point in time, did the
21 door staff go and talk to their union
22 representatives about this incident?

23 A. I don't know. I didn't speak with
24 them, asking them if they had spoken with the

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1 involved the tenants here and there was a
2 shooting.

3 And then there was a group meeting with
4 the door staff that --

5 Q. Same day?

6 A. Not the same day, a little bit further
7 that did discuss what happened the night of.

8 Q. All right. Just so I get this timeline
9 down on the record, you talked to Deborah the
10 day after the shooting, so the 15th, about what
11 happened, she gave you some preliminary
12 information, right?

13 A. Yes.

14 Q. Did she talk to you about Jonah's
15 injuries at that point?

16 A. No, she just said Jonah was hurt.

17 Q. Did she talk to you about any of the
18 details during that initial conversation?

19 A. No, not with the private discussion.
20 More of the details came when the door staff was
21 asked to have a sit-down.

22 Q. All right. And relative to the
23 shooting, I was under the impression you were
24 telling us that this staff meeting was within a

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1 union representative.

2 Q. So the union provides safety and
3 security training. My understanding from what
4 Deborah Romero has said is that the building
5 didn't require any of the staff to have that
6 training.

7 Did this come up at all during the
8 conversations with Deborah Romero?

9 MR. BENTIVENGA: I'm just going to object to
10 the form and the foundation with respect to the
11 training by the union.

12 But go ahead, you can answer it, if you
13 can.

14 THE WITNESS: Sorry, can you repeat the
15 question?

16 BY MR. BLANDIN:

17 Q. Sure. Let me -- what I'm getting at is
18 this: when you're talking with Deborah at the
19 staff meeting or at any other time, did she say
20 something like, look, we want the door staff to
21 go and get union training on safety and
22 security?

23 A. I see.

24 MR. BENTIVENGA: Objection; asked and

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1 answered about training.
2 But go ahead, you can answer it.
3 THE WITNESS: No.
4 BY MR. BLANDIN:
5 Q. We've danced around this a little bit,
6 but I've not asked you point blank, so I'm going
7 to ask you point blank, did any of the front
8 door staff say Jonah should not have left his
9 position and gone up in the elevator, he should
10 have waited for the police?
11 MR. BENTIVENGA: Objection; asked and
12 answered. Objection; form and foundation as
13 well.
14 But go ahead.
15 THE WITNESS: No.
16 BY MR. BLANDIN:
17 Q. Okay. Did you ever meet anybody who
18 identified themselves as one of Abnerd Joseph's
19 brothers?
20 A. I have.
21 Q. And on how many occasions?
22 A. Once.
23 Q. Was that the day after the shooting?
24 A. No, some time had passed.

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1 Q. How long after the shooting?
2 A. I can't give a direct timeline, but I
3 will say a week, maybe 12 days later.
4 Q. Okay. Was that after the last
5 conversation with Deborah Romero where she met
6 with the staff to talk -- the front door staff
7 to talk about change in protocol?
8 MR. BENTIVENGA: I'm going to object to form
9 and foundation on that. I think it misstates
10 the testimony.
11 But go ahead, you can answer.
12 THE WITNESS: I will say they came after the
13 time we had the group discussion with the door
14 staff.
15 BY MR. BLANDIN:
16 Q. And are you able to identify who the
17 two individuals were? Do you know -- do you
18 remember what they looked like?
19 A. Not confidently, but a vague memory is
20 there still.
21 Q. Did you know their names?
22 A. I did not ask for their names, I
23 believe.
24 Q. Okay. Can you describe the encounter?

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1 A. The encounter, they were frustrated,
2 they were upset, sad, slightly aggressive, loud.
3 Q. Do you remember anything that they --
4 strike that.
5 Do you remember what they said to you
6 and you said to them?
7 A. I do not remember what I said to them.
8 I remember that night where -- it was one of
9 those cases where the morning shift was holding
10 over for the second shift, and I was preparing
11 to leave. And before I left, I was going to
12 speak to Deborah about a different topic. The
13 two brothers then entered the building. The
14 commotion came up.
15 During the commotion, one brother had
16 stated, this is the building that got my brother
17 killed. That's when I immediately understood
18 this must be the deceased's family.
19 Q. Did you overhear anything else either
20 one of the brothers said?
21 A. It's not that I overheard, I returned
22 to the front desk after I realized the situation
23 where this was the family, and I wanted to stay
24 with my coworker, who was the deceased coworker,

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1 Joel Brown or Joel Bobb.
2 Q. Joel has subsequently passed?
3 A. Yes.
4 Q. May I ask what -- what his cause of
5 death was?
6 A. Cancer.
7 Q. He was a friend of yours?
8 A. I knew him briefly. I was the one that
9 was filling in for his position. The times I
10 would work with him, I would make sure that he
11 was okay at the front desk.
12 Q. You were looking out for him?
13 A. Yes.
14 Q. The -- all right. So you hear a
15 commotion, you go back to the front desk. What
16 happens next?
17 A. After I hear the commotion, I sit back
18 down at the front desk with Joel so that we're
19 there together so I can also hear and be by him.
20 Because he was returning from his treatment, so
21 I was assisting with him for the duties.
22 When I was sitting at the front desk,
23 the brothers continued with the loud discussion,
24 this building got my brother killed. What --

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1 how did this happen? I can't believe this
2 place. And then towards the end of the
3 frustrating chants, one of the brothers stated,
4 I'm going to shoot up this place.

5 So from there, as I'm standing at the
6 front desk, I was messaging Deborah, letting her
7 know we're okay out here, we're okay. Then once
8 the verbal threat came, I told her -- I can't
9 quote myself, but it was along the lines of, I'm
10 pressing the panic button at this time.

11 **Q. This exchange with the two brothers**
12 **where you were present, how long did this last?**

13 A. I can't give an exact time, but it did
14 last for a while. Maybe an hour, two hours.

15 **Q. The brothers were -- stood in --**
16 **remained in the lobby for one to two hours?**

17 A. Yes. They were there for some time.

18 **Q. Okay. And the statement that I'm going**
19 **to shoot up this building, was that made --**
20 **strike that.**

21 **When within the one to two hours was**
22 **that statement made?**

23 A. Around the final hour, maybe within an
24 hour and 40 minutes, maybe an hour and 35

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1 **Romero's office, about what time did that**
2 **happen?**

3 A. I wasn't in the office. What was
4 happening was I had went to the back room for
5 either a drink or a snack. I was returning --

6 **Q. I'm sorry, by the?**

7 A. By the employee break room. So around
8 the corner, there's a hallway --

9 **Q. Is that the security office?**

10 A. No, it's just a break room. There's
11 lockers. It's like a changing room/cafeteria.

12 So I go back there, get a quick drink.
13 I was going to change, but then I was going to
14 go back and talk to Deborah about a different
15 topic. That's when -- right as I reached the
16 corner, I was hearing the commotion in the
17 lobby, and that's when I heard the comment, this
18 is the building that got my brother killed. So
19 I never actually went inside the office.

20 **Q. So you never got to talk to Deborah**
21 **before this started?**

22 A. No.

23 **Q. Was -- your shift was ended and you**
24 **were on -- you were going into the break room to**

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1 minutes.

2 **Q. How long after that statement was made**
3 **was it before they left?**

4 A. Thirty, maybe forty minutes in
5 addition.

6 **Q. When was it that you pressed the panic**
7 **button?**

8 A. I pressed the panic button immediately
9 following the verbal threat.

10 **Q. Okay.**

11 A. And I then messaged -- I was -- while I
12 was standing at the front desk, I had my phone
13 kind of perched underneath the ledge. As I was
14 watching, I was texting on the phone, we're
15 okay, Deborah, we're okay. Then I say, I'm
16 pressing the panic button now.

17 **Q. Okay. I want to spend -- spend some**
18 **time going through that exchange, so I'll just**
19 **alert you that we're going to talk about it for**
20 **a little bit.**

21 **Are you good? Do you want to break?**

22 A. No, I'm okay.

23 **Q. The -- the exchange that you overheard**
24 **with the brother while you were in Deborah**

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1 **get ready to leave?**

2 A. Yes.

3 **Q. What was the topic you were planning on**
4 **talking to Deborah about?**

5 MR. BENTIVENGA: I'm going to object to
6 relevance.

7 But go ahead, you can answer.

8 THE WITNESS: What was the topic about? I
9 was just going to let her know about how the day
10 went today and let her know that Joel was here
11 and he was doing okay. It was mostly just to
12 let her know that my coworker, Joel Brown, Joel
13 Bobb, he's doing okay so far. Because when Joel
14 was coming back to work, I was asked to keep an
15 eye on him, let me know if he's okay.

16 BY MR. BLANDIN:

17 **Q. So this is 5:00ish?**

18 A. No, this was 6:54ish.

19 **Q. And Deborah was still there?**

20 A. Yeah, at the time she was still in her
21 office.

22 **Q. My understanding was that she normally**
23 **left at 5:00. Do you know why she was still**
24 **there?**

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1 A. I do not know. All I know was, oh,
2 she's still here, I want to let her know about
3 how the shift went for today, how Joel was
4 doing. And from there, the commotion, and I
5 returned to the front desk.
6 Q. All right. So you go -- you go up to
7 the front desk, and you told me that the
8 brothers -- one of the brothers said, this is
9 the building that got my brother killed, right?
10 A. Yes.
11 Q. And you also said at some point, one of
12 the brothers said something like, I'm going to
13 shoot up this building?
14 A. Yes.
15 Q. Did you ever overhear them say anything
16 else during the hour and a half to two hours
17 that they remained?
18 MR. BENTIVENGA: Other than what he's already
19 testified to?
20 MR. BLANDIN: Well, I don't think there's
21 anything else he testified to, which is why I'm
22 asking.
23 THE WITNESS: They were discussing and then
24 they were kind of talking over their shoulders

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1 at us, you know, saying, I can't believe this
2 building, what happened, this is the place that
3 killed my brother, and then the end of the
4 conversation where the threat was made.
5 They were having their own conversation
6 and there were parts where they were having a
7 conversation and they spoke up to somewhat so to
8 -- I don't know how to say it, kind of yell at
9 us in a way.
10 BY MR. BLANDIN:
11 Q. Did you know why they were there?
12 A. They originally came because they said
13 they wanted to go up to their brother's unit.
14 Q. And you heard them say that?
15 A. Yes.
16 Q. Do you know which brother said --
17 strike that.
18 were both brothers speaking, or was
19 there just one brother who was speaking?
20 A. Both brothers were speaking.
21 Q. Okay. Do you know which brother or are
22 you able to describe which brother said, I'm
23 going to shoot up this building?
24 A. Yes, I remember the one. He was the

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1 skinnier of the two.
2 Q. What did he look like?
3 A. Black, skinny, average. Had dreads. I
4 can't remember if he was wearing a black with --
5 sweat suit, tracksuit with red stripes or if it
6 was a -- just an all black sweat suit/tracksuit.
7 Q. Have you seen the lobby videotape of
8 the two -- of this incident?
9 A. I'm the one that originally sent the
10 videotape to Deborah.
11 Q. Right. And I'm asking if in
12 preparation for your deposition, have you looked
13 at the videotape?
14 A. I tried to, but my phone or my laptop
15 wasn't playing it for me.
16 Q. What do you mean?
17 A. It just said file error or something.
18 Q. Why did you have that on your -- on
19 your phone?
20 A. The -- let me think.
21 MR. BENTIVENGA: Just going to object to the
22 extent it may be attorney-client privileged.
23 But you can answer, if you can.
24 THE WITNESS: They sent me my report for what

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1 happened that day since I left and since the
2 time had passed.
3 MR. BENTIVENGA: If you're -- if you're
4 talking about an attorney that has sent it to
5 you, let us know that because that's off
6 limits --
7 THE WITNESS: Oh, I see.
8 MR. BENTIVENGA: -- for questioning.
9 BY MR. BLANDIN:
10 Q. Right, I don't want to know anything
11 about communications with your lawyer. Is it
12 something the lawyer sent or something Deborah
13 Romero and the building sent?
14 A. No, it was -- it was an attorney.
15 Q. The attorney. Okay. I don't want to
16 know about that. Well, I don't want -- I don't
17 want to know about the communication, but I do
18 want to know if you've seen that video.
19 Have you seen the video since you quit
20 working at the building?
21 A. No.
22 Q. Okay. From the video, are you able to
23 identify who said what, which of the brothers
24 made a threat?

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1 A. That, I can.
 2 Q. Okay. And to whom was the threat
 3 directed?
 4 A. It was -- the threat wasn't directed
 5 directly to us. It was an overstated threat.
 6 Or, rather, a heated verbal threat.
 7 Q. What's the -- I'm not following.
 8 You're --
 9 A. So --
 10 Q. Let me try this --
 11 A. Yeah.
 12 Q. Let me try this. So you're telling me
 13 about an hour and a half or two hours' worth of
 14 the brothers being there after you went up to
 15 the front desk with Joel, right?
 16 A. Mm-hmm.
 17 Q. That's an example -- you have to say
 18 yes.
 19 A. Oh, yes, yes.
 20 Q. Okay. Did you actually talk to the
 21 brothers? Did you engage them in conversation?
 22 A. No.
 23 Q. Did Joel?
 24 A. Yes.

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1 Q. Do you remember any of their
 2 conversation?
 3 A. I remember Joel having to tell them
 4 they need to quiet down because they were
 5 shouting in the lobby.
 6 Q. Okay. Other than Joel saying, you need
 7 -- you need to quiet down, do you remember any
 8 other conversation between Joel and the
 9 brothers?
 10 A. No. The brothers were just hanging
 11 around the lobby, having their discussion
 12 between themselves, and parts of the
 13 conversations, saying it louder as a way to kind
 14 of...
 15 Q. All right. So the mental picture that
 16 I have is you gathered, you understood the
 17 brothers were there because they wanted access
 18 to their -- to Abnerd's unit?
 19 A. Yes.
 20 Q. But you never actually had a
 21 conversation with the brothers; is that
 22 accurate?
 23 A. Yes, and I didn't have a direct
 24 conversation with them.

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1 Q. Right. And the conversation that Joel
 2 was having with them was -- was he would
 3 periodically tell them, you need to quiet down?
 4 A. Yes.
 5 Q. Did you overhear any other
 6 conversations other than that?
 7 MR. BENTIVENGA: Other than what he's
 8 testified to?
 9 MR. BLANDIN: Well, I --
 10 MR. BENTIVENGA: The statements?
 11 MR. BLANDIN: That's why we're going through
 12 this in minute detail.
 13 BY MR. BLANDIN:
 14 Q. Other than a brother making a -- and
 15 that's a good point.
 16 Other than a brother making a
 17 statement -- I'm talking about a conversation
 18 like you and I are having right now, we're
 19 talking to each other, did you ever overhear the
 20 brothers talking with Joel?
 21 A. Yes. So the original interaction with
 22 the brothers, again, I was getting ready to
 23 leave.
 24 Q. Yep.

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1 A. But then I hear the commotion --
 2 Q. Yep.
 3 A. -- how the brothers said, so this is
 4 the place. I go back there, I -- I most -- I
 5 sit down at the desk so that I'm with Joel. But
 6 Joel and the brothers are having their -- having
 7 the conversation. He's the one that's
 8 interacting with them. That's when I understand
 9 that they want to go upstairs.
 10 Q. Okay. So you overhear some
 11 conversation between Joel and the brothers about
 12 their desire to go up to the unit?
 13 A. Yes.
 14 Q. And did you hear Joel's response?
 15 A. Yes, at the time, they say no one can
 16 go up there.
 17 Q. And was anything else said between
 18 them?
 19 A. They were asking why they couldn't go
 20 upstairs. Joel stated, I remember, no one's
 21 allowed to go up there at this time.
 22 Q. And was anything else said?
 23 A. That's when the -- just the loud
 24 overstatement, discussion they were having

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1 between themselves in the lobby started.
 2 Q. This is where the two brothers are
 3 talking to each other?
 4 A. Yes.
 5 Q. They're no longer talking to Joel and
 6 they're not talking to you; is that accurate?
 7 A. Yes.
 8 Q. At any point in time, did the brothers
 9 reengage Joel or you in conversation?
 10 A. Yes. One of the brothers had actually
 11 asked if they wouldn't mind -- if they could
 12 charge his phone since they just came from where
 13 they came from.
 14 Q. Okay.
 15 A. We did somewhat help them. There was a
 16 plug near the ledge by our window where he can
 17 plug his phone in. But we did let him know, you
 18 can't be around the desk, just plug your phone,
 19 leave it there, and then go by the waiting area.
 20 Q. All right. So the brother asked to use
 21 the phone -- or use the charger, you say, we'll
 22 let you use this outlet, but you can't hang out
 23 by the desk, you'll have to move over to the
 24 lobby?

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1 A. Yes. So the lobby is massive. The
 2 desk area where the brothers were, there was,
 3 you know, the couch, the rug area.
 4 Q. At that point, did you -- did you or
 5 Joel or anybody from the building ask the
 6 brothers to leave?
 7 A. At the point we were just observing and
 8 listening. Before the statement was made, no,
 9 we didn't ask them to leave.
 10 Q. Okay. After the -- and the brother who
 11 asked for the phone charger -- outlet, do you
 12 remember which one that was?
 13 A. That was the more heavier-set one.
 14 Q. Okay. After that conversation where
 15 you let him use the outlet, was there any more
 16 conversation with the brothers and Joel or you?
 17 A. No, not direct.
 18 Q. Okay.
 19 A. There was the -- you know, the loud
 20 discussion between the two brothers
 21 periodically, Joel asking them to quiet down.
 22 Q. Okay. So there would be statements
 23 where Joel would say, quiet down, and there
 24 would be conversation between the two brothers;

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1 do I have that correct?
 2 A. Yes.
 3 Q. At any point in time did Joel ask the
 4 brothers to leave?
 5 A. I had asked the brothers to leave once
 6 the threat was made.
 7 Q. Okay. All right. So Joel did not ask
 8 them to leave, you asked them to leave; is that
 9 correct?
 10 A. Yes.
 11 Q. All right. And what you're referring
 12 to as the threat is when the taller, skinnier
 13 brother said to the heavier-set brother, I'm
 14 going to shoot up this building; is that what
 15 you're referring to?
 16 A. Yes.
 17 Q. Is that the only threat that you
 18 overheard?
 19 A. Yes, that was the only threat I
 20 overheard.
 21 Q. Okay. And that was not directed to you
 22 or Joel, that was in conversation between the
 23 two brothers; is that accurate?
 24 MR. BENTIVENGA: I'm just going to object to

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1 form and foundation. I think it misstates his
 2 testimony.
 3 But go ahead.
 4 THE WITNESS: It was during the time where
 5 the two brothers went on with each other, but
 6 the skinnier one of the two said it loudly where
 7 I heard it clearly.
 8 BY MR. BLANDIN:
 9 Q. Where you overheard the conversation?
 10 A. Yes.
 11 Q. Okay. And then did you -- after you
 12 overheard that statement, did you immediately
 13 ask the brothers to leave?
 14 A. At first I pressed the panic button
 15 under the desk.
 16 Q. Okay. Did the brothers take any action
 17 after you heard that statement?
 18 A. They did get frustrated towards me,
 19 yes.
 20 Q. Did they ever show a gun or a weapon?
 21 A. No, they --
 22 Q. Did they -- go ahead.
 23 A. They mainly showed attitude and a --
 24 how I do I say -- how do I say this -- attitude

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1 and rough appearance.

2 **Q. what do you mean by "rough appearance"?**

3 A. well, I stood taller over both of them,
4 but they were just, how I'do I say, trying to
5 speak tough towards me.

6 **Q. Well, that's why we're going through**
7 **this in detail. okay? Let me -- let me wind**
8 **the tape -- back up a minute.**

9 A. Okay.

10 **Q. I can't picture what they're doing**
11 **there for an hour and a half, and you have not**
12 **told me what they were doing for an hour and a**
13 **half. Am I missing something?**

14 A. They were just --

15 MR. BENTIVENGA: I'm going to object to the
16 form of the question. Do you want him to
17 describe it?

18 MR. BLANDIN: Sure.

19 BY MR. BLANDIN:

20 **Q. what were they doing for an hour and a**
21 **half?**

22 A. I believe the main reason why they were
23 waiting was because the one brother had asked
24 for the phone to be charged up and they were

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1 waiting for that, I believe. But during the
2 time they were there, they were just talking
3 about, you know, my brother's stuff is still up
4 there. They were upset about the brother's
5 death. They were discussing about -- I vaguely
6 remember about packing up the unit.

7 What else? That was the overall
8 discussion that they were having with
9 themselves.

10 **Q. Did they do anything else?**

11 A. They mainly just stood in the waiting
12 area of the lobby having their discussions to
13 themselves for that part and then having the
14 louder discussions that they were, you know,
15 frustrated of.

16 **Q. Did Joel tell them why they couldn't go**
17 **to the brother's unit at any point in time?**

18 A. Yes, when the brothers first came and
19 they asked if they can go upstairs, Joel only
20 said that no one is allowed to go up there at
21 this time without permission by the building.

22 **Q. Permission from Deborah Romero?**

23 A. She's the building manager. I mean, I
24 was asking her, too, when it would be okay, and

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1 she said, only until things have been cleared up
2 will we allow anyone to gain access to the unit.

3 **Q. Okay. So that's some new information**
4 **that I didn't know.**

5 You're telling me that the brothers
6 asked Joel when they could go up into the unit,
7 and Joel asked Deborah Romero and Deborah Romero
8 said -- I'm sorry, Joel said, we have to get
9 permission from the building, which meant
10 Deborah Romero; is that accurate?

11 A. Yes.

12 **Q. Okay.**

13 A. I even asked her following forward if
14 anybody tries to claim entrance inside the unit,
15 whether it's the family or even the unit owner,
16 do we allow them access? They say, at this time
17 until it's been cleared, nobody can go in there.

18 **Q. Okay. So this conversation begins**
19 **around 7:00 at night?**

20 A. This conversation happened the next
21 day. Because after the incident happened on the
22 night, I wanted to get it very clear, if anyone
23 comes in saying -- for that unit, are they
24 allowed to gain access?

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1 And she said, until it's been cleared,
2 nobody can go up there.

3 **Q. Okay.**

4 A. Sorry, I --

5 **Q. I'm talking about while the brothers**
6 **are there.**

7 A. Yeah.

8 **Q. They -- the incident with the brothers**
9 **starts around 7:00, they're there for an hour**
10 **and a half or two hours, so 8:30, 9:00, correct?**

11 A. Yes.

12 **Q. During that point in time when Joel**
13 **says, you can't go up until you get permission**
14 **from the building, did that mean from Deborah**
15 **Romero? Was that your understanding as to what**
16 **was meant?**

17 A. Yes. I was just told nobody can go up
18 at the time.

19 **Q. Okay. Did you then go and ask Deborah**
20 **if the brothers could have access to the unit if**
21 **she would give them permission?**

22 A. No, I was told nobody can go up there
23 until it was cleared.

24 **Q. Okay. You're telling me about a**

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1 conversation you had the next day. Stay with
2 me. I'm talking about that night.
3 A. Gotcha.
4 Q. You're at the front desk for an hour
5 and a half to two hours. Joel is saying, you
6 can't go up until the building clears it. You
7 know that means Deborah Romero, who's around the
8 corner in her office. Did you go and ask her?
9 MR. BENTIVENGA: I'm just going to object to
10 the form and foundation of the question. I
11 think it misstates his testimony. He didn't say
12 it had to be cleared by Deborah Romero. He said
13 "cleared." Okay? I don't know who he means by
14 "cleared," but you can ask him that.
15 MR. BLANDIN: He clearly said that.
16 BY MR. BLANDIN:
17 Q. Did you go and ask Deborah Romero
18 during that hour and a half to two hours if she
19 would give the brothers permission to go up?
20 A. I didn't ask her if the brothers could
21 have permission to go up. I just told her the
22 brothers are here. The unit is still off
23 limits, no one can go up there.
24 She said, no, no one can go up there

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1 until the building cleared it.
2 Q. You told Deborah that no one can go
3 upstairs, is that accurate, or did she tell you
4 no one can go upstairs?
5 A. She told me no one can go upstairs at
6 the time I was confirming with her that no one
7 can go up at this time because --
8 Q. Did you leave the front desk and go
9 over into the office and talk to her?
10 A. I'm going to say no. I didn't want to
11 leave Joel alone.
12 Q. So how were you communicating with
13 Deborah?
14 A. Via phone texting.
15 Q. Okay. Had the police released the unit
16 by that point in time?
17 MR. BENTIVENGA: I'm going to object to form
18 and foundation.
19 Go ahead, you can answer.
20 BY MR. BLANDIN:
21 Q. By the time the two brothers showed up,
22 during this whole incident, were the brothers
23 frustrated because they knew the police had
24 released the building to the control of Deborah

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1 Romero?
2 MS. BENTIVENGA: Objecting to form and
3 foundation.
4 You can answer it, if you can.
5 THE WITNESS: I believe the brothers were
6 upset because they couldn't go up there.
7 BY MR. BLANDIN:
8 Q. Okay. Had the police released the
9 building to the control -- strike that.
10 Had the police released the unit to the
11 control of the building by the time the brothers
12 showed up and wanted access that evening?
13 MR. BENTIVENGA: Object to foundation.
14 You can answer it, if you know.
15 THE WITNESS: I wasn't informed about the
16 police statement, but all I was told was the
17 unit had not been cleared. So I will say no at
18 the time because as far as I was told, no one is
19 allowed to go up there. And when --
20 BY MR. BLANDIN:
21 Q. Okay. You're just following orders?
22 A. Yeah.
23 Q. Orders from who?
24 A. Deborah. She said, no one can go up

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1 there.
2 Q. Did she tell you why?
3 A. It had not been cleared.
4 Q. By whom? By herself? By the police?
5 By whom?
6 A. By the police.
7 Q. Did she specifically tell you that?
8 A. Yes, the police.
9 Q. My understanding of the events of that
10 night are the brothers were frustrated because
11 the police had cleared the unit and Deborah
12 wouldn't release it.
13 Do you know one way or the other if
14 that's accurate?
15 MR. BENTIVENGA: I'm going to object to form
16 and foundation. I think that misstates the
17 evidence.
18 But go ahead, you can answer it, if you
19 can.
20 MS. WEGNER: I'm going to join.
21 THE WITNESS: I didn't hear anything about
22 the police clearing.
23 BY MR. BLANDIN:
24 Q. So the statement that I just made, you

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1 don't know one way or the other if it's accurate 2 as to why the brothers were so frustrated; is 3 that true? 4 MR. BENTIVENGA: Same objections. 5 You can answer. 6 THE WITNESS: I do not know. I just know the 7 brothers were there in the lobby the night of. 8 They were frustrated and they wanted to gain 9 access to the unit. 10 BY MR. BLANDIN: 11 Q. Okay. And Deborah would not give them 12 permission, true? 13 A. True. 14 Q. Okay. And in terms of why Deborah 15 would not give them permission, did you relay 16 that to the brothers? Did you tell them that? 17 A. I just -- 18 MR. BENTIVENGA: Object to form and 19 foundation. 20 But go ahead, you can answer, if you 21 can. 22 THE WITNESS: I stated, no one can gain 23 access to the unit at this time. 24 113	1 BY MR. BLANDIN: 2 Q. Ricky, I'm going to show you this 3 exhibit in a second. It's marked as Plaintiff's 4 Exhibit 1 with today's date. It's a copy of 5 Sudler Bates-stamp-page 21. It's a document 6 entitled "Keylink - Activity Log" for The Legacy 7 at Millennium Park. And it refers to a key that 8 was returned on 9/15/23, September 15th of '23, 9 at 7:44 p.m., and it has your name as the 10 individual -- as the individual employee. 11 Do you recognize that document? 12 A. (Speaking in sotto voce.) 13 I recognize this as the key sign-out. 14 Q. All right. So this is the day after 15 the shooting. The key is being returned to you 16 at -- what time is it? 17 A. 7:44 p.m. 18 Q. Okay. And why would the key be 19 returned to you? 20 A. I see. The key -- whenever a front 21 doorman is at the desk, whenever we receive a 22 key, we take it and we put it back into the 23 system as returned. And why my name is put for 24 this is I'm the one that received the key for 115
1 BY MR. BLANDIN: 2 Q. Okay. Were the brothers given a time 3 frame as to when they could get access? 4 A. At -- that night, no. 5 THE VIDEOGRAPHER: Counsel, I have three 6 minutes. 7 MR. BLANDIN: Sure. Why don't we stop? 8 MR. BENTIVENGA: Take a break? 9 MR. BLANDIN: Yeah. 10 MR. BENTIVENGA: Maybe, like, ten minutes. 11 MR. BLANDIN: If you want ten minutes, or I 12 can do -- whatever you want. 13 MR. BENTIVENGA: I'd like to use the restroom 14 and stretch my legs a little bit. 15 MR. BLANDIN: Whatever you need. 16 THE VIDEOGRAPHER: Okay. We're going off the 17 record at 5:06. This is the end of Media 1. 18 (Whereupon, a short break was 19 taken.) 20 THE VIDEOGRAPHER: Okay. We are going back 21 on the record at 5:17. This is the beginning of 22 Media No. 2. 23 (De La Cruz Exhibit No. 1 marked 24 for identification.) 114	1 that night. 2 Q. Okay. This next exhibit -- and we do 3 have copies. We'll mark this as Exhibit 2. 4 It's a four-page document that are Sudler 5 Bates-stamped-pages 9 through 12. And I'll go 6 through it with you. 7 (De La Cruz Exhibit No. 2 marked 8 for identification.) 9 BY MR. BLANDIN: 10 Q. The first page is an e-mail dated 11 Friday, September 15th, 2023, 8:45 p.m. It's 12 from The Legacy front desk. It's to The Legacy 13 administrator, The Legacy assistant manager, and 14 The Legacy manager. It's entitled "Incident 15 report." 16 Would you have been the individual that 17 prepared this document? 18 A. This one? 19 Q. Yes. 20 A. Yes, I -- this is my layout for 21 Incident Reports in the shift log. 22 Q. You did prepare this document? This is 23 your e-mail? 24 A. Yes. 116



1 Q. Okay. I know earlier in the
2 deposition, you thought the incident with the
3 brothers took place a week or two weeks after
4 the shooting. This reflects that it took place
5 the day after the shooting. Would that be more
6 accurate?

7 A. Yeah, the -- the accurate time stamp
8 and dates from what I put would be correct. I
9 was mixing up time.

10 Q. All right. So you were -- you were
11 wrong in terms of when the actual encounter with
12 the brothers occurred; is that correct?

13 A. Yes.

14 Q. All right. The reason I showed you the
15 keylink exhibit first was that's the same night
16 we're talking about, the same time the incident
17 with the brothers is going on, right?

18 A. Yes.

19 Q. Why would you have been given the key
20 to Abnerd Joseph's unit at 7:44 p.m.?

21 A. That was the time for when the key was
22 returned to the front desk. It was taken out
23 earlier.

24 Q. From -- returned from whom or by whom?

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1 A. I don't remember who handed me the key.
2 It could have been -- I just don't remember who
3 gave it to me. I just know from the log, it was
4 me that put it back in there.

5 Q. Right. So somebody's handing you the
6 key to Abnerd's unit during the time period that
7 the two brothers are in the lobby; is that
8 right?

9 A. Yes.

10 Q. And did that have to do with why the
11 brothers were frustrated, is somebody's
12 returning the key and you're not letting them go
13 up and use the unit?

14 A. They did state they wanted to go up
15 there and I wasn't letting them to go up.

16 Q. Okay. But you had let somebody else up
17 to go up into the unit?

18 A. Me, no. I just --

19 Q. Well, who did -- I'm sorry, go ahead.

20 A. I just took back the key.

21 Q. From -- and you're not sure who?

22 A. No, I don't remember who handed me the
23 key.

24 Q. So somebody was given access to the

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1 unit?

2 MR. BENTIVENGA: I'm going to object to
3 foundation. That's not what he said. He said
4 he was given the key. He didn't say anybody
5 gave -- was given access to the unit.

6 But go ahead, you can answer it, if you
7 can.

8 That misstates his testimony.

9 THE WITNESS: I can't remember much about the
10 key situation. But from the log I see, I just
11 simply grabbed the key and put it back into the
12 key holders.

13 BY MR. BLANDIN:

14 Q. I don't understand what you just said.

15 A. From --

16 THE WITNESS: Do you mind if I --

17 MR. BENTIVENGA: Sure.

18 THE WITNESS: Okay. So what I can say for my
19 part in this, all I simply did, from looking
20 over the key log report, I grabbed the key from
21 whoever gave me the key, and at the front desk,
22 we have a cabinet of keys that have the key card
23 reader, like an automatic clip. So I put the
24 key back into the cabinet after it was given to

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1 me.

2 BY MR. BLANDIN

3 Q. Do you know who was returning the key
4 to you?

5 A. I don't remember who gave me the key at
6 the time.

7 Q. Were the police returning the key to
8 you?

9 A. I don't remember if it was them that
10 gave me the key. I mean, I can see from this I
11 was the one that got the key once it was
12 returned and I put it back in there, but I don't
13 remember who gave me the key.

14 Q. So -- so the mental picture that I have
15 is the brothers are hanging out in the lobby
16 area for two hours and they're frustrated
17 because they're not being given access to the
18 unit, yet someone has returned the key to the
19 unit to you; is that accurate?

20 A. Yes, someone had returned the key to
21 me.

22 Q. Okay. And why -- and would that be
23 because somebody else had been given access to
24 the unit?

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1 A. It seems that somebody was given access
2 to the unit.

3 Q. You're just not sure who?

4 A. Yeah -- well, in the --

5 THE WITNESS: Am I allowed to talk about
6 this, or no?

7 MR. BENTIVENGA: This is Exhibit 1. Yeah, go
8 ahead.

9 THE WITNESS: So according to the key
10 read-off for this, this shows that on the 14th,
11 my coworker, who also works morning shift,
12 warner, gave out the key upon -- the recipient
13 is police inspection.

14 BY MR. BLANDIN:

15 Q. Okay. So the police are returning the
16 key to you while the brothers are still there?

17 A. I don't remember encountering the
18 police when they gave me back the key. I just
19 grabbed ahold of the key from somebody. I just
20 don't remember if it's management or --

21 Q. I'm not -- okay. You're telling me you
22 just don't remember?

23 A. Yeah, I just don't remember who --
24 like, I can't recall who gave me the key. I

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1 Q. -- at 7:44 on the 15th, correct?

2 A. Yes.

3 Q. And that's while the brothers are
4 there?

5 A. What was the time?

6 Q. You want to take a look at the other
7 exhibit? It's got a time stamp on it, your
8 Incident Report, Exhibit 2.

9 You were saying the brothers were there
10 from between 5:08 p.m. and 8:10 p.m. in the
11 front lobby, right?

12 A. Yes.

13 Q. Okay. So, again, the time period that
14 the key is returned to you that the police had
15 is while the brothers are there, right?

16 MR. BENTIVENGA: I'm just going to object to
17 foundation. I think he's testified he doesn't
18 know.

19 But go ahead, you can answer it, if you
20 can.

21 THE WITNESS: I'm trying to remember based
22 off of the report I made and the key log.

23 When the brothers arrived to the lobby,
24 there was no one there except for me and for

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1 just -- from looking at this, I did grab the key
2 and put it back where it belongs, but I don't
3 know who gave me the key.

4 Q. All right. So I recognize you don't
5 have an actual memory of the police handing you
6 the key at that time --

7 A. No.

8 Q. -- but the record -- Exhibit 1 reflects
9 that the police were given that key the night of
10 the shooting, correct?

11 A. The night of the shooting, was it the
12 14th?

13 Q. Yeah.

14 A. Then, yes, according to this --

15 Q. At what time?

16 A. -- it was signed out.

17 According to the log, it was signed out
18 at 9:54 p.m.

19 Q. All right. So the police are given
20 access to the unit at 9:54 p.m. the night of the
21 shooting, correct?

22 A. Yes.

23 Q. And someone returns that key to you --

24 A. Yes.

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1 Joel at the time.

2 BY MR. BLANDIN:

3 Q. Which is around 5:08?

4 A. Yeah, but --

5 Q. Not the 7:00, but 5:08?

6 A. Yes.

7 Q. Okay. And then at some point in time,
8 it looks like a couple hours later --

9 A. The key was returned.

10 Q. -- the key was returned, yes?

11 A. I think I remember -- I think the key
12 was returned to me after the brothers had left,
13 and I put it away.

14 Q. Well, you're -- I don't want you --
15 you've been pretty good so far about telling me
16 what you remember and what you don't remember,
17 and I don't want you to guess.

18 A. Yeah.

19 Q. Your -- Exhibit 2, your Incident
20 Report, shows that the brothers were present
21 from 5:08 to 8:10 p.m.; is that accurate?

22 A. 5 till 8, yes.

23 Q. So they're there for a little over
24 three hours, correct?

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1 A. Correct.
2 Q. All right. And --
3 A. Oh, sorry.
4 Q. It's okay.
5 So they're still present, according to
6 your Incident Report, at 7:44 when someone gave
7 you the key to put back, right? That's what the
8 log shows. I know you don't have a memory of --
9 MR. BENTIVENGA: Yeah, and I don't know --
10 just give him an opportunity to read his report,
11 too, because I think it addresses this issue.
12 I don't know if you know that, but --
13 THE WITNESS: I think --
14 MR. BENTIVENGA: I'll object to the
15 foundation and form of the question.
16 But go ahead.
17 THE WITNESS: I think the brothers left and
18 then I was given the key to put back away.
19 BY MR. BLANDIN:
20 Q. Okay. Is that something you have a
21 memory of?
22 A. I can't say with confidence, so I'll
23 have to say no.
24 Q. Okay. The timeline that I'm trying

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1 to --
2 A. Yeah.
3 Q. -- establish is when all of these
4 events occurred, and there aren't that many of
5 them because you're not having much of a
6 conversation with the brothers, they're kind of
7 over -- over in the lobby area, right?
8 A. Yeah.
9 Q. And then something happens around 7:44
10 p.m. where a key gets returned, right?
11 A. Okay.
12 Q. And according to your logbook, the
13 brothers still would have been there, right,
14 according to your Incident Report, Exhibit 2?
15 A. For my Incident Report, I would have
16 put the time frame from where it started to
17 where it ended, but there might have been -- I
18 might have actually put a time where they had
19 actually left. By the time 8:10 rolled around,
20 that would have been the time where the incident
21 had cleared.
22 Q. So at 7:44, the brothers are still
23 there in the lobby, right?
24 A. I can't remember the time frame at this

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1 point.
2 Q. Okay. Well, according to your Incident
3 Report, the brothers would have still been
4 present at 7:44, correct?
5 MS. WEGNER: I'm going to object. That
6 mischaracterizes his testimony.
7 MR. BENTIVENGA: I'll join in that.
8 MR. BLANDIN: Stop. You guys are
9 insufferable.
10 MS. WEGNER: I've had, like, five objections
11 today, Stephan, so calm -- calm down.
12 MR. BLANDIN: Just stop, just stop.
13 BY MR. BLANDIN:
14 Q. Ricky, this is not meant to trick you.
15 Your report shows that the brothers were there
16 from 5 -- 5:08 until 8:10, right?
17 MR. BENTIVENGA: Object to form and
18 foundation.
19 Go ahead, you can answer it, if you
20 can.
21 I think it's been asked and answered,
22 too, many times.
23 MR. BLANDIN: It has been. And I'm trying to
24 get back on track because of your bogus

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1 objections.
2 MS. WEGNER: Every time. Every time.
3 BY MR. BLANDIN:
4 Q. You with me, Ricky?
5 A. Yes.
6 Q. The brothers are there at 7:44,
7 according to your Incident Report timeline,
8 correct?
9 A. Correct.
10 Q. Okay. And then your brothers get mad
11 and have the conversation amongst themselves and
12 make a statement that you said was, we're going
13 to shoot up this place, after the key gets
14 returned to you, correct?
15 MS. WEGNER: Objection. That's not what he
16 testified to.
17 THE WITNESS: No, no.
18 MR. BENTIVENGA: Object to form, foundation,
19 and that misstates his testimony.
20 Go ahead, you can answer the question.
21 BY MR. BLANDIN:
22 Q. That timeline is not accurate?
23 MR. BENTIVENGA: Same objections.
24 You can answer the question.

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1 THE WITNESS: Okay. I don't think the
2 brothers were in the lobby when the key was
3 returned to me.
4 BY MR. BLANDIN:
5 Q. Okay. And I'm struggling to understand
6 the basis for that statement if you have no
7 memory of this.
8 MR. BENTIVENGA: Is that a question? I'll
9 object to form of the question.
10 BY MR. BLANDIN:
11 Q. What is your basis of that statement if
12 you don't remember it?
13 A. Sorry, could you rephrase?
14 Q. Sure. A couple hours ago in your
15 deposition, you told me that the brothers made
16 the statement shortly before you asked them to
17 leave, correct?
18 A. Yes, shortly before -- no, they had
19 made the verbal threat. That is when I pressed
20 the panic button and when I started to ask them
21 -- that they had to leave.
22 Q. Yeah, and then they left shortly after
23 that, correct?
24 MR. BENTIVENGA: Objection; misstates his

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1 testimony.
2 Go ahead.
3 THE WITNESS: No. The brothers did not leave
4 after I had asked them to leave. They --
5 BY MR. BLANDIN:
6 Q. How long did they remain after you
7 asked them to leave?
8 A. I can't give a direct time frame.
9 Q. Well, what's your best estimate?
10 A. Thirty, maybe forty minutes.
11 Q. Did the brothers make the statement
12 after 7:44 p.m., or do you not know?
13 MR. BENTIVENGA: What statement?
14 MR. BLANDIN: There's only one statement that
15 he said the brothers made.
16 MR. BENTIVENGA: I'll object to that
17 characterization. They made many statements,
18 which he's already testified to all of them.
19 MS. WEGNER: Join.
20 MR. BENTIVENGA: I object to form,
21 foundation, misstates his testimony.
22 Go ahead, you can answer.
23 THE WITNESS: Did you -- sorry, did you ask
24 if this statement was made at 7:44 or after

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1 7:44?
2 BY MR. BLANDIN:
3 Q. So I've got, like, about five questions
4 hanging out there that you've not answered and I
5 keep trying to come back to you with a different
6 question.
7 A. Sorry.
8 Q. So I'm -- here's what we're trying to
9 figure out. This key gets logged back into the
10 system at 7:44, we know that, and I'm trying to
11 find out when the statement the brothers made
12 about -- to one another about shooting this
13 building up was relative to when you put the key
14 back into the system?
15 MR. BENTIVENGA: Object to the --
16 THE WITNESS: I see.
17 MR. BENTIVENGA: Object to the form of the
18 question.
19 Go ahead, you can answer it.
20 THE WITNESS: I want --
21 BY MR. BLANDIN:
22 Q. And if you don't know, you can tell me
23 you don't know.
24 A. Yeah. I -- I will say I don't know,

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1 yeah.
2 Q. Okay.
3 A. Or it's that I don't remember.
4 Q. That's fine.
5 Did you call the police that night or
6 did you just push the panic button?
7 A. I pushed the panic button and I believe
8 I messaged Deborah to contact the police.
9 Q. You yourself did not contact the
10 police?
11 A. No, I didn't. At the time I was just
12 watching, observing, and trying to listen at
13 this point for what happens forward.
14 Q. Do you know if Deborah called the
15 police?
16 A. I believe she did say she was going to
17 call the police and she also pressed her panic
18 button in the office.
19 Q. And that was in the messaging -- the
20 text messaging the two of you were doing?
21 A. Yes.
22 Q. And did the police arrive?
23 A. They arrived, yes.
24 Q. How long after you pressed the panic

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1 button was it before the police arrived?
 2 A. How long after? Thirty, maybe forty
 3 minutes. They took their time coming up.
 4 Q. Okay. Did you know that there were
 5 police officers located outside of the building?
 6 MR. BENTIVENGA: Object to foundation.
 7 You can answer, if you can.
 8 MS. WEGNER: Join.
 9 MR. BENTIVENGA: At what time?
 10 THE WITNESS: Let's see. At the time, no, I
 11 didn't know if they were close enough where I
 12 could see them outside the building.
 13 BY MR. BLANDIN:
 14 Q. Did you know that there were police
 15 that were regularly stationed or assigned to the
 16 corner of Wabash and Madison Avenue outside of
 17 the building?
 18 MR. BENTIVENGA: Object to foundation.
 19 MS. WEGNER: Join.
 20 THE WITNESS: I didn't know if there was any
 21 police that were at the corner of Wabash or
 22 nearby as I did not want to leave Joel by
 23 himself at the desk. I stood and sat by him the
 24 entirety of the time.

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1 BY MR. BLANDIN:
 2 Q. Okay. In your report on Page 1 of
 3 Exhibit 2 on Sudler Bates-stamped-page 9, it
 4 reads, I almost forgot that there was a third
 5 person who arrived with the two brothers.
 6 Do you remember who that person was?
 7 A. He was the principal of the school
 8 where Abnerd had worked.
 9 Q. And had you ever met him before?
 10 A. No.
 11 Q. Have you seen him since?
 12 A. No.
 13 Q. Is he on the video camera, the video
 14 image that you've seen that you compiled?
 15 A. Not for this night, no.
 16 Q. Well, for -- was he there any other
 17 night that you're aware of?
 18 A. I saw him again when the brothers came
 19 back to the building. He came with them to see
 20 if they can gain access on that day.
 21 Q. Okay. What was that date?
 22 A. I'm going to say the 6th.
 23 MR. BENTIVENGA: Okay. Don't guess. If you
 24 know, you know. If you don't, don't -- don't

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1 guess or speculate.
 2 THE WITNESS: I don't remember the exact
 3 date.
 4 BY MR. BLANDIN:
 5 Q. Well, was it within a couple of days of
 6 the 15th or some other longer period of time?
 7 A. Not too long off. They -- I don't
 8 remember the exact date.
 9 Q. Okay. In any event, was the principal
 10 there the entire time from 5:08 to 8:10 p.m.
 11 with the brothers?
 12 A. No, he wasn't there that long.
 13 Q. How long was he there?
 14 A. Twenty, thirty minutes.
 15 Q. Was that at the beginning, the middle,
 16 or the end of the three hours that the brothers
 17 were there?
 18 A. The beginning.
 19 Q. And did you -- did you talk to the
 20 principal?
 21 A. He just stated that he was the
 22 principal of the school that employed Abnerd
 23 Joseph.
 24 Q. Okay. And did he say why he was there?

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1 A. Just to support the family.
 2 Q. Okay. Did he ask you or Joel for
 3 access to the unit?
 4 A. I do not remember at this time.
 5 Q. Were the brothers there -- I'm reading
 6 the report. It says, when the brothers left the
 7 first time, the cops had finished what they were
 8 doing and pulled out.
 9 Were the brothers there multiple times
 10 that day?
 11 A. The first time they showed up, they
 12 were there for the time frame I posted, and that
 13 was it for that day. They came back another day
 14 afterwards.
 15 Q. I'm not following --
 16 MR. BENTIVENGA: He's pointing you to a part
 17 of the report.
 18 Aren't you, Stephan?
 19 BY MR. BLANDIN:
 20 Q. So I -- yeah, so I'm -- your e-mail is
 21 dated on the 15th at 8:45 p.m., so that's 35
 22 minutes after the brothers left, right,
 23 according to your Incident Report?
 24 MR. BENTIVENGA: Why don't you give him a

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1 second so he can read it?
 2 MR. BLANDIN: Sure.
 3 MR. BENTIVENGA: Go ahead and read your
 4 report.
 5 (Witness reviewing document.)
 6 MR. BENTIVENGA: Did you have a chance to
 7 read page -- this first page?
 8 THE WITNESS: This first page?
 9 MR. BENTIVENGA: Go ahead and read that.
 10 MR. BLANDIN: Let me know when you're done.
 11 (Witness reviews document.)
 12 THE WITNESS: I see. What was the --
 13 MR. BLANDIN: I don't remember. I'll ask you
 14 a new one.
 15 You're good to go?
 16 THE WITNESS: Yeah.
 17 BY MR. BLANDIN:
 18 Q. Okay. Let's start with this: The
 19 Incident Report says those involved were Ricky
 20 Matt, Ray, Joel, and Deborah.
 21 I know who Joel and Deborah were. Who
 22 were Matt and Ray?
 23 A. Matt and Ray were two maintenance staff
 24 in the building.

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1 Q. Okay. What was their role in this?
 2 A. They were observing.
 3 Q. Okay. Did they overhear any of these
 4 exchanges?
 5 A. I can't say whether or not they did.
 6 I...
 7 Q. Okay. The picture that I get from
 8 reading your report is that the brothers and --
 9 the front door staff had multiple exchanges with
 10 the brothers on the 15th and that the brothers
 11 came and left multiple times on the 15th; is
 12 that accurate?
 13 A. After reading it, it does somewhat
 14 refresh the memory.
 15 Q. Okay. So were there -- were the
 16 brothers coming and going during these three
 17 hours?
 18 A. I believe the brothers would enter and
 19 exit the lobby because of -- the car that
 20 belonged to Abnerd was parked outside.
 21 Q. I'm not sure what that has to do with
 22 my question.
 23 Were the brothers coming and going?
 24 Were they -- according to your report, the

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1 brothers are coming and going --
 2 A. Yes.
 3 Q. -- multiple times over those three
 4 hours. Is that correct or do you not remember?
 5 A. I can't remember for a fact, so I'll
 6 state that.
 7 Q. Okay. All right. The brothers -- in
 8 reading the report, it appears to me that the
 9 brothers were told initially that they could not
 10 go into the unit because the police had control
 11 over the unit; is that accurate?
 12 A. Yes.
 13 Q. Okay. And then at some point that
 14 evening, the police released control of the unit
 15 back to Deborah Romero and the building; is that
 16 accurate?
 17 MR. BENTIVENGA: I'm going to object to
 18 foundation.
 19 If you know, go ahead.
 20 THE WITNESS: I do not know when the unit was
 21 released to the building for the brothers to
 22 gain access.
 23 BY MR. BLANDIN:
 24 Q. Well, your report says that "The reason

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1 why they were upset was because they wanted to
 2 go up to the unit and collect the personal
 3 belongings of 2905 at first."
 4 That was the original time the brothers
 5 came in, right?
 6 A. Yes.
 7 Q. And they were told they couldn't
 8 because it was under police control, correct?
 9 A. Correct.
 10 Q. All right. So the brothers left and
 11 then they came back, and when they came back --
 12 strike that.
 13 The report reads, "when the brothers
 14 left the first time, the cops have finished what
 15 there were doing and pulled out."
 16 A. Yes.
 17 Q. Quote, Even though they pulled out, no
 18 one can still go up to the unit until the next
 19 steps were met by the owner and the brothers
 20 prove who they claim or who they say they are,
 21 end quote.
 22 Is that accurate?
 23 A. Yes.
 24 Q. Meaning that the brothers came back a

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1 second time and they were told that even though
2 the police were no longer investigating, that
3 they still couldn't have access; is that true?
4 A. Yes.
5 Q. Did you tell them that or did Joel tell
6 them that?
7 A. No, I believe -- no, I don't remember.
8 Q. Did Deborah tell them that?
9 A. I don't remember.
10 Q. Okay. Was Deborah now telling the
11 brothers, after they came back when access had
12 been returned from the police department, that
13 she would not give them permission and that they
14 would have to hire an attorney to clear
15 everything up? Did that information come from
16 Deborah?
17 A. I can't remember clearly.
18 Q. Well, what you --
19 A. I did document it, but --
20 Q. Yeah, what you wrote was, "Deborah
21 stated they will now need to get an attorney..."
22 who shared that information with the
23 brothers? Was that you, Joel, or Deborah?
24 A. I believe that was Deborah.

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1 Q. Okay. And that's when the brothers
2 became upset --
3 A. Yes.
4 Q. -- is that correct?
5 A. Yes.
6 Q. Okay. I'm looking at the second page,
7 which is Sudler page 10. It has a different
8 time. It says 8:50 to 9:20.
9 Did the brothers come back between 8:50
10 p.m. and 9:20 p.m.?
11 MR. BENTIVENGA: Why don't you give him a
12 chance to read it?
13 (Witness reviewing document.)
14 THE WITNESS: Right. Okay. Okay. Okay. I
15 remember this day.
16 What was the question?
17 BY MR. BLANDIN:
18 Q. Sure. The second -- what you're
19 calling -- let's see, what do you call it? You
20 refer to it as "Incident Report 8:50 p.m. - 9:20
21 p.m."
22 Did the brothers come back between 8:50
23 and 9:20, or is this when the police -- is this
24 after the police arrived?

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1 A. I don't know.
2 Q. And if you don't remember, you can tell
3 me you don't remember.
4 A. Yeah, I don't remember.
5 Q. Okay. Were you -- it appears from this
6 Incident Report that the police had arrived and
7 a -- and a police report was filled out before
8 8:50 p.m.; is that correct?
9 A. Yes.
10 Q. Okay. All right. And then the next
11 exhibit is Sudler Exhibit 11 [sic]. It's an
12 e-mail from The Legacy manager dated Saturday,
13 September 16th, and it's directed to The Legacy
14 engineer, The Legacy assistant manager, The
15 Legacy administrator, Legacy front desk. It's
16 regarding Unit 2905.
17 A. Okay.
18 Q. Is this the first e-mail that you were
19 made aware of regarding the shooting, or is this
20 a later e-mail regarding the shooting?
21 MR. BENTIVENGA: I'm going to object to
22 foundation.
23 But go ahead, you can answer it, if you
24 can.

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1 THE WITNESS: This was -- yes, this was the
2 e-mail from how I was first informed about the
3 incident.
4 BY MR. BLANDIN:
5 Q. Okay. The -- you were telling me
6 something earlier about Abnerd's car being out
7 in front of the building.
8 Do you remember that?
9 A. Yes.
10 Q. Why was Abnerd's car out in front of 60
11 East Monroe on the --
12 MR. BENTIVENGA: I'll object to --
13 BY MR. BLANDIN:
14 Q. -- 15th?
15 MR. BENTIVENGA: Oh, sorry. Object to
16 foundation.
17 You can answer it, if you know.
18 THE WITNESS: I don't know why he parked his
19 car up front. We had spots up front where
20 people pay the street parking and park their car
21 there. Sometimes tenants park their car there,
22 sometimes they don't. There's a section where
23 the street -- you pay for the parking spot right
24 there by the front of our building. There's a

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1 section where there's no parking. where he
2 parked his car, it was in a designated area
3 where you can pay and park.

4 BY MR. BLANDIN:

5 Q. You're saying one of Abnerd's brothers
6 parked Abnerd -- was it Abnerd's car or the
7 brother's car?

8 A. I believe -- I don't remember. But
9 that was -- that was Abnerd's car. That was one
10 of the items they wanted to retrieve.

11 Q. How -- all right. So I'm a little
12 confused. Are you saying that they were trying
13 to get the keys for that car?

14 A. I don't believe they ever brought up to
15 me that they desired to get the car, but I was
16 told that that was the deceased's car.

17 Q. All right. So I'm confused about the
18 significance or relevance of their car being out
19 in front of the building.

20 A. It was just a -- it was just a
21 statement for why they were coming back to the
22 building, for one of the items they wanted to
23 get back.

24 Q. Okay. And did you tell them that they

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1 A. No, no, no. The car was parked in the
2 front of the building in a spot where it can be
3 parked.

4 Q. Okay.

5 A. I was just stating the comment that --
6 there's a section where there's a loading
7 zone --

8 Q. Yep.

9 A. -- you know, in and out. You can't
10 park there.

11 Q. Sure.

12 A. And then where his car was parked,
13 that's where it was able to park.

14 Q. And it had been there prior to the
15 shooting?

16 MR. BENTIVENGA: I'll object to foundation.
17 If you know.

18 THE WITNESS: I can't state what time -- what
19 date the car was parked there originally, but it
20 was parked up front.

21 BY MR. BLANDIN:

22 Q. All right. And hopefully this is my
23 last question about this car, the brothers did
24 not have the key to that car, they wanted the

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1 needed to move the car because it was parked
2 in --

3 A. No, I didn't state anything like that,
4 that they had to move the car. It was just one
5 of Abnerd's belongings.

6 Q. All right. So the brothers were
7 identifying to you and Joel, hey, our brother's
8 car is parked out front, we're trying to move it
9 away because it's not parked in a legal spot --

10 MR. BENTIVENGA: I'm going to object to
11 foundation about --

12 BY MR. BLANDIN:

13 Q. -- is that accurate?

14 MR. BENTIVENGA: -- illegal spot.

15 But if you know.

16 THE WITNESS: Yeah, so from that spot where
17 the brother's car was parked, I don't believe it
18 was an illegal spot. I think that was a spot
19 where you can park the car.

20 BY MR. BLANDIN:

21 Q. All right. I'm confused here because I
22 thought you were telling me the whole purpose of
23 this was that the car was parked in a place it
24 wasn't supposed to be.

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1 keys to that car; is that accurate?

2 A. Yes.

3 Q. Okay.

4 MR. BENTIVENGA: I'll object to foundation,
5 but he's answered it.

6 BY MR. BLANDIN:

7 Q. And then the last page, Sudler 12, do
8 you recognize the handwriting?

9 A. No, I can't say whose handwriting this
10 is.

11 Q. Okay. The note -- on the left side is
12 a photograph of the lobby.

13 Do you recognize who's shown in the
14 photograph?

15 A. It is blurry, but those are the two
16 brothers.

17 Q. Okay. Do you know which one made the
18 statement about shooting the building?

19 A. The one on the left. It's hard to see,
20 but he's the one in the sunglasses and the --
21 he's holding something in his hand.

22 Q. Okay. And there's somebody sitting at
23 the front desk. Is that you or is that Joel?

24 A. No, the one with the arms that's shown

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1 on the camera, that is me.
2 Q. Okay. The -- the note to the right of
3 the photograph reads, "Charles Jay," and it has
4 a phone number. Then underneath, it says,
5 "Brother to Abnerd Joseph, 2905, just flew in"
6 -- something -- "at police station." And then
7 underneath that, it reads, "Need owner's
8 permission," Paulette's cell phone number and
9 lists her phone number.

10 was this note handed to you?

11 THE WITNESS: I can't say, no -- I can't
12 say -- yeah, the answer is no, I don't remember
13 seeing this note.

14 BY MR. BLANDIN:

15 Q. All right. Do you know -- are you
16 familiar with a company called No Emergency?

17 A. No.

18 Q. Are you familiar with a company called
19 BOSS, B-O-S-S.

20 A. No.

21 Q. All right. You did not receive any
22 type of certification or emergency training from
23 either of those companies while you worked at
24 The Legacy; is that accurate?

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1 Go ahead, you can answer.

2 THE WITNESS: They were the building managers
3 and I did report to them. I can't say that --
4 if they were my boss or not.

5 BY MR. BLANDIN:

6 Q. They're the ones who hired you?

7 A. Okay.

8 MR. BENTIVENGA: Same objections.

9 Go ahead, if you can -- if you know.

10 THE WITNESS: Deborah did talk to me about
11 how to take care of things here and there, so
12 I'll say yes. But for -- the other individual
13 who trained me was Adrian, the head doorman.

14 BY MR. BLANDIN:

15 Q. Yeah, I'm asking about who hired you.

16 A. Oh, who hired me. I will say Deborah.
17 I talked to her, gave her my resume, gave her my
18 information. So I'll say she hired me.

19 Q. Okay.

20 A. In between the management office, the
21 ones I mostly spoke to was Deborah for the
22 hiring process.

23 Q. Okay. Great.

24 MR. BLANDIN: Let me just check with

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1 A. Yes.

2 Q. My understanding is that you were
3 technically employed by The Legacy; is that
4 accurate?

5 A. Yes.

6 Q. But you received your supervision and
7 direction from Sudler management, Deborah
8 Romero, and the assistant manager; is that also
9 accurate?

10 MR. BENTIVENGA: I'll object to the form,
11 foundation.

12 But you can answer it.

13 THE WITNESS: When it comes to the training
14 for how to treat the tenants of the building,
15 Deborah gave me pointers about how to be polite,
16 to greet guests. Adrian also gave me pointers
17 about interacting with the guests.

18 BY MR. BLANDIN:

19 Q. So maybe my -- I'll try to be more
20 specific.

21 Were your -- were your bosses Deborah
22 Romero and the assistant property manager?

23 MR. BENTIVENGA: Object to form and
24 foundation.

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1 Isabella, and I'm almost done.

2 THE WITNESS: Okay.

3 (Brief pause.)

4 BY MR. BLANDIN:

5 Q. Did you ever ask Joel if Jonah should
6 leave -- should have left his post and gone up
7 in the elevator to encounter Abnerd?

8 MR. BENTIVENGA: Objection; asked and
9 answered.

10 You can answer it.

11 THE WITNESS: Yes.

12 BY MR. BLANDIN:

13 Q. What did he say?

14 A. In Joel's opinion?

15 Q. Yes.

16 A. No.

17 Q. How did that conversation go?

18 A. It -- Joel didn't think it was -- he
19 didn't think it was a comfortable idea to go up
20 there.

21 Q. Okay. Why not? What did he say to
22 you?

23 A. Joel said the cops should have come
24 here faster since everyone kept on calling them.

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1 Q. Yeah, what does that have to do with
2 whether Jonah should have gone up or not?

3 MR. BENTIVENGA: Object to the form of the
4 question.

5 You can answer it, though.

6 THE WITNESS: Joel didn't like the idea of
7 Jonah going up there like that.

8 BY MR. BLANDIN:

9 Q. And that's what I'm trying to
10 understand, why not?

11 MR. BENTIVENGA: I'll object to foundation
12 because now you're asking --

13 MR. BLANDIN: No, I'm asking --

14 MR. BENTIVENGA: -- Ricky about what's in
15 Joel's mind.

16 MR. BLANDIN: No, I'm not. I'm asking what
17 he said to Ricky.

18 MS. WEGNER: I'm going to join.

19 MR. BLANDIN: Here, let me give a clear
20 question and answer.

21 BY MR. BLANDIN:

22 Q. What did Joel say to you in terms of
23 why he didn't believe that Jonah should have
24 gone and -- left his post and gone up in the

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1 Q. Do you remember Dave's last name?

2 A. I do not. Sorry.

3 Q. And what did Deborah say in response to
4 Dave?

5 A. Deborah stated Jonah felt comfortable
6 going up there and he wanted to try and help the
7 situation that was happening.

8 Q. Okay.

9 A. Try to deescalate.

10 Q. And was there any response from Dave or
11 the other doormen?

12 A. Well, Dave, he -- what did he say? I
13 can't quote him for what he exactly said, but he
14 just said it -- he just stated he wouldn't feel
15 comfortable going up there like that.

16 Q. Okay. Did Joel -- the night the two
17 brothers had the encounter with you on the 15th,
18 during that time period did you overhear Joel
19 tell the two brothers that Jay should not have
20 gone -- that -- excuse me, Jonah should not have
21 gone up on the night of the 14th --

22 A. No --

23 Q. -- to encounter the brother?

24 A. No, I didn't hear anything from that --

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1 elevator to encounter Abnerd? why did he think
2 that was wrong?

3 MR. BENTIVENGA: I'm going to object to form
4 and foundation.

5 Go ahead, you can answer, if you can.

6 THE WITNESS: Joel thought that the situation
7 had reached the area where it was dangerous. He
8 brought up how in -- how a floor of people came
9 down into the lobby to discuss the screaming.

10 BY MR. BLANDIN:

11 Q. And?

12 A. And he felt that it was too risky to go
13 up there.

14 Q. Okay. Did -- did Joel bring this to
15 Deborah's attention during the staff meeting?

16 A. Joel didn't arrive for the meetings.
17 He was still too sick to travel that often.

18 Q. Was -- did you bring that up or did
19 someone bring that up at the meetings with
20 Deborah?

21 A. Yes.

22 Q. Who brought it to Deborah's attention?

23 A. Who was it? I believe it was our
24 overnight worker, Dave.

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1 from Joel directing towards the brother.

2 Q. Did you overhear Joel tell the brothers
3 that had he been working that shift, that the
4 shooting would not have occurred?

5 A. No, Joel didn't say anything like that.

6 Q. Were you there the entire time, the
7 three hours that the brothers were coming and
8 going, sitting with Joel?

9 A. Yes, I sat next to him the entirety. I
10 didn't want him to be alone.

11 Q. Okay. What -- at what point did you
12 leave that night?

13 A. Let me see when my log ended at.

14 I want to say I left around 9:00. I
15 posted the Incident Report by 8:45, but I really
16 just -- I had ended my shift by 9:00, but even
17 when -- I still kind of lingered just to make
18 sure, okay, is everything okay, can I go? Like,
19 I was just hiding in the -- not so much as
20 hiding, but I was standing in the employee break
21 room and my -- after I clocked out just to --
22 just in case.

23 Q. We've talked about this in different
24 bits and pieces, and I want to see if I can put

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1 it together.
 2 In your conversations with Deborah and
 3 the doormen that took place a couple of days
 4 after the shooting, it was discussed whether or
 5 not the doormen should leave their shift and go
 6 to investigate, right?
 7 A. Right.
 8 Q. And in terms of whether an individual
 9 doorman should go with someone who has a gun to
 10 investigate, that was also discussed, correct?
 11 A. That part of it wasn't discussed, but
 12 it was -- well, it was discussed, but it wasn't
 13 discussed as a protocol step.
 14 Q. Well, my understanding is that there
 15 weren't any new protocols during the remaining
 16 four to five months you worked there about
 17 anything; is that true?
 18 A. During the four to five months that I
 19 was there, they presented us with a packet, a
 20 flip book, about the various situations you can
 21 come up with as a doorman, fires, floods were
 22 the situations in the book. But the discussions
 23 for putting together an actual plan were still
 24 being put together by the outside party, I

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1 believe.
 2 Q. Okay. Was there any discussion at all
 3 about what you're supposed to do of bringing
 4 someone with a gun to encounter a dangerous
 5 situation even if you're -- you're comfortable
 6 with it?
 7 MR. BENTIVENGA: I'm just going to object;
 8 asked and answered.
 9 Go ahead.
 10 Form and foundation. I think we've
 11 gone over all this long ago.
 12 MR. BLANDIN: Close. Well, I don't know if
 13 it's long or not, but it's close.
 14 THE WITNESS: It was discussed.
 15 BY MR. BLANDIN:
 16 Q. And to the best of your recollection,
 17 what was said?
 18 MR. BENTIVENGA: Objection; asked and
 19 answered. This was answered long ago.
 20 Go ahead, you can answer it again.
 21 THE WITNESS: I just -- I'm really trying to
 22 think back about what we were talking about in
 23 that meeting room.
 24 MR. BENTIVENGA: Remember, don't guess or

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1 speculate. If you know, go ahead and testify --
 2 BY MR. BLANDIN:
 3 Q. Here, let me do it this way. I'm
 4 trying to put myself in the shoes of the people
 5 who worked in that building. This had to be a
 6 shocking event --
 7 MR. BENTIVENGA: Is that a question?
 8 BY MR. BLANDIN:
 9 Q. -- is that accurate?
 10 A. Yes, we were all shocked.
 11 Q. And my guess is that you all talked
 12 about it quite a bit; is that accurate?
 13 A. Yes, the front desk discussed it.
 14 Q. And my guess is that one of the things
 15 you talked about was whether this could have
 16 been prevented had Jonah stayed at the front
 17 desk; is that accurate?
 18 MR. BENTIVENGA: I'm going to object to the
 19 form and foundation of the question as to
 20 whether something could or could not have been
 21 prevented.
 22 But go ahead, you can answer it, if you
 23 can. He's asking for your memory, if you
 24 remember those conversations.

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1 THE WITNESS: Yes, we did have a conversation
 2 about that.
 3 BY MR. BLANDIN:
 4 Q. Okay. And one of things that you just
 5 told me you talked about was whether or not
 6 Jonah should be bringing or going with somebody
 7 who has a gun, even if he's comfortable,
 8 encountering a dangerous situation; is that
 9 right?
 10 A. Yes, we did discuss that.
 11 Q. And what was concluded about all of
 12 those things? What were you supposed to do
 13 going forward?
 14 MR. BENTIVENGA: Objection; asked and
 15 answered. He's answered that question many,
 16 many times in this deposition.
 17 But go ahead, you can answer it again.
 18 THE WITNESS: We were still trying to put
 19 together what should and should not have been
 20 done moving forward.
 21 BY MR. BLANDIN:
 22 Q. There was no conclusion?
 23 A. Not a conclusion that I was there to
 24 see.

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1 Q. Okay. Over the five months that you
2 were there, Deborah Romero did not present you
3 with any changes in policies or procedures or
4 training; is that correct?

5 A. They did give us that packet, like I
6 said. But as far as it goes for the policies
7 and changes, it was still being -- they didn't
8 give me anything because it was still being
9 discussed.

10 Q. Okay. Did any of the staff leave or
11 quit because of the shooting?

12 MR. BENTIVENGA: I'm going to object to
13 foundation. I don't know how he would know
14 that.

15 But go ahead, you can answer it, if you
16 can.

17 THE WITNESS: No, not because of the
18 shooting.

19 BY MR. BLANDIN:

20 Q. Random question. Abnerd Joseph was
21 black. Do you know of any other residents in
22 the building who were black?

23 A. I mean, I ran into several black --
24 other several black tenants.

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1 you black or are you white. I just -- I can't
2 really say the duration of black and white that
3 would live there.

4 MR. BLANDIN: That's all I have. Thank you.

5 MR. BENTIVENGA: I just have a couple
6 follow-up questions, Ricky.

7 EXAMINATION

8 BY MR. BENTIVENGA:

9 Q. Ricky, take a look at Exhibit 2, the
10 page that has Sudler 9, which I think is the
11 first page of that exhibit.

12 A. Okay.

13 Q. All right. You were asked questions
14 about the key that is listed in Exhibit 1 for
15 Unit 2905, correct?

16 A. Yes.

17 Q. All right. If you look at the last
18 sentence of -- of the first page of Exhibit 2,
19 it says, "Deborah got a new key for the
20 Unit 2905, but made it clear only the unit owner
21 can go up to the room and sign out the key."

22 Do you see that?

23 A. Yes.

24 Q. All right. Is Exhibit 1 where you

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1 Q. Of the -- of the population of the
2 building, any idea how many were black?

3 A. Oh, I can't give a statement like that.
4 People came and went from inside there.

5 Q. Do you know if it was more or less than
6 ten black people who were residents of The
7 Legacy while you worked there?

8 MR. BENTIVENGA: Object to foundation.

9 THE WITNESS: I can't state that either.
10 There were times where I would be there, I see
11 black, I see white, I see Hispanics. People did
12 come and go.

13 BY MR. BLANDIN:

14 Q. I recognize that. I'm just trying to
15 get a sense from you as to what the ratio --
16 what the population of the building was.

17 Were there very many black people, or
18 is it accurate to say that there were very few?

19 MR. BENTIVENGA: Object to foundation.

20 You can answer, if you can.

21 THE WITNESS: I can't answer that because, I
22 mean, I met Abnerd and I've met other tenants
23 that were black, but it's not like I went
24 through every -- floor to floor to see, hey, are

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1 register the key that you were provided on the
2 evening of September 15th, 2023? Is that the
3 new key that Deborah had for Unit 2905 that you
4 have reflected in your report of September 15,
5 2023?

6 A. Yes. I believe I can remember Deborah
7 had another key made for that unit and I got
8 back the original one from the cabinet.

9 MR. BLANDIN: I'm sorry, the original one
10 from whom?

11 THE WITNESS: The cabinets. The key that was
12 given to me to put back in the cabinet was the
13 one that had the electric key tag on there, so I
14 put it back in there.

15 BY MR. BENTIVENGA:

16 Q. Okay. And as you sit here today, do
17 you -- you don't recall who it was that handed
18 you that key that you put in the cabinet and
19 registered in Exhibit 1; is that true?

20 A. Yes, I can't remember who gave me the
21 key.

22 Q. All right. With respect to your
23 report, again, marked as Exhibit 2, it's on
24 Page 1 of the exhibit, Exhibit 2, Sudler No. 9,

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1 that's your report of September 15, 2023,
2 regarding your interaction and Joel's
3 interaction at the front desk with two of the
4 brothers of Abnerd Joseph, correct?
5 A. Correct.
6 Q. All right. And you had testified
7 earlier in your deposition that you thought that
8 encounter may have been 7 to 10 or 12 days after
9 the shooting event on September 14, 2023. You
10 were wrong about that?
11 A. Yes.
12 Q. All right. Does this report marked as
13 Exhibit 2 refresh your recollection that that
14 interaction that you had with the two brothers
15 where one of the brothers said -- or threatened
16 to shoot up the building, that that occurred on
17 September 15th, 2023, during the evening hours
18 between 5:08 p.m. and 8:10 p.m.?
19 A. Yes.
20 Q. All right. And you -- you yourself
21 heard that threat from one of the brothers of
22 Abnerd Joseph on the evening of September 15,
23 2023, that they were threatening to shoot up the
24 building, correct?

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1 A. Yes.
2 Q. All right. At that time, did you know
3 whether or not one or both of the brothers were
4 armed with a gun?
5 A. No, I didn't know if they were or not.
6 Q. Okay. All right. The discussions that
7 you've talked about that you had with the fellow
8 doormen about this, all of those discussions, of
9 course, occurred after everyone knew the outcome
10 of this event, correct?
11 A. Yes.
12 Q. Jonah, when he was making his decisions
13 on the evening of September 14, 2023, he was
14 making his decisions going forward without
15 knowing, number one, who was up there, correct?
16 A. Correct.
17 Q. And without knowing what he was going
18 to confront, right?
19 A. Yes.
20 Q. Right. So he had to make his decision
21 in real time, right?
22 A. Yes.
23 Q. All right. And based on what you've
24 learned, you understand that Jonah felt

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1 comfortable going to investigate when a number
2 of people had come down and asked him to go up
3 there?
4 A. Yes.
5 Q. Okay. We're almost two years now from
6 the event of September 14, 2023, there's some
7 things that you just don't recall because of the
8 passage of time; is that right?
9 A. Correct.
10 Q. You've tried to give your best estimate
11 based on your memory and based on the documents
12 that you've been shown, correct?
13 A. Correct.
14 MR. BENTIVENGA: All right. Those are all
15 the questions I have.
16 MS. WEGNER: I don't have any questions based
17 on that.
18 MR. STEWART: I'm going to be brief.
19 Stephan. If you have any follow-up, maybe it
20 makes sense to --
21 MR. BLANDIN: Sure.
22 MR. STEWART: -- get your part done because I
23 think I'm going to take --
24 MR. BLANDIN: Sure.

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1 MR. STEWART: -- it in a different direction.
2 FURTHER EXAMINATION
3 BY MR. BLANDIN:
4 Q. You were present when the police
5 arrived after you hit the panic button?
6 A. Yes.
7 MR. BENTIVENGA: On the 15th you're talking
8 about?
9 MR. BLANDIN: On the 15th.
10 BY MR. BLANDIN:
11 Q. That's the only time you hit the panic
12 button, right?
13 A. Yes.
14 Q. And do you remember how many officers
15 arrived?
16 A. Two.
17 Q. And how long were they there?
18 A. Thirty to fifty minutes.
19 Q. Did they appear to take your concerns
20 seriously?
21 A. Honestly, no.
22 Q. Why not?
23 A. By the time the police officers
24 arrived, the brothers had left. And when the

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1 police arrived, I let -- Deborah came out
2 probably after seeing them on the camera. I
3 can't remember if I messaged her, letting her
4 know they were here. But she was upset with
5 them because of the time delay that there was.
6 Even I was upset with them.

7 And I was explaining, we called you
8 guys, I pressed that panic button close to 12
9 times -- or more than just once trying to alert
10 that office. And, you know, she was saying she
11 was pressing the panic button too. And we're
12 letting them know the brothers were here. My
13 manager was in her office, but me and Joel,
14 we're in the front desk. If the threat they
15 made was legit, where was I going to hide?

16 I was explaining to the officers there
17 was just me and Joel standing right here. I
18 could possibly run or anything, but Joel, I
19 mean, he was a skeleton at that point, he wasn't
20 going to get away. So I was trying to tell the
21 officers what kept you?

22 Q. And what did they say?

23 A. They say there was traffic.

24 Q. Okay.

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1 A. I'm, like, traffic.

2 Q. And did you -- strike that.

3 what -- why didn't you take any action
4 to have anybody go out and hail down a police
5 officer?

6 A. At that time that would have been a
7 good idea to do, but I was messaging Deborah, I
8 was watching the brothers. I was mainly too
9 focused and thinking and watching. I wasn't
10 thinking about having someone go out there and
11 hail a cop.

12 Q. Well, during the half hour or so after
13 the brothers made this threat before they left,
14 it didn't occur to you to go out and get a
15 police officer?

16 A. I can't -- I didn't want to leave Joel
17 by himself. I wasn't aware or --

18 Q. What were you going to do for Joel if
19 the brothers started shooting?

20 A. Well, there would be two caskets for us
21 then.

22 Q. Exactly. So why didn't you go out and
23 hail a police officer if you -- if you took this
24 threat seriously?

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1 MR. BENTIVENGA: I'm going to object to the
2 form of the question and foundation because
3 you're assuming that there was a police officer
4 out there. And they didn't come for a long
5 time. So I object to the form of the question
6 and foundation. How would he know whether there
7 was someone out there?

8 But go ahead, you can answer.

9 THE WITNESS: It was a gamble if I had come
10 back -- if I had stepped out from the front
11 desk. For the most part, when the brothers
12 came, I was seated and they were already
13 agitated. So if I had stood up, it could have
14 been a sign of aggression, and then I could have
15 been attacked if I --

16 BY MR. BLANDIN:

17 Q. Sure. Let's go through this.

18 The brothers did not make a threat to
19 you, they were talking amongst themselves; we've
20 already established that, correct?

21 MR. BENTIVENGA: I'm going to object to form
22 and foundation. I think that misstates the
23 testimony.

24 But go ahead, you can answer.

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1 THE WITNESS: So I am. So the brothers did
2 issue -- not directed to us, but they just made
3 a statement.

4 BY MR. BLANDIN:

5 Q. Okay.

6 A. But --

7 MR. BENTIVENGA: A threat's a threat.

8 MR. BLANDIN: Good luck with that.

9 BY MR. BLANDIN:

10 Q. Were you sitting down when you
11 overheard that statement?

12 A. Yes, I was sitting at the desk.

13 Q. And where was Joel?

14 A. He was sitting next to me.

15 Q. Okay. And how far were the brothers
16 from you when you overheard this statement?

17 A. I would say, let me think, from where
18 I'm sitting, it would be where the desk is from,
19 like -- from where that table is down there
20 (indicating), that's how far they were from us.

21 Q. Okay. So 15, 20 feet?

22 A. Fifty, twenty, maybe twenty-two feet.

23 Q. Okay. So 22 feet away.
24 were the brothers standing or sitting

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1 when you overheard this?
 2 A. They were standing.
 3 Q. And is this where the furniture in the
 4 lobby is?
 5 A. Yes.
 6 Q. And where relative to the furniture
 7 were they?
 8 A. They were standing on the mat for the
 9 lobby. They weren't close to the furniture. I
 10 would say from the furniture, maybe 10 feet
 11 away.
 12 Q. So this would have been in front of the
 13 revolving doors?
 14 A. Yes.
 15 Q. And how far from the revolving doors
 16 were they?
 17 A. From the revolving door to where they
 18 were --
 19 MR. BENTIVENGA: You're talking about north
 20 of the -- of the doors?
 21 MR. BLANDIN: Yeah, yeah.
 22 MR. BENTIVENGA: I object to form and
 23 foundation.
 24

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1 that's where the furniture -- where the couch
 2 and the waiting area was.
 3 Q. And with your cell phone, at any point
 4 in time did you -- did you text or call 911?
 5 A. I didn't know how to text 911. I was
 6 too -- I was afraid to take out my phone and put
 7 it like that (indicating), okay, because after
 8 the panic button was pressed, I was just waiting
 9 for the panic button response to work.
 10 Q. Did the brothers ever directly threaten
 11 you or Joel?
 12 MR. BENTIVENGA: I'll object to the form and
 13 foundation. I think he's already testified to
 14 what the threat was.
 15 But go ahead, you can answer.
 16 THE WITNESS: The threat wasn't directed at
 17 us, but the threat was there. And I've seen
 18 people make good on threats that just said it
 19 like that.
 20 BY MR. BLANDIN:
 21 Q. Okay. Tell me about that. What have
 22 you seen?
 23 A. This goes back to my times in school
 24 time and in security work where I had employees

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1 BY MR. BLANDIN:
 2 Q. Yeah, what was the -- how far away were
 3 the brothers from the revolving doors when they
 4 made this statement to one another?
 5 A. They were positioned -- I want to say
 6 they -- in the middle of the lobby on the --
 7 closer to the front desk than the furniture from
 8 the revolving door, maybe seven, eight feet
 9 away.
 10 Q. Okay. So they would have been standing
 11 to the -- is that to the -- the north of the
 12 revolving doors?
 13 A. What would -- what would north be?
 14 MR. BENTIVENGA: So Monroe is east/west.
 15 BY MR. BLANDIN:
 16 Q. If you don't know, you can tell me you
 17 don't know.
 18 A. No, I don't know exactly like that.
 19 Q. That's fine.
 20 A. So how I can explain it is, say I'm
 21 sitting here (indicating) and this is where the
 22 desk was (indicating), the revolving door is
 23 right there (indicating), the brothers were
 24 standing right here (indicating), and then

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1 pulling the locks in the warehouse. Two
 2 warehouse coworkers were arguing at each other
 3 left and right. Threats were made in the air
 4 about how I'm going to beat you up or forget
 5 this job, forget all of you, don't mess with me,
 6 I'm going to smack -- I've seen people make good
 7 on those threats.
 8 Q. What have you seen them do?
 9 A. I've just seen the push, the shove, the
 10 slap for one.
 11 Q. Okay. You're talking about situations
 12 where one individual threatened another
 13 individual, correct?
 14 A. There was indications where that
 15 happened, but there was other times where they
 16 just said, don't mess with me, I'm going to --
 17 but, yeah, it was direct.
 18 Q. I didn't hear you.
 19 A. Sorry, it was direct.
 20 Q. Yeah, you're telling me you've heard
 21 threats where one person has threatened another
 22 individual and they followed through on that --
 23 A. Yes, sir.
 24 Q. -- that's what you're describing?

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1 I'm asking you, have you heard somebody
2 say -- make some offhanded comment about
3 shooting up a building that was followed through
4 on?

5 A. I haven't seen the situation where that
6 happened, but I have seen where people would
7 just cause destruction of property. I was
8 worried about whether they would attack me or
9 Joel, or I was worried that they just might grab
10 one of the vases from the counter that they were
11 standing next to, smash it on the floor, smash
12 it on the mirror. I was just observing,
13 watching and I -- to see what would happen next.

14 Q. Okay. And did you ask Deborah to call
15 -- to call 911?

16 A. I did message Deborah to -- I do
17 believe I mentioned to her to call the police.

18 Q. And do you know if she did?

19 A. I can't say for certainty, but I
20 believe so.

21 Q. You mentioned that there were two other
22 individuals, two other maintenance staff. Where
23 were they during all this?

24 A. When the -- when Deborah came out of

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1 happen.

2 Q. At any point in time did either brother
3 direct a threat to you or any other human being
4 that you overheard?

5 MR. BENTIVENGA: Object to form and
6 foundation. He's already testified about the
7 threat that was made loud enough for him to
8 hear.

9 Go ahead, you can answer.

10 THE WITNESS: The threat wasn't direct, but
11 it was said loudly. There was a volume tone
12 between they were having -- where they were
13 having clear conversations with themselves and
14 then they would have loud, how would you say,
15 volumed-up conversations. And the conversation
16 where the threat for the statement was made was
17 one where it was said aloud.

18 BY MR. BLANDIN:

19 Q. Okay. And what I'm asking is: was a
20 threat ever made to a human being? Did you ever
21 overhear any threat being made to a human being?

22 MR. BENTIVENGA: I'm going to object to form
23 and foundation. It's been asked and answered.

24 Go ahead.

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1 the office and I was in the lobby, Matt and Ray
2 came around the corner also to observe and
3 watch.

4 Q. And they were there the entire time?

5 A. I can't say they were there when they
6 first came in, but they came in a little later.

7 Q. Okay. And did you ask -- did you ask
8 either of them to go out and hail a police
9 officer?

10 A. No, no, I --

11 Q. Did you ask either of them to call the
12 police?

13 A. No, I didn't.

14 Q. Okay. Were they present when this --
15 this statement was made between the two
16 brothers?

17 A. No, it was just me and Joel in the
18 lobby.

19 Q. Okay. Is there a reason you didn't ask
20 one of them to contact the police or go out and
21 get the police?

22 A. At the time I still wasn't thinking
23 straight. I was just too focused on observing
24 and watching how they may react or what could

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1 THE WITNESS: When -- the threat wasn't made
2 to me, but I'm in the lobby, I'm a part of the
3 building. The threat could have been for the
4 building. But I work for the building. They
5 could have turned their attention towards me if
6 they decided to go through with it.

7 BY MR. BLANDIN:

8 Q. And you were worried that they might
9 break vases and break a mirror?

10 A. Yes.

11 Q. And why were you worried about that?
12 were they being violent?

13 A. They were being aggressive. They were
14 talking loudly. There were times where I saw
15 people where the conversation had started where
16 they were aggressive and loudly. Next thing you
17 know, an individual grabs a vase, throws it on
18 the floor, grabs a vase, throws it at a person.

19 Q. You've seen that before?

20 A. It has happened to me.

21 Q. It's happened to you at The Legacy?

22 A. No, at my family home.

23 Q. Okay. So in your family home, when
24 people get upset, they break things and smash

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1 windows and vases?
 2 A. They weren't part of my family, they
 3 were partners for the family. But I have -- it
 4 has happened to me.
 5 Q. And that's been traumatizing?
 6 A. That's why I was worried about when the
 7 brothers made the threats because I've been
 8 through when people made a threat and stated it
 9 to the open, and it could potentially happen.
 10 So I'm watching them, like, are they going to
 11 make good on the threat they stated or are they
 12 just talking loud?
 13 Q. Okay. And did you try and calm the
 14 brothers down?
 15 A. I didn't want to try to approach them
 16 because, again, I was seated. If I had stood
 17 up, it could have been a sign of aggression, and
 18 I didn't know what could happen or what they
 19 were --
 20 Q. And that's because in your experience
 21 that -- when you stand up, that might be
 22 perceived as aggression?
 23 A. Yes.
 24 Q. And had you received any training in --

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1 as a -- as a certified security guard as to what
 2 you're supposed to do in that situation?
 3 A. In times like that, I was told stay at
 4 your post. Do not engage. Contact the police.
 5 Remain posted. Be visual, be aware. If the
 6 situation escalates where my life could have
 7 been put at risk, evacuate.
 8 Q. Based on your training as a -- as a
 9 licensed security guard, were you trained that
 10 you were to remain at your post and not to
 11 engage in hazardous situations?
 12 A. For that line of work, yes.
 13 Q. In your training at the Hermitage, were
 14 you trained that you were to stay at your post
 15 and not engage in hazardous situations?
 16 A. At the Hermitage, they did tell me if
 17 something does look off or weird, call the
 18 building management, let them know what's going
 19 on. If the situation escalates, call the
 20 building engineer, let him know what's going on
 21 so that there's another file. Make a document.
 22 And if it keeps going further, contact either
 23 the 311 number or the 911 number.
 24 Q. What's the 311 number?

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1 A. The nonemergency number.
 2 Q. Okay. Did you contact the 311 number?
 3 A. For which position?
 4 Q. For -- on the night of the 15th.
 5 A. The night -- I wasn't there for --
 6 Q. The 15th?
 7 A. Oh, the 15th, the 15th. No, I was just
 8 too engaged in watching their movement.
 9 Q. So what I'm struggling is this. You're
 10 a licensed, certified, trained security guard,
 11 you've worked at the Hermitage and you've worked
 12 at this building.
 13 wasn't the entire training and
 14 experience that you've had in both of these
 15 industries the same, that when you encounter a
 16 hazard, you're supposed to remain in a safe
 17 place and not go and engage with that hazard
 18 even if you feel like it's okay?
 19 MR. BENTIVENGA: Object to the form of the
 20 questions and foundation.
 21 You can answer it.
 22 And it's been asked and answered many
 23 times.
 24 Go ahead, you can answer it again.

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1 THE WITNESS: If a doorman felt comfortable,
 2 they -- if they wanted to go and observe, it was
 3 possible. But if they didn't feel comfortable,
 4 stay at the desk.
 5 BY MR. BLANDIN:
 6 Q. What I'm asking is -- you're saying
 7 that was the training that you got from The
 8 Legacy, yes?
 9 A. I received that training from Adrian,
 10 yes.
 11 Q. Okay. And based on your training as a
 12 -- as a doorman at the Hermitage, was it the
 13 same or different?
 14 A. It was different because at the
 15 Hermitage, there was only one of us at the front
 16 desk. So for that position, I could not leave
 17 unless somebody was there.
 18 Q. Okay. Did the training that you
 19 received as a security guard -- as a licensed
 20 security guard differ from your training that
 21 The Legacy gave you as to what you were supposed
 22 to do in the event of an emergency?
 23 A. I'd say yes.
 24 Q. How so?

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1 A. There are times where -- because I was
2 trying to find a security job like that that
3 involved doorman work. And security, when it
4 comes to dealing with a situation that could be
5 deemed hazardous or dangerous, it's always to
6 observe and report.

7 If -- let's say there was a fight going
8 on or there was a situation, we would first
9 contact the field supervisor, let them know
10 about the situation that was going on. And from
11 there, we would be instructed for how to move
12 forward.

13 Q. So what I'm focussing on is at The
14 Legacy, your training that you received was that
15 if you felt like it, you could go and
16 investigate even if you knew it was hazardous,
17 right?

18 MR. GURLAND: I'm just going to object to the
19 form and foundation of the question.

20 But go ahead, you can answer it, if you
21 can. It's been asked and answered numerous
22 times now, but go ahead.

23 THE WITNESS: If we felt comfortable with
24 investigating the situation, if we wanted to, we

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1 could take a look. If we didn't want to, we --
2 BY MR. BLANDIN:

3 Q. It was left to you?

4 A. Yes.

5 Q. All right. But your training as a
6 licensed security guard was that you should
7 never go and engage a hazardous situation, once
8 the police are notified, you're supposed to stay
9 in a place of safety, correct?

10 MR. BENTIVENGA: Object to form and
11 foundation.

12 You can answer it.

13 Asked and answered too.

14 THE WITNESS: It is for different positions.
15 But in security, the supervisor said, unless the
16 threat is directed towards you, stay, observe,
17 report, and if the situation has escalated to
18 the point, evacuate or clear.

19 BY MR. BLANDIN:

20 Q. All right. Counsel asked you a
21 question, he said based on your knowledge of the
22 events, numerous residents asked Jonah to go up
23 to the 48th floor because there was concern
24 about a door being unlocked?

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1 A. Mm-hmm.

2 MR. BENTIVENGA: I think that misstates my
3 question, but --

4 MR. BLANDIN: No, it didn't. That's why I'm
5 asking --

6 MR. BENTIVENGA: Object to form.

7 BY MR. BLANDIN:

8 Q. Did you -- what residents asked Jonah
9 to go to the 48th floor?

10 MR. BENTIVENGA: This has been asked and
11 answered. We've gone through this hours ago.
12 Now we're at over three and a half hours here.
13 So I'm going to object; asked and answered and
14 object to the form of the question and
15 foundation.

16 But go ahead, you can answer it.

17 THE WITNESS: I can't state for a fact who it
18 was from the 48th floor that asked Jonah for
19 help.

20 BY MR. BLANDIN:

21 Q. Okay. Your -- all right. So when your
22 lawyer asked you 15, 20 minutes ago about Jonah
23 being requested to go to the 48th floor, are you
24 aware of anybody who requested that Jonah go to

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1 the 48th floor?

2 A. I was made aware that somebody on
3 Floor 48 was concerned if their door was
4 unlocked or locked.

5 Q. That's true -- that's a true statement.
6 The Bishoppes were concerned that the door was
7 looked or unlocked.

8 But the lawyer asked you a different
9 question. He said that individuals asked to go
10 and have Jonah check out, investigate that
11 locked door. No one asked Jonah to go and
12 investigate that door; he did that on his own,
13 correct?

14 MR. BENTIVENGA: I'm going to object. That
15 misstates the evidence in the case. I object to
16 form and foundation.

17 You can answer, if you know.

18 MS. WEGNER: Join the objection.

19 THE WITNESS: I don't know.

20 BY MR. BLANDIN:

21 Q. Yeah. In the security industry, you
22 are given training as to what the policies and
23 procedures are, correct?

24 A. Yes.

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1 Q. when you're a doorman at The Legacy,
2 there is no training on policies and procedures
3 because they don't have any; is that correct?
4 MR. BENTIVENGA: Object to form and
5 foundation, misstates the testimony.
6 Go ahead, you can answer, if you can.
7 THE WITNESS: I can't say if there weren't
8 any. I do believe there were some.
9 BY MR. BLANDIN:
10 Q. were there any policies and procedures
11 about what you, as a doorman, were supposed to
12 do when there was an emergency and the police
13 were called?
14 MR. BENTIVENGA: Objection; asked and
15 answered numerous times.
16 Go ahead, you can answer it, if you
17 can.
18 THE WITNESS: I can't state for a fact.
19 BY MR. BLANDIN:
20 Q. There are none that you can recall,
21 true?
22 MR. BENTIVENGA: I'm going to object. This
23 has been asked and answered. Are you asking
24 about written policies and procedures or the

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1 policy that he's talked about and given
2 testimony about?
3 I'll object to form and foundation,
4 asked and answered numerous times.
5 Go ahead, you can answer it, if you
6 can.
7 THE WITNESS: I can't answer this question.
8 BY MR. BLANDIN:
9 Q. why?
10 A. I don't remember what there was or
11 wasn't at the time.
12 MR. BLANDIN: Fair enough. That's all I
13 have.
14 MR. STEWART: Okay. Ricky, my name is
15 Thomas. I'm going to be -- I represent some of
16 Joseph -- or Abnerd Joseph's family members in a
17 defamation case. I'm going to be asking you
18 some questions. Same rules apply. If you don't
19 know the answer to anything I ask you, just let
20 me know, we'll move on.
21 THE WITNESS: Okay.
22 EXAMINATION
23 BY MR. STEWART:
24 Q. Before September 14th, 2023, did you

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1 know who Garrett Smith was?
2 A. No.
3 Q. Before September 14th, 2023, had you
4 ever heard anyone discuss Garrett Smith in any
5 capacity?
6 A. No.
7 Q. Okay. I want to just be clear about
8 one thing, though, today, at this point, you are
9 aware that Garrett Smith shot and killed Abnerd
10 Joseph, correct?
11 A. I am aware of that.
12 Q. All right. And am I correct that you
13 first found that out when Deborah Romero told
14 you that at some sort of meeting a few days
15 after the shooting occurred? Is that right?
16 A. Yes. Yes.
17 Q. Do you recall the -- can you tell me
18 with -- specific as you can be what language she
19 used to describe that shooting to you?
20 MR. BENTIVENGA: I'm going to object. It's
21 been asked and answered numerous times in this
22 deposition.
23 But go ahead, if you recall.
24 THE WITNESS: I can't say at this time how

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1 the details were for the meeting over the time
2 that's passed.
3 MR. BLANDIN: See everybody tomorrow.
4 MR. BENTIVENGA: See you, Stephan.
5 (Whereupon, Mr. Blandin left the
6 deposition.)
7 BY MR. STEWART:
8 Q. Outside of that conversation with
9 Deborah Romero, have you heard anyone else state
10 that Garrett Smith killed Abnerd Joseph?
11 A. Well, yes, I did hear that. They said
12 that it was -- after the meeting with Deborah,
13 Garrett Smith was the one that shot Abnerd
14 Joseph.
15 Q. Okay. who said that?
16 A. It was -- we were all sitting down in
17 the meeting. And after the meeting had ended,
18 that's when we were, like, so it we Garrett
19 Smith that was involved and it was Abnerd Joseph
20 that was. So we were kind of saying it to each
21 other, like, so now we know who the individuals
22 were.
23 Q. Okay. So it was staff at The Legacy?
24 A. Yeah, it was just staff, you know.

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1 Q. And at this meeting you're telling me
2 about, that was only doomen and Deborah Smith,
3 or was it more than that?
4 MS. WEGNER: I think you mean Deborah Romero
5 just for clarification.
6 MR. STEWART: I do. Thanks.
7 THE WITNESS: I can't state a clear fact at
8 the time if it was just Deborah or the door
9 staff or if it was Deborah and the whole staff
10 team together. But --
11 BY MR. STEWART:
12 Q. Okay.
13 A. I can't remember who else was in there.
14 Q. Okay. But after that meeting -- after
15 Deborah informed you that Garrett Smith killed
16 Abnerd, you recall other various staff saying
17 the same thing?
18 MR. BENTIVENGA: I'm just going to object to
19 form and foundation. It's been asked and
20 answered before.
21 But go ahead, you can answer it, if you
22 can.
23 THE WITNESS: Yeah, after the initial meeting
24 was -- happened, that's when, you know, the door

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1 staff were discussing with each other, just in
2 case something came up, that it was Garrett that
3 was the one who had the gun and it was Abnerd
4 that -- the one who had died.
5 BY MR. STEWART:
6 Q. Okay. After that point, have you ever
7 heard anyone else say that Garrett Smith killed
8 Abnerd Joseph?
9 A. There were some of the staff that said
10 he killed Abnerd.
11 Q. Okay. And when you say "staff," we're
12 talking about staff at The Legacy?
13 A. Yeah, staff at The Legacy, the door
14 staff at The Legacy and the maintenance staff at
15 The Legacy.
16 Q. Okay. Do you recall the names of any
17 of those people who said to you that Garrett
18 Smith killed Abnerd Joseph?
19 A. No, I don't recall the name.
20 Q. Okay. Can you tell me approximately
21 when in relation to September 14th, 2023, those
22 conversations happened?
23 A. The -- so this was post meeting,
24 correct?

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1 Q. Yes, sir.
2 A. Okay. I would say -- I can't give a
3 direct date and time. I'm sorry.
4 Q. Okay. That's fine.
5 Have you ever read anything saying that
6 Garrett Smith killed Abnerd Joseph at any point?
7 A. No, not like that.
8 Q. Okay.
9 A. But there was statements going online
10 now because of the review for our building that
11 somebody murdered somebody, you guys have a
12 killer in there. There were just negative
13 reviews popping up because of this.
14 Q. Okay. And where were you seeing those
15 negative reviews?
16 A. Google reviews. When my coworker and
17 the head doorman, Adrian, came back, he told me,
18 with the Google reviews, this isn't looking
19 good. And so --
20 Q. Okay. And those were Google reviews
21 that you actually read yourself that said that
22 there was a murderer?
23 A. They stated, how can you guys have a
24 murderer in that building? No justice, no

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1 peace, no -- all of that.
2 Q. Sure.
3 Did any of the Google reviews that you
4 read actually call Garrett Smith a murderer?
5 A. No.
6 Q. Okay. Since that night, have you
7 yourself ever told anyone that Garrett Smith
8 killed Abnerd Joseph?
9 A. No. I kept any type of information
10 that was given to me about that to the building.
11 I try not to tell anyone about it because, you
12 know, it was -- it was a misfortunate situation.
13 MR. BENTIVENGA: You answered the question.
14 BY MR. STEWART:
15 Q. I just want to be clear because you
16 said you tried to keep that.
17 It's your testimony that you've never
18 told anyone at all --
19 A. No.
20 Q. -- that Garrett Smith shot and killed
21 Abnerd Joseph?
22 A. No, I didn't bring...
23 Q. Okay. I'm going to ask you about a
24 series of names. I just want to know if you

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1 know any of these people.
2 Do you know who Joshua Watts is?
3 A. No.
4 Q. Okay. Do you know who Shantae Rayne
5 Belcher is?
6 A. No.
7 Q. Do you know who Wendy Bien-Aime is?
8 A. No.
9 Q. Do you know who Nick Joseph is?
10 A. No.
11 Q. Do you know who Jeanna Joseph Kelley
12 is?
13 A. No.
14 Q. Do you know who Ashley Joseph is?
15 A. No.
16 Q. Do you know who Bryan Bien-Aime is?
17 A. No.
18 Q. Do you know who Jay Charles is?
19 A. No.
20 Q. Okay. Ricky, I'm just going to tell
21 you that those are all various family relations
22 to Abnerd Joseph.
23 If I refer to all those names
24 collectively just as "Abnerd's family member,"

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1 will you know who I'm talking about?
2 A. So you will just refer to them as
3 Abnerd's family?
4 Q. Yes, sir.
5 A. Okay.
6 Q. Have you ever, to your knowledge, heard
7 any of Abnerd's family members say that Garrett
8 Smith is a murderer?
9 A. I do not remember.
10 Q. To your knowledge, have you ever read
11 any statements that you attribute to any member
12 of Abnerd's family saying that Garrett Smith is
13 a murderer or something to that effect?
14 A. I haven't seen anything like that. I
15 didn't -- no, I don't remember.
16 Q. Okay. Did you see Garrett Smith in the
17 time after September 14th, 2023, and when you
18 left your employment at The Legacy?
19 A. Are you asking if I've seen him from my
20 remaining time as an employee there?
21 Q. That's exactly right.
22 A. That's what -- yeah. I've seen him
23 once walk through the lobby.
24 Q. Okay. Do you recall when that was,

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1 approximately?
2 A. No, I can't recall.
3 Q. Okay. Did you treat Garrett Smith on
4 that occasion that you saw him after the
5 shooting any different than you would have
6 treated any other resident?
7 A. Well, no. I barely interacted with --
8 I didn't know who he was at the time. I just
9 simply said, hello, have a good day, and that's
10 it.
11 Q. I'm sorry, at the time you saw him that
12 you were just describing him to me, you knew who
13 he was, correct?
14 A. No, I didn't know who he was.
15 Q. How is it that you know that you saw
16 Garrett Smith?
17 A. Because after he had walked past the
18 main door with his key fob, that's when my
19 coworker said, that's the guy.
20 I'm like, oh, okay.
21 Q. He said, that's the guy and that was
22 it, and you just knew that that meant that was
23 Garrett Smith?
24 A. I asked him, so that's Garrett? That's

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1 the person?
2 He said, yes, that's him.
3 Now I understand.
4 Q. The person who killed -- you would have
5 asked, that's the person who killed Abnerd
6 Joseph, correct?
7 MR. BENTIVENGA: I'm going to object to form
8 and foundation, putting words in his mouth.
9 But go ahead, you can --
10 MR. STEWART: I'm asking him what he said.
11 MS. WEGNER: Join in the objection.
12 MR. BENTIVENGA: I get it.
13 THE WITNESS: I didn't phrase it like that.
14 I said, so that's Garrett?
15 And he said, yes.
16 Because after he said -- he first
17 stated, my worker, that's the guy.
18 So I said, oh, that's Garrett then?
19 Yes, that's him.
20 Okay. I just was acknowledging that
21 that was Garrett Smith.
22 BY MR. STEWART:
23 Q. Okay. At that time, had you known it
24 was Garrett Smith when you immediately saw him,

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1 would you have treated him any different than
2 you would any other resident or guest at The
3 Legacy?

4 MR. BENTIVENGA: I'm just going to object to
5 form, foundation, and it's a hypothetical
6 question.

7 MS. WEGNER: Join in the objection.

8 MR. BENTIVENGA: Go ahead, you can answer, if
9 you can.

10 THE WITNESS: No. In my experience with
11 dealing with people that lived there, I tried to
12 keep it strictly professional. I would have
13 just said, hello, have a great day.

14 MR. STEWART: Great. Thanks, Ricky.
15 I don't have anything else.

16 MS. WEGNER: I just have one quick question.

17 THE VIDEOGRAPHER: Can you get near the
18 microphone?

19 MS. WEGNER: Yes.

20 Hi, Ricky. Just a couple questions.

21 EXAMINATION

22 BY MS. WEGNER:

23 Q. So you mentioned in response to
24 Counsel's question that you had read some Google

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1 MS. WEGNER: We've got four more hours to go.
2 THE VIDEOGRAPHER: We're going off the record
3 at 6:51. This is the end of Media No. 2 and the
4 conclusion of today's deposition.

5 (Whereupon, the deposition
6 concluded at 6:51.)

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1 reviews about The Legacy; is that correct?

2 A. Yes.

3 Q. Do you remember about when you would
4 have read those in relation to the incident?

5 A. It was a little later when the incident
6 had happened, and the lead doorman had come back
7 from his vacation. And when he came back, he
8 informed me, yeah, the Google reviews, it's not
9 looking good, man.

10 I'm, like, for the building?

11 He's, like, yes, for the building.

12 Q. So are we talking a period of days,
13 weeks, months after the incident? Do you
14 recall?

15 A. Days.

16 Q. Days?

17 Do you recall any of the identifiers
18 that were associated with those Google reviews,
19 like, usernames or full names, anything like
20 that?

21 A. No, not at this time.

22 MS. WEGNER: Thank you.

23 MR. BENTIVENGA: Anybody else?

24 All right. We'll reserve signature.

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1 STATE OF ILLINOIS)
) SS.

2 COUNTY OF COOK)

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - LAW DIVISION

5 DELBERT J. CHARLES,)

6 Plaintiff,)

7 vs.) No. 2024 L 005346

8 MESA DEVELOPMENT, LLC,)

9 et al,)

10 Defendants.)

11 I, DIEGO ENRIQUE DE LA CRUZ, being first
12 duly sworn, on oath say that I am the deponent
13 in the aforesaid deposition taken on the 8th of
14 September, 2025; that I have read the foregoing
15 transcript of my deposition, consisting of pages
16 1 through 203 inclusive, and affix my signature
17 to same.

18
19
20
21
22
23
24
DIEGO ENRIQUE DE LA CRUZ

22 SUBSCRIBED AND SWORN TO
before me this ____ day
23 of _____ 2025.

24 Notary Public

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF COOK)
3
4 I, GINA M. SYLVESTER, Certified Shorthand
5 Reporter and Registered Professional Reporter,
6 do hereby certify that heretofore, to-wit, on
7 the 8th day of September, 2025, DIEGO ENRIQUE DE
8 LA CRUZ, appeared remotely via videoconference,
9 in a cause now pending and undetermined in the
10 Circuit Court of Cook County, Illinois, wherein
11 DELBERT J. CHARLES, as Independent Administrator
12 of the Estate of ABNERD JOSEPH, deceased is the
13 Plaintiff, and MESA DEVELOPMENT, LLC, et al., is
14 the Defendant.
15 I further certify that the said,
16 DIEGO ENRIQUE DE LA CRUZ, was first duly sworn
17 to testify the truth, the whole truth and
18 nothing but the truth in the cause aforesaid;
19 that the testimony then given by said witness
20 was reported stenographically by me in the
21 presence of the said witness, and afterwards
22 reduced to typewriting by Computer-Aided
23 Transcription, and the foregoing is a true and
24 correct transcript of the testimony so given by

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1 said witness as aforesaid.
2 I further certify that the signature to
3 the foregoing deposition was reserved by counsel
4 for the respective parties.
5 I further certify that the taking of this
6 deposition was pursuant to notice and that there
7 were present at the deposition the attorneys
8 hereinbefore mentioned.
9 I further certify that I am not counsel
10 for nor in any way related to the parties to
11 this suit, nor am I in any way interested in the
12 outcome thereof.
13 IN TESTIMONY WHEREOF, I have hereunto set
14 my verified digital signature on this 23rd day
15 of September, 2025.

GINA M. SYLVESTER, CSR, RPR
License No. 084-004856

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1 McCorkle Litigation Services
2 200 North LaSalle Street, Suite 770
3 Chicago, Illinois 60601-1014

4 September 23, 2025
5 LEWIS BRISBOIS BISGAARD & SMITH, LLP
6 ATTN: MR. SCOTT C. BENTIVENGA
7 550 West Adams Street, Suite 300
8 Chicago, Illinois 60661

9 IN RE: DELBERT J. CHARLES, vs. MESA
10 DEVELOPMENT, LLC, et al.
11 COURT NUMBER: 2024 L 005346
12 DATE TAKEN: September 8, 2025
13 DEPONENT: DIEGO ENRIQUE DE LA CRUZ

14 Dear Mr. Scott C. Bentivenga:
15 Enclosed is the deposition transcript for the
16 aforementioned deponent in the above-entitled
17 cause. Also enclosed are additional signature
18 pages, if applicable, and errata sheets.

19 Per your agreement to secure signature, please
20 submit the transcript to the deponent for review
21 and signature. All changes or corrections must
22 be made on the errata sheets, not on the
23 transcript itself. All errata sheets should be
24 signed and all signature pages need to be signed
and notarized.

After the deponent has completed the above,
please return all signature pages and errata
sheets to me at the above address, and I will
handle distribution to the respective parties.
If you have any questions, please call me at the
phone number below.

Sincerely,
Cindy Alicea
Signature Department
GINA M. SYLVESTER
Court Reporter
(312)263-0052

cc: ALL COUNSEL OF RECORD

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