

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DOE MC-1,
Plaintiff,

-vs-

Case No. 2:20-CV-10568

THE UNIVERSITY OF MICHIGAN AND THE
REGENTS OF THE UNIVERSITY OF
MICHIGAN (official capacity only),
Defendants.

VIDEOTAPED DEPOSITION
CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
VIA ZOOM VIDEOCONFERENCE

DEPONENT: THOMAS EASTHOPE - VOLUME 1
DATE: Tuesday, July 28, 2020
TIME: 10:00 a.m.
LOCATION: VIA ZOOM VIDEOCONFERENCE
REPORTER: Karen Fortna, CRR/RMR/RPR/CSR-5067
VIDEO: Thomas Rowles
JOB NO: 12025

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Tuesday, July 28, 2020
 Via Zoom videoconference
 10:00 a.m.

* * *

(All participants appearing via Zoom videoconference.)
 VIDEOGRAPHER: Good morning, everyone.
 We are now on the record. The time is 10:00 a.m.
 on July 28, 2020. This begins the videotaped
 deposition of Thomas Easthope, taken in the matter
 of John Doe MC-1 versus The University of Michigan,
 and The Regents of the U of M, filed in the United
 States District Court, Eastern District of
 Michigan, Southern Division, case number of which
 is 2:20-CV-10568.
 My name is Tom Rowles. I'm your remote
 videographer today. The court reporter is Karen
 Fortna. And we both represent Fortz Legal Support.
 As a courtesy, will everyone who is not
 speaking please mute your audio and please remember
 to unmute your audio when you're ready to speak.
 Counsel, will you please state your name
 and whom you represent, after which the court
 reporter will swear in the witness. Thank you.
 MR. COX: Good morning, everyone. This
 is Michael Cox on behalf of the MC plaintiffs.

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MR. SHEA: This is David Shea on behalf
 of the MC plaintiffs.
 MS. CARTER: This is Ruth Carter on
 behalf of the MC plaintiffs.
 MR. MULVIHILL: Good morning. Dennis
 Mulvihill on behalf of Charles Christian.
 MR. WRIGHT: Good morning. Michael
 Wright on behalf of Charles Christian.
 MR. ESTEY: Good morning. Stephen Estey
 on behalf of interested parties.
 MS. MARTIN: Good morning. Annika
 Martin, representing John Doe in the proposed class
 and firm class counsel.
 MS. KIER: Lori Kier, same as Annika
 Martin.
 MR. KALAS: Good morning. William Kalas,
 representing John Doe and the proposed class
 counsel.
 MR. FLOOD: Good morning. Todd Flood on
 behalf of the TF plaintiffs. Good morning,
 Mr. Easthope.
THE WITNESS: Good morning.
 MR. GREWAL: Good morning. Attorney Mick
 Grewal on behalf of Connolly and the GL plaintiffs.
 MS. IOSIF: Miha Iosif of the Mike Cox

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1 Law Firm on behalf of MC plaintiffs.
2 MS. BELVEAL: Good morning. If we have
3 all the plaintiffs' counsel, I'll just say this is
4 Jennifer Belveal on behalf of Mr. Easthope.
5 MR. CZERNIAWSKI: This is Maxwell
6 Czerniawski on behalf of Mr. Easthope.
7 MS. PARKER: For the defendants, this is
8 Stephanie Parker. And also present with me are Tim
9 Fiorta and Jenn Weizenecker. Thank you.
10 * * * *
11 THOMAS EASTHOPE,
12 having first been duly sworn, was examined and
13 testified as follows:
14 MS. PARKER: I have a short statement
15 about the protective order that I need to read.
16 May I go ahead and do that at this time?
17 MR. COX: Yes, please do.
18 MS. PARKER: So this deposition is
19 proceeding as confidential under the Court's
20 protective order dated July 9, 2020, ECM No. 73.
21 There are two main groups of attorneys that may
22 access confidential information, including this
23 deposition: One, those attorneys that have filed
24 lawsuits that are part of the master case before
25 Judge Roberts; and two, those attorneys that have

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1 not filed lawsuits, but represent alleged victims
2 with claims related to the master case.
3 For an attorney that has filed a lawsuit,
4 paragraph 15 of the protective order requires the
5 attorney to sign the confidentiality acknowledgment
6 attached as Exhibit A to the protective order.
7 For an attorney who has not filed a
8 lawsuit, the attorney must comply with paragraph
9 11(m) of the protective order. 11(m)'s
10 requirements include filing an appearance in the
11 master case, signing the confidentiality
12 acknowledgment attached as Exhibit A to the
13 protective order, submitting a declaration stating
14 that the attorney represents alleged victims with
15 claims related to the master case and agrees to be
16 bound by the terms of the protective order in the
17 Court's stipulation order entered June 10, 2020,
18 and confirming that no party objects to the
19 attorney receiving confidential information.
20 Any attorney who is not permitted to
21 access confidential information may not participate
22 in today's deposition and must disconnect from the
23 video conference immediately.
24 And I understand that Mr. Estey is
25 listed on here and he has not complied with those

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1 requirements. I don't know if anyone else has --
2 also has not, but Mr. Estey has not complied.
3 MR. ESTEY: Yeah, you know, I talked --
4 this is Steve Estey. I talked to someone from your
5 firm, I think Mr. Fiorta, and he said it would be
6 okay if I listened in if I didn't participate in
7 terms of asking questions. Is that not correct?
8 MS. PARKER: Mr. Fiorta is on with us as
9 well; he's also present. You still have to comply
10 with the terms of the Court's protective order.
11 MR. ESTEY: Yeah, I plan on doing that.
12 I plan on filing that this week also. I signed the
13 protective order and sent it to you, it wasn't
14 notarized, and you said you wanted it notarized.
15 So do you really want to kick me off?
16 MS. PARKER: Tim, are you on?
17 MR. FIORTA: Yeah. I think it was
18 probably over a week ago that we reached out about,
19 you know, the requirements for 11(m) that you
20 hadn't met and I don't -- I mean, I'd appreciate it
21 if you'd signed it and done it. I guess everybody
22 else on the phone would all have to agree that if
23 you will fully comply with 11(m) and state that on
24 the record, either -- you know, preferably today --
25 but if you will state that on the record and

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1 actually execute it and everybody agrees that it's
2 okay that's present on the phone, we can --
3 otherwise, I don't think we could go forward like
4 that.
5 MR. ESTEY: I'll fully comply with 11(m).
6 MS. PARKER: Does everyone on the phone
7 agree that Mr. Estey's representation is sufficient
8 for the protective order? Does anyone not agree?
9 Okay. All right. Thank you.
10 MS. KIER: One other point. So I'm in
11 the same situation. Our firm has signed the
12 protective order; I have not personally. I can do
13 so today. So does anybody object to my
14 participating knowing that our firm has signed
15 the order?
16 MS. PARKER: Who is speaking, please?
17 MS. KIER: Sorry. Lori Kier from Sauder
18 Schelkopf.
19 MS. PARKER: I guess I would say the
20 same thing: If you will complete it and sign it
21 today, is there anyone on this video who objects
22 and feels that that would not be sufficient under
23 the Court's protective order? If so, please speak
24 up now.
25 All right. Thank you.

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1 THE REPORTER: All right. Mike, I think
2 it's all yours.
3 MR. COX: All right. Thank you.
4 EXAMINATION
5 BY MR. COX:
6 Q. Once again, Mr. Easthope, good morning.
7 **A. Good morning.**
8 Q. Can you hear me okay? Sir, can you hear me okay?
9 **A. I can hear you.**
10 Q. Okay. I can be a little soft spoken, so if my
11 voice drops and you can't hear me, please let me
12 know, okay?
13 **A. I promise you I will.**
14 Q. All right. Thank you.
15 Have you ever been deposed before, sir?
16 **A. No, I have not.**
17 Q. Okay. I just want to go over a couple ground rules
18 which I expect your attorneys have -- already went
19 over with you, but basically if I ask a question
20 and you don't understand it, could you ask me to
21 restate it or break it down or to clarify it?
22 **A. I will.**
23 Q. Okay. And in order to create a clear record, you
24 and I have to try not to talk over each other,
25 okay?

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1 **A. I'll try.**
2 Q. Okay. And so basically I ask the questions, you
3 answer the questions, but you can ask questions if
4 you need some clarification. Does that make sense
5 to you?
6 **A. It sure does.**
7 Q. Okay. Another important rule is that if you need a
8 break, you know, for the restroom, water, just
9 stretch your legs, please let us know, okay?
10 **A. I will.**
11 Q. I know your son is a judge and a lawyer, so you
12 probably expect -- I expect you probably talked to
13 him about some of these rules.
14 **A. I did not.**
15 Q. Okay. Let me ask you this: How did you prepare
16 for the deposition today? By that I mean, did you
17 read any documents, look at any -- search the
18 internet, look at what the U of M produced from
19 Detective West, any of that kind of thing?
20 **A. I read some things. I wouldn't say I did**
21 **comprehensively, but I read some stuff, and I read**
22 **the Facebook stuff that comes out, also.**
23 Q. Okay. And the things that you read -- not the
24 Facebook stuff, but the other things from the West
25 report -- did you look at your statements to

Page 16

1 Detective West?
2 MS. PARKER: Objection. Form.
3 MR. COX: You can answer the question,
4 sir.
5 BY MR. COX:
6 Q. Did you look at your statements to Detective West,
7 what you told him?
8 **A. Yeah, I think so. This has been three or four**
9 **months ago so it's -- yeah, I think so.**
10 Q. Okay. All right. Did you -- besides Ms. Belveal
11 and Mr. Czerniawski, your lawyers, have you talked
12 with anyone else about your deposition?
13 **A. My wife happens to know that this is happening, if**
14 **that's important.**
15 Q. Okay. Did you talk with your daughter, Mary Jo
16 Desprez?
17 **A. No, she's been away on vacation, so I have not, but**
18 **I probably would not have anyway.**
19 Q. Okay. How about any of your other children, such
20 as your son Tom or your son Joe?
21 **A. No.**
22 Q. Okay. All right.
23 **A. I have not discussed it with any of them at all.**
24 Q. Okay. How about any friends or family other than
25 your wife?

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1 **A. Only my wife, and that is in cryptic language.**
2 Q. Okay. I understand. I understand.
3 And sir, are you feeling good and healthy
4 today?
5 **A. Yeah, anybody who is sitting in front of a bunch of**
6 **lawyers, probably I feel like anyone.**
7 Q. I understand.
8 Okay. Is there any reason why you can't
9 participate here today, though? Do you feel
10 healthy enough to participate and answer the
11 questions?
12 **A. I sure do.**
13 Q. Okay. Good. Thank you.
14 We'll try and get you out to your back
15 yard and the water as quickly as we can, okay?
16 **A. That would be wonderful.**
17 Q. In that regard, often one of the best ways to
18 facilitate to move a deposition along is listen to
19 the question and then just answer what the question
20 is, okay?
21 **A. I gotcha.**
22 Q. Okay. Now you know that these 21 lawyers -- I
23 think it is; if I heard the count correct -- we're
24 all here either to represent or -- most of us are
25 representing hundreds of former U of M athletes and

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1 students; you understand that, is that right?
2 **A. I do, yes.**
3 Q. Okay. That were all abused by Dr. Anderson. You
4 understand that?
5 **A. I understand what I read.**
6 Q. Okay. So one other group I didn't ask you about
7 talking to. Did you talk with a law firm Wilmer
8 Hale at all before today?
9 **A. I don't know who they are, so I couldn't have
10 talked to them.**
11 Q. Okay. I understand.
12 Now getting back to my clients. I
13 represent over 80 athletes and a couple of
14 non-athletes. And before we get to the questions,
15 is there anything you would like to say about what
16 happened with Dr. Anderson abusing so many young
17 men at the University of Michigan?
18 **A. I'll take whatever questions you have.**
19 Q. Okay. Now I want to back up a little bit, just
20 some general background on who you are and your
21 social history, okay?
22 **A. Okay.**
23 Q. All right. And if I understand correctly, you were
24 born -- or you grew up in Detroit; is that right?
25 **A. That's correct; 1933.**

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1 Q. 1933. And that would be June 1 of 1933?
2 **A. Yes, sir.**
3 Q. Okay. And now I saw that you went to
4 St. Catherine's, so you were probably an east
5 sider; is that right?
6 **A. That's correct.**
7 Q. Okay. Did you go to St. Catherine's for high
8 school or would you have went to like Southeastern
9 or some other school?
10 **A. I went to St. Catherine's for twelve years.**
11 Q. For twelve years. Okay. Coincidentally, I was
12 there a couple years ago; it's now called
13 St. Augustine's. I don't know if you've seen --
14 **A. I drove by it a couple years ago. It was some kind
15 of reunion. It's the same church, but a different
16 name.**
17 Q. Beautiful church.
18 Okay. And I assume when you were there
19 you probably played CYO and high school sports; is
20 that right?
21 **A. I did.**
22 Q. And what kind of sports did you play?
23 **A. Football.**
24 Q. Okay. Were you good?
25 **A. In all humility, I was pretty good.**

Page 20

1 Q. Okay. And what position did you play?
2 **A. Guard on offense and linebacker on defense.**
3 Q. Did you have any thoughts of playing when you went
4 to U of D -- I'll call it U of D College because it
5 wasn't U of D Mercy then.
6 **A. It was University of Detroit. No, unfortunately, I
7 topped out at about 162 and it just wasn't football
8 weight.**
9 Q. Got it. I got it.
10 So you were probably there during the days
11 of Vince Banonis and George [sic] McCotter when
12 they were All-Americans; is that right?
13 **A. Yeah. Denny McCotter, wasn't it?**
14 Q. Yeah, Denny McCotter, right.
15 **A. Yeah, I don't remember very much about that, but I
16 remember the names.**
17 Q. Right. And I saw that your degree was in
18 industrial management; is that right?
19 **A. Yes, sir.**
20 Q. And in order to get that degree, what sort of --
21 could you describe it for me, what the degree does?
22 What do you do with it?
23 **A. I think it was preparation for management in the
24 automobile industry or any large manufacturing
25 companies, sprinkled with accounting, labor**

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1 **relations, all of the things that go into a
2 professional career in business.**
3 Q. Right. Okay. You said -- so you went out with --
4 well, it's changed over the years, but you would
5 have dealt with personnel, human resources classes,
6 and learned that as part of it; is that right?
7 **A. Yes, indeed, probably three or four courses in
8 personnel management, but my graduate degree was in
9 depth with educational psychology.**
10 Q. Okay. And before we get to that, that -- what year
11 did you graduate from U of D?
12 **A. I went from '51 to '53, then I went into the United
13 States Air Force, and I got out in '55, I went
14 back, in the interim, I got married and started
15 having babies, so I finished in night school, I
16 think 1958.**
17 Q. Okay. Well, the '50s were pretty busy for you
18 then.
19 **A. Yeah, I would guess so.**
20 Q. Yeah. So you said -- can I just ask you to move
21 your -- be careful of your hand and your mouth.
22 And so you went to U of M for a master's
23 degree in educational psychology; is that right?
24 **A. I didn't get that until after I had been at the
25 university for eight or ten years.**

Page 22

1 Q. Okay. And I think you alluded to -- you said a
2 little earlier that educational psychology went
3 more in depth than like human resources and
4 management of people?
5 A. **Yeah, the emphasis was on how do people learn, what
6 are the influences about how they learn, what --
7 you know, along that line about psychology of
8 learning and how it's imparted to people.**
9 Q. All right. And given that you got that at U of M
10 when you were already in your career there, would
11 it be fair to say you did that in order to become a
12 better manager and communicator and leader of your
13 employees?
14 A. **I guess you could say that, yeah. I really wanted
15 to know more about the population that I was
16 dealing with and I thought that might be a better
17 way of understanding the academic standpoint
18 because I already had worked at it experientially.**
19 Q. Exactly. Now what year -- my information is you
20 started at U of M around '69 or 1970; is that
21 right, sir?
22 A. **Probably was January of '70, as a matter of fact, I
23 think. And it's a long time ago, really.**
24 Q. I understand. Go ahead.
25 A. **It's 50 years ago.**

Page 23

1 Q. Yeah.
2 What did you do during the 11, 12 years
3 or so between graduating from U of D and starting
4 at U of M?
5 A. **When I graduated from U of D -- probably before I
6 graduated from U of D because I finished in night
7 school -- I worked at Chrysler Missile on Sixteen
8 Mile Road and Van Dyke as an administrative
9 assistant to the executive engineer.
10 After about three or four years, a friend
11 of mine was at Bendix Aerospace Systems in Ann
12 Arbor and said, "Tom, they're looking for somebody
13 who can get into the systems and procedures
14 business. Why don't you come and apply?" So I
15 did, and I worked at Bendix for ten years.**
16 Q. Okay. Why did you go to work as an employee at
17 University of Michigan?
18 A. **I met the then professor of law, Bob Knauss, and he
19 was appointed vice president for Student Affairs,
20 and he called me up. I had -- during the time I
21 was at Bendix, Bob and I both did a little
22 consulting on how to prepare manuals for people who
23 were trying to get government contracts, so I met
24 him there, and he -- when he went to the
25 university, he said, "I don't know anything about**

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1 **student affairs or anything. Why don't you come
2 and help me." And I said, "Yeah, that sounds
3 good." I didn't realize that the university was in
4 a tumultuous stage at that moment.**
5 Q. Right. And Bob's last name, did you say it was
6 Knauss, like K-N-A-U-S [sic]?
7 A. **Yes.**
8 Q. Okay.
9 A. **I think he retired from the University of Houston.
10 He was the dean of the law school there.**
11 Q. Okay.
12 A. **When he left the University of Michigan, he went to
13 Vanderbilt as the dean of the law school.**
14 Q. And I expect it probably helped that you were
15 probably a U of M football fan as well, right?
16 A. **Over the years, it waxed and waned. When I was
17 heavy in it, I was a fan. When my children were --
18 you know, I had six kids, and it didn't always
19 afford me the opportunity of leisure that I would
20 have liked and that I now have in my later years
21 because I was busy making sure they got to where
22 they had to go and that, so yeah, I'm a fan of
23 Michigan football.**
24 Q. Did you ever have season tickets?
25 A. **Yes.**

Page 25

1 Q. Okay. For how -- when did you have season tickets;
2 what period of time?
3 A. **Probably in the '70s. I frankly don't remember
4 when I stopped. Somebody could probably tell you.**
5 Q. Would you have had season tickets over a decade or
6 as many as twenty years?
7 A. **Not twenty.**
8 Q. Not twenty, but maybe a decade?
9 A. **Yeah, probably.**
10 Q. Okay. So what was your -- when Mr. Knauss offered
11 you the opportunity to go to U of M, what was your
12 title -- what was your title, if you remember, when
13 you first hired in?
14 A. **Assistant to vice president.**
15 Q. Okay. And would that have been an assistant to
16 Mr. Knauss at that time?
17 A. **Yes.**
18 Q. Okay. And he was the vice president for Student
19 Services; is that right?
20 A. **Yes.**
21 Q. Okay. And as the assistant, what were your primary
22 responsibilities then in -- and this would have
23 been around '70, '71, you say?
24 A. **Yep.**
25 Q. What were your primary responsibilities when you

Page 26

1 were the assistant?

2 **A. He was reorganizing the office and taking on more**

3 **duties and changing with the times, so I -- he and**

4 **I had many, many sit-downs about how do you**

5 **organize an organization of that size so that it**

6 **meets the needs of the climate.**

7 Q. Okay.

8 **A. And that's when we -- we had many, many discussions**

9 **about is it proper to have a student community**

10 **relations group, is it proper to have housing --**

11 **take care of off-campus housing, those kinds of**

12 **things that we worked out.**

13 Q. Would it be fair to describe Student Services as

14 kind of like their job was to support students in

15 non-academic ways, housing, medical care,

16 counseling, job assistance?

17 **A. Yes.**

18 Q. Okay. And obviously it's a very important role at

19 the university, correct?

20 **A. Say that again.**

21 Q. I said that kind of non-academic support is very

22 important at the University of Michigan, correct?

23 **A. Sure is.**

24 Q. Okay. Now how long -- when you were helping him

25 reorganize, I assume you probably had interaction

Page 27

1 not only with him, but with other vice presidents

2 and President Fleming at the time?

3 **A. I did indeed.**

4 Q. Okay. Were you all -- were you located in what's

5 now called the Fleming Building?

6 **A. No, I was not.**

7 Q. Okay. Where were you located then?

8 **A. When we first started, the first two years I was in**

9 **the student activities building, then when we**

10 **got -- when Student Services got assigned to the**

11 **Michigan Union, we renovated and moved over there**

12 **and I was there for probably 18 years.**

13 Q. Okay. All right. So like I told you off record, I

14 worked over in the student activities building

15 after you moved out, apparently, in financial aid.

16 **A. Oh, yeah, I know financial aid was up on the second**

17 **floor.**

18 Q. Right. Okay.

19 So you freq -- the nature of the job led

20 you to frequently interact with other vice

21 presidents and President Fleming, correct?

22 **A. Not a hell of a lot, you know. I didn't have**

23 **things in common with Vice President Fleming, so**

24 **there's two or three that -- Academic Affairs, sure**

25 **I knew about Allan Smith pretty well.**

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1 Q. And I'm sorry, Academic Affairs, would that be like

2 the person right below President Fleming?

3 **A. That would be now called the provost.**

4 Q. Right. The number two spot?

5 **A. Yeah.**

6 Q. Okay. So because of your proximity, because of

7 your closeness with Mr. Knauss, you were dealing

8 with the number two person at the university right

9 from the get-go; is that right?

10 **A. I wouldn't say that that was my exclusive job or**

11 **anything; it's just that when matters came up that**

12 **I had an input for, I was included.**

13 Q. Okay.

14 **A. I mean, I didn't hold some special role that --**

15 Q. No, no. I was just saying the nature of your job

16 would bring you in contact with Professor Smith,

17 Allan Smith?

18 **A. Yeah, he was over the dean of the law school and**

19 **then he became vice president of Academic Affairs,**

20 **and before I left, he was acting president of the**

21 **university for a little bit of time.**

22 Q. At some point in time, did you meet Henry Johnson?

23 **A. Oh, yes.**

24 Q. Okay. And when did you meet Henry Johnson?

25 **A. Henry Johnson -- when Bob Knauss left, there was a**

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1 **search committee put together and they selected**

2 **Henry Johnson to be the vice president, and he took**

3 **over and I offered my resignation, and he said,**

4 **"No, I need a money man around here and I need**

5 **somebody that knows what's going on."**

6 Q. Okay. Good.

7 And just so I understand the

8 organizational structure, when Mr. Johnson took

9 over, he was at a vice president level, correct?

10 **A. That's correct.**

11 Q. And then above him at that time would have been the

12 dean of Academic Affairs?

13 **A. Not above him.**

14 Q. The same level as him?

15 **A. He was a vice president. He was one of the**

16 **executive officers.**

17 Q. Okay. So Vice President Johnson reported directly

18 to whoever the president was?

19 **A. That's correct.**

20 Q. Okay. All right. And so you were one step removed

21 through Mr. Johnson to the president of the

22 university on the org chart?

23 **A. That's a very nice compliment; thank you. Yes.**

24 Q. Okay. But you didn't stay assistant very long,

25 though, did you?

Page 30

1 **A. Assistant to the -- Henry Johnson asked me to**
2 **become the assistant vice president and so I became**
3 **the assistant vice president, which was his right**
4 **to do.**
5 Q. Okay. And would it be fair to say that for Student
6 Services, Mr. Johnson was like the CEO and you
7 would be the COO, the chief of operations; would
8 that be a fair description?
9 **A. Yeah, I -- yeah, you could probably say that. I**
10 **mean, the nitty gritty, the day to day, yes, I was**
11 **probably more involved than he was on the day to**
12 **day.**
13 Q. Okay. And so you would have been more involved in
14 the direct supervision of the five or six
15 departments that report -- that were part of
16 Student Services; is that correct?
17 **A. Yeah, yes, but when you're dealing at that level of**
18 **the university, everybody thinks they're the boss.**
19 Q. Right.
20 **A. So it's hard to get a group of people who think**
21 **they're, you know, the kings of their castles to**
22 **recognize that they have to report to somebody.**
23 Q. But nonetheless, that was your job to make it all
24 work?
25 **A. Yes.**

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1 Q. Okay. And I heard an interview that you did with
2 Detective West a couple months ago where you told
3 him that you had 1,600 people under you when you
4 were the associate vice president; is that correct?
5 Does that sound about right?
6 **A. I don't know the time that he was talking about,**
7 **but I wasn't always the associate vice president;**
8 **the last three or four years that I was at the**
9 **university, then I was the associate vice**
10 **president.**
11 Q. Okay. And during that time you would have had
12 1,600 people under you, employees?
13 **A. Yeah, I suppose, you know, when you pull a number**
14 **out of the air and then have to defend it, I'm not**
15 **sure I can, but that was the approximate strength**
16 **of the Student Affairs, Student Services**
17 **organization.**
18 Q. Okay. Now would you ever -- in your role at --
19 when you got your promotion from assistant to
20 assistant vice president -- do I have that title
21 right?
22 **A. To associate vice president you mean?**
23 Q. Yes.
24 **A. I got that -- that's a Regental appointment and**
25 **that was -- Al Susman put my name in and it was**

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1 **approved by the Regents.**
2 Q. Okay. And that would have been early in your
3 career at U of M, correct?
4 **A. No, no, that was somewhere slightly after the**
5 **midpoint.**
6 Q. Okay. So just so I have it clear, you hired in
7 with Mr. Knauss as his assistant, correct?
8 **A. Knauss, yes.**
9 Q. Knauss. I'm sorry.
10 Then soon after Vice President Johnson got
11 there, he then promoted you. What was that -- what
12 was that promotion to; what was that title?
13 **A. Assistant vice president.**
14 Q. Assistant vice president.
15 Okay. So just so I've got it right, you
16 were an assistant in the first position, the second
17 position was an assistant vice president, and then
18 the third position later in your career was an
19 associate vice president; is that correct?
20 **A. That's correct.**
21 Q. Okay. Was that all in Student Services or did you
22 move to a different area?
23 **A. All in Student Services.**
24 Q. Okay. Now as I understand it -- as I understand
25 it, I looked at some annual -- presidential annual

Page 33

1 reports and I recognize through reorganizations
2 departments may change, but here's what -- I found
3 a list in the late '70s of the departments in
4 Student Services and I would like to list them to
5 you and see if you agree, okay?
6 **A. Okay. That's great.**
7 Q. Okay. So No. 1 was Career Planning and Placement?
8 **A. Correct.**
9 Q. Okay. No. 2 was Community Services?
10 **A. Correct.**
11 Q. No. 3 was Counseling Services?
12 **A. That's also correct.**
13 Q. No. 4 was Health Services?
14 **A. That's correct.**
15 Q. No. 5 was Housing?
16 **A. That's also correct.**
17 Q. Okay. Then No. 6 was Student Programs?
18 **A. Yeah, that didn't have the same weight as the other**
19 **directors.**
20 Q. Okay. And then the last I saw under the Student
21 Services was a position of ombudsmen, which I
22 expect was just one person; is that correct?
23 **A. Yeah, Don Perigo.**
24 Q. Okay. And let me -- I want to go back to the
25 beginning, if you could just give me a brief

<p style="text-align: right;">Page 34</p> <p>1 description, as you recall, what each of those -- 2 would you call them departments, business units, 3 agencies? What would you have called them? 4 A. Probably departments. 5 Q. Okay. 6 A. That's an interesting question. I have to think 7 about that. 8 Q. Okay. 9 A. What we called them -- they were directors of 10 units. 11 Q. Okay. So let's start with Career Planning and 12 Placement. Would that be like folks charged with 13 counseling people on preparing for a career, what 14 classes, what degrees fit this position, how to get 15 internships, clerkships, things like that? 16 A. I think that's a pretty accurate description. 17 Q. Okay. And you supervised them all during your time 18 as assistant vice president and associate vice 19 president, correct? 20 A. That's correct. 21 Q. Okay. The second department, Community Services, I 22 need a little help. Maybe you can help me out on 23 what they did. 24 A. Maybe you can help me out. Remember, this is 40 25 years ago.</p>	<p style="text-align: right;">Page 36</p> <p>1 health assistance, substance abuse, things like 2 that? 3 A. Yes. 4 Q. Okay. And Health Services, that would be the area 5 that -- the University Health Service that 6 Dr. Anderson ran at one time, correct? 7 A. That is correct. 8 Q. Over on Fletcher Street? 9 A. Yep, right next to the dental school. 10 Q. Right. And then Housing ran all the dorms? 11 A. Indeed, and various student housing. 12 Q. Okay. And Student Programs. Can you recall what 13 they did right now? 14 A. I have to be honest, I can't remember. 15 Q. Okay. Well, in a little bit -- I have a copy of an 16 annual report and we'll get to that in a second and 17 maybe that will help you out. 18 A. Tell me about it and I'll tell you whether I 19 remember. 20 Q. Okay. Good. Good. 21 Of these groups we went over, were some 22 easier to manage than others? 23 A. That's a fact of human life. Some people are 24 easier to manage than others because everybody has 25 a different view of who they are and what they're</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. I understand. 2 A. So help me a little bit, okay? 3 Community Services was the student 4 community and how they were divided up into 5 different communities, so it was an amalgam of 6 people who were helping population groups, interest 7 groups within the student population. 8 Q. Okay. So let me try and give you a couple examples 9 and maybe this will help kind of illustrate it. 10 Like when I was there, I was part of a 11 group that started an ACLU group and we had an 12 office in the Union. Would that have come under 13 that sort of group? 14 A. No, that would have come under student government. 15 Q. Okay. 16 A. That would have been up on the third floor, if I 17 remember that. 18 Q. Yes, yes. 19 Okay. Well, Community Service, would that 20 be perhaps like affirmative action offices, things 21 like that? 22 A. I don't remember. 23 Q. Okay. We'll get to that in a little bit maybe. 24 A. Okay. 25 Q. Now Counseling Service. Would that be mental</p>	<p style="text-align: right;">Page 37</p> <p>1 about. 2 Q. In terms of the actual groups themselves, I 3 assume -- did housing take up a lot of your time? 4 What took up the most of your time? 5 A. In various times through my career there, various 6 units took up a great deal of my time. 7 Because you were there during that period, 8 I should tell you, student disruption took a great 9 deal of my time and President Fleming relied on me 10 a great deal to communicate with the students. 11 Another thing that took a great deal of my 12 time was making sure everybody's budget, that they 13 stayed within budget, and that brought me into a 14 lot of conversations about, are they over budget? 15 Are they under budget? Can they get this new 16 person? You know, regular line -- are you familiar 17 with that kind of business that goes on? 18 Q. Sure. 19 A. It was normal, you know, expected to -- somebody 20 had to manage. And you have to put yourself 40 21 years ago into what was going on. As you probably 22 remember if you were there during that period, you 23 know that there was quite a bit of student 24 disruption. They were having big sit-ins in 25 front of the placement office, which I had to deal</p>

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1 with.

2 Q. Are you talking about like apartheid and things

3 like that, protests?

4 A. **Yeah, yeah, recruitment, that kind of stuff.**

5 Q. Research -- for the Department of Defense, those

6 kinds of things?

7 A. **Yes, a really big disruption. There was some**

8 **sit-ins by Chicano students at Fleming's office**

9 **about they wanted more representation. I mean,**

10 **that was a period of tumultuous times at the**

11 **university.**

12 Q. Since you -- let me get back a second. When I was

13 there in the '80s, every student had to go

14 through -- and oftentimes parents went with

15 students -- had to go through freshman orientation

16 before their freshman year, and it's my

17 impression -- and you tell me if I'm wrong -- that

18 all of your departments were like key presenters to

19 all the incoming freshmen. Would you agree with

20 that?

21 A. **I'm going to guess a little if you don't mind.**

22 Q. Sure.

23 A. **Housing was certainly premier there and trying to**

24 **tell the parents during the parent orientation what**

25 **the kids were going to get into.**

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1 I think -- I can't remember specifically,

2 but I think Career Planning and Placement also had

3 something to say at that. I can't -- I can't

4 recall if Counseling -- I'm sorry, I can't recall

5 that, but I do remember the Housing people took the

6 lead in that orientation.

7 Q. Right. And you are familiar that part of the

8 orientation would show all the incoming students

9 like where Career Planning was, where Health

10 Services was on Fletcher Street, where you could

11 find different things; you were aware of that,

12 correct?

13 A. **I lived it so I -- you know, am I aware of it?**

14 **Yeah, I think I probably am, but did I consciously**

15 **think about it day to day? No, I didn't think**

16 **about it --**

17 Q. I understand. I understand. It became second

18 nature so you weren't thinking about it.

19 A. **Was my emphasis on that orientation? I frankly**

20 **can't answer that because I didn't participate**

21 **other than before orientation we had meetings with**

22 **the Housing department because that was the**

23 **students' first look at the university, so you're**

24 **trying to make it so that they were made quite**

25 **aware what their obligations to the students were.**

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1 Q. Okay. Now I recall -- I don't know if this is

2 still the case, but I recall that as part of my

3 room, tuition and board, one of the fees we had was

4 a fee for the health service, like \$50 a year. Do

5 you recall that every student would get a charge, a

6 fee for the health service?

7 A. **What years are we talking? What time are we**

8 **talking about?**

9 Q. I was there '83 to '89.

10 A. **That's correct. When Cy arrived, I forget who was**

11 **the vice president, who was -- anyway, the**

12 **university was on hard times -- I don't know if you**

13 **remember or not -- but so they wanted to transfer**

14 **health service out of the general fund into fee for**

15 **service and so we put a health service charge on**

16 **the students.**

17 **Cy Briefer and I dealt with that for quite**

18 **awhile one year trying to get them to change their**

19 **mind and not make the students pay a fee, but we**

20 **lost.**

21 Q. Okay. And Cy Briefer would be Dr. Briefer who took

22 over permanently from Dr. Anderson, correct?

23 A. **That is correct.**

24 Q. Okay. And your daughter, Ms. Desprez, works at the

25 Health Services now, or the successor, correct?

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1 A. **Mary Jo? Yes.**

2 Q. Yeah.

3 A. **She just started, I don't know, eight or nine years**

4 **ago. I can't remember now. She used to work at**

5 **Eastern's Health Services there.**

6 Q. Okay. And in terms of Health Services, would it be

7 fair to say that Health Services marketed itself as

8 having high-quality healthcare to the students and

9 to the students' parents?

10 A. **Did they market themselves?**

11 Q. Meaning that if I went there in the '80s, I could

12 count on getting high-quality healthcare for a

13 student.

14 A. **That would be my desire for them to be that way.**

15 Q. Okay. And I expect part of their mission was to

16 inform students about their services and how Health

17 Services could help them, correct?

18 A. **That's my assumption. Did I know directly what**

19 **they said to students? I'm sorry, I don't.**

20 MR. COX: Okay. Now let me -- I want to

21 show you an exhibit, an article. And I'm going to

22 have them pull it up. And could we have Exhibit

23 No. 19, please? It's just a two-page article from

24 the Ann Arbor News.

25 VIDEOGRAPHER: Every time I'm going to do

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1 an exhibit, I'm also going to be putting the URL
 2 into the chat box so that everyone can see it. So
 3 Exhibit 19 is coming up first.
 4 (Marked for identification:
 5 Deposition Exhibit No. 19.)
 6 MR. COX: Mr. Easthope, you'll be able to
 7 see it on your screen.
 8 **THE WITNESS: That's good.**
 9 MR. COX: Give me a second and I'll try
 10 to work the cursor here.
 11 VIDEOGRAPHER: I can set it up for you to
 12 be working. One moment. You're now in control of
 13 the cursor.
 14 MR. COX: And can you scroll down for me?
 15 I don't know how to do that here.
 16 VIDEOGRAPHER: Are you looking at a
 17 particular page?
 18 MR. COX: Let's go back to the top. I
 19 want to go to the headline.
 20 BY MR. COX:
 21 Q. Do you see the headline there, Mr. Easthope? It
 22 says, "Beloved University of Michigan Athletic
 23 Department Physician Robert E. Anderson Dies"?
 24 **A. I see it.**
 25 Q. And it says it's posted November 30th of 2008; do

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1 whom Bo Schembechler boasted to prize recruits."
 2 Do you see that there, sir? We can blow it up if
 3 you want.
 4 **A. Oh, the underlined -- the yellow; yes, I see that.**
 5 Q. Okay. I'm going to scroll down and show you
 6 another quote from Mr. Thornbladh and then I want
 7 to get your opinion.
 8 In there, you see right at the very top in
 9 yellow again, or orange, "Bo valued him greatly
 10 and had great trust and confidence in him,"
 11 Thornbladh said. "We used to tell people when we
 12 recruited them, you will get no finer medical
 13 care." Do you see that, sir?
 14 **A. I see that there, yes.**
 15 Q. Okay. Would you agree that during your time at --
 16 did your employees, either at healthcare or
 17 elsewhere, would they tell students and parents
 18 similar information, that you're not going to get
 19 finer medical care anywhere in any other university
 20 in Michigan or across the country?
 21 **A. I have no knowledge of that.**
 22 Q. Okay. Now you have a grandson that's one of the
 23 top high school quarterbacks in the state right
 24 now; is that right?
 25 **A. I'm very proud of him.**

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1 you see that?
 2 **A. Where does it say that?**
 3 Q. Right below the headline.
 4 **A. "Posted November 30" -- yeah, I see that.**
 5 MR. COX: Okay. Now I'm going to scroll
 6 down if I can -- there we go. Scroll down to a
 7 highlighted part. I want to -- keep going. Right
 8 there.
 9 BY MR. COX:
 10 Q. Do you see where I have it highlighted in yellow?
 11 **A. Uh-hum.**
 12 Q. Is that a yes?
 13 **A. I see what you said there.**
 14 Q. Okay. Well, actually, I didn't say it. This is a
 15 quote from a former football coach by the name of
 16 Bob Thornbladh.
 17 **A. Who was a fullback at the University of Michigan.**
 18 Q. He was. One year he had 13 touchdowns. You
 19 probably remember that, right?
 20 **A. I don't remember the number of touchdowns, but I**
 21 **remember the name.**
 22 Q. Yeah.
 23 At any rate, Mr. Thornbladh said in this
 24 obituary about Dr. Anderson, "Thornbladh said
 25 Anderson was part of a team of physicians about

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1 Q. You should be.
 2 **A. Unfortunately, he may not get to play his senior**
 3 **year.**
 4 Q. And I expect he and his dad probably tell you about
 5 the recruiting process; is that right?
 6 **A. Indeed.**
 7 Q. Okay. And would it be fair to say that every coach
 8 that sits down with your grandson Conor and his dad
 9 all brag about how good the coaching is wherever
 10 their school is? Have you heard that?
 11 **A. I probably have, but it's all fluff as far as I'm**
 12 **concerned. Everybody's out to hustle, so everybody**
 13 **is going to put their best foot forward.**
 14 Q. Okay. And have they told you how most of the
 15 coaches brag about not only how good the program
 16 is, but how good the academics are, how good the
 17 healthcare is that they get? Have you heard that
 18 from your son or Conor?
 19 **A. I've got to say, we never got into that depth, just**
 20 **who made offers to him. Five or six universities**
 21 **have made offers to him, and, you know, then**
 22 **Harvard said they're going to wait for his SATs,**
 23 **and when they got his SATs, they offered him.**
 24 Q. Good. That's pretty impressive.
 25 **A. I thought so, too. I was very proud of him.**

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1 Q. I bet the coach at Western Michigan was pretty
2 disappointed.

3 **A. As a matter of fact, I think if it had not been**
4 **Harvard, he probably would have gone to Western,**
5 **but that's just my opinion, and it can't be**
6 **corroborated by anybody.**

7 MR. COX: Okay. You can take the exhibit
8 off the screen. Thank you.

9 BY MR. COX:

10 Q. I want to get back to your first contacts with
11 Dr. Anderson. Do you recall when you first would
12 have met him?

13 **A. No, I can't say that I met him on -- people coming**
14 **and going in that office that I was trying to get**
15 **to understand who they were.**

16 Q. Let me break it down, okay?

17 **A. Go ahead.**

18 Q. Do you recall if he was already the director of
19 Health Services when you got to U of M?

20 **A. Yes.**

21 Q. Okay. And so it would be fair to say that starting
22 with budget issues and on more issues, you had to
23 deal with him as one of your six or so directors
24 from the beginning of your career?

25 **A. I've got a fuzzy memory about budgets on that**

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1 **because it was a significant item in my career**
2 **there when they took away the general funding**
3 **there, so I -- you know, I know a little bit about**
4 **the funding aspects and that I was not happy, to be**
5 **honest with you, that they took it away and made us**
6 **put that fee on students, which I thought was not**
7 **very nice.**

8 Q. Okay. Let me pull back for a second.
9 After you got promoted to assistant vice
10 president, what kind of things would you have dealt
11 with Mr. Anderson on; was it just budget or was it
12 other issues as well?

13 **A. To the best of my memory, it had to be only**
14 **budgets. I think I got involved -- they wanted to**
15 **spend some money to upgrade some of the offices,**
16 **but I can't remember whether it was refinishing the**
17 **third floor or something like that. Remember, this**
18 **is a long time ago.**

19 Q. I understand.

20 **A. There was, I think, some discussion about finding**
21 **money to get to do the third floor.**

22 Q. Okay. During your -- so you get there in the early
23 '70s, and you dealt with him most -- for the rest
24 of the '70s, correct, as a director; is that
25 correct?

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1 **A. Insofar as I had any cause for interaction, yes.**

2 Q. How often would you deal with him? Would you
3 have -- would it be weekly, monthly; how often?

4 **A. You're asking me a tough question and I really**
5 **can't answer that because my memory of my contacts**
6 **with people 40 years ago is very, very sketchy.**

7 Q. Okay. Let me move on to another question then.

8 **A. Okay.**

9 Q. Do you -- in your position, you would have
10 participated in any decisions on giving him raises
11 or merit pay, correct?

12 **A. Yes, Henry took the lead on that as the vice**
13 **president. That was his power moment and he**
14 **reveled in that, that he -- did I make -- I made**
15 **suggestions about an increase that they should**
16 **have, but --**

17 THE REPORTER: I'm sorry, Mr. Easthope, I
18 missed what you just said.

19 **THE WITNESS: I said I may have put some**
20 **input into their -- what Henry was doing, but Henry**
21 **was firmly in charge of those promotions and that**
22 **kind of thing. That was the vice president's role.**

23 BY MR. COX:

24 Q. I understand. Before -- you realize we're here
25 because you fired him at one point, correct; that's

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1 why you're a witness here, correct?

2 **A. I'm sorry, I assume that. I don't know why else I**
3 **would be here.**

4 Q. Okay. Before you fired him, in your impression,
5 your opinion, was he a good employee and director
6 up until that point?

7 **A. That's a hard retrospect that I have. That's an**
8 **interesting question. I -- he was a different**
9 **breed of person. He was a physician, you know, he**
10 **hung with the medical people. I didn't view him as**
11 **a Student Services professional.**

12 Q. Okay.

13 **A. He was somebody who was medical, you know. I don't**
14 **know if you know that distinction, but that was an**
15 **area where I didn't have competence, and how could**
16 **I challenge people who were in a field that I**
17 **wasn't educated in?**

18 Q. I get that.
19 Would it be fair to say that in your
20 career as the manager and leader that you often
21 recall people who gave you headaches and problems;
22 is that fair to say?

23 **A. Well, I guess I had my share. I bet you do, too.**

24 Q. Yes, yes. And that's -- so my question -- I'm
25 trying my question a different way.

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1 Do you recall any headaches or problems
2 with Dr. Anderson before you had to fire him?
3 **A. No, not really. I dealt mostly with his business**
4 **manager, whose name just escapes me. He was a good**
5 **guy. He really ran Health Service from the**
6 **standpoint that I would interact with, you know,**
7 **budgets and personnel and stuff like that, but I**
8 **can't remember his name. He was a good guy.**
9 Q. That's okay. Let me move on then.
10 Now because he was the director -- strike
11 that.
12 Because Dr. Anderson was the director of
13 that healthcare, in your -- on the university side
14 of the equation, he had no other -- there wasn't
15 another spot to go for him to be promoted to, is
16 that correct, in the university setting?
17 **A. I can't say from the university setting. From the**
18 **Student Services setting, that was it.**
19 Q. Okay. And you answered the question. That's what
20 I was trying to get at.
21 Were you aware that he got at least five
22 merit pay increases during the '70s according to
23 his personnel records?
24 **A. No, I was not aware of that.**
25 Q. Would you be surprised by that?

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1 **A. That's an interesting question. Would I be**
2 **surprised? At that point in time would I have been**
3 **surprised? Boy, that's an interesting question. I**
4 **can't really answer that because I can't go back**
5 **that far and put myself in that situation.**
6 Q. Okay. One thing you said, he was a different breed
7 of cat, and you mentioned because he was a doctor,
8 correct?
9 **A. Yeah.**
10 Q. Was he a different breed of cat in any other ways,
11 meaning in your personal relations with him, how
12 would you describe him? Was he gregarious, was he
13 reserved, was he odd, was he smart? If you had to
14 describe him to your wife or kids at the time, how
15 would you -- and this is before the firing -- how
16 would you have described him?
17 **A. The closest I can come is he was authoritarian.**
18 Q. Okay. He projected authority; is that correct?
19 **A. Yes.**
20 Q. Okay. Now outside of being authoritarian, any
21 other general impressions you had about him before
22 you had to fire him?
23 **A. That's a long time ago.**
24 Q. I understand.
25 **A. I would be lying if I told you that was my**

Page 52

1 **impression then, but my impression now was that he**
2 **was a little --**
3 Q. Different?
4 **A. -- full of himself.**
5 Q. Full of himself.
6 **A. That's as close as I can come, but I wouldn't want**
7 **to be held to that because it's a long, long,**
8 **memory.**
9 Q. I understand. I understand.
10 Before you had to fire Dr. Anderson, had
11 you ever heard any rumors about him?
12 **A. Not one.**
13 Q. Not one. Okay.
14 All right. Now you were aware that
15 Dr. Anderson was a doctor for Henry Johnson,
16 correct?
17 **A. In passing, yes. Henry -- I think Henry may have**
18 **mentioned to me that he had some medical problem**
19 **and he was seeing Dr. Anderson, but that was in the**
20 **noise level kind of thing. I mean, it wasn't a big**
21 **statement or anything.**
22 Q. No, I understand.
23 Were you aware that he was a doctor for a
24 number of the football and other athletic coaches?
25 **A. No.**

Page 53

1 Q. When you supervised him, you were aware that he was
2 a team physician for a lot of the sports teams,
3 though, correct?
4 **A. No. I knew that he was working with the athletic**
5 **department on something, but that was out of my**
6 **sphere of influence and nothing that I had any**
7 **input about, so it wasn't something that I was**
8 **terribly concerned about.**
9 Q. Okay. Let me pull back for a second there.
10 So if I understand your answer correctly,
11 you weren't certain that he was a team physician
12 for particular sports, but you knew he did
13 something for the athletic department; is that
14 correct?
15 **A. For the department? I'm not sure that I knew that.**
16 Q. Okay. Let me ask it again. Were you aware that he
17 had some connection to the athletic department or
18 the sports programs at U of M when you were
19 supervising him?
20 **A. I can't remember, honest.**
21 Q. All right.
22 **A. I think he did, but I can't remember.**
23 MR. COX: Okay. Well, I want to pull up
24 Exhibit 11 and I'm going to have the technician
25 direct your attention to page 7 to see if that

Page 54

1 helps your memory on this point, okay?

2 **THE WITNESS: Okay.**

3 VIDEOGRAPHER: Eleven is coming up. And

4 as before, I'm going to be putting the URL into the

5 chat and I'll be sharing it.

6 MR. COX: That's not 11 -- I'm sorry, 14.

7 My bad. That is 11.

8 (Marked for identification:

9 Deposition Exhibit No. 14.)

10 MS. BELVEAL: If there is a Bates number,

11 Mr. Easthope has all the copies of the Bates

12 numbered documents for his ease of reference if you

13 provide that. If there's not a Bates number,

14 obviously he doesn't have that.

15 MR. COX: No, this is a transcript of the

16 audio of his interview in March with Detective

17 West.

18 BY MR. COX:

19 Q. Before we get to this, sir, do you remember a

20 couple months ago Detective West came back -- came

21 out to your house and talked to you briefly; do you

22 remember that?

23 **A. I do remember that. It was during the first stages**

24 **of the pandemic and he stayed at the front door.**

25 Q. Right. And it was after the first stories and

Page 55

1 lawsuits over Dr. Anderson had started, correct?

2 **A. If you say so. I can't -- the timing on those**

3 **things is not real clear with me at this moment.**

4 MR. COX: Can we go to page 11, please?

5 VIDEOGRAPHER: Yes, sir.

6 MR. COX: Excuse me. Page 7. My bad.

7 Page 7.

8 VIDEOGRAPHER: No problem.

9 MR. COX: One more page. Okay. Pull up

10 just a little more. Stop.

11 BY MR. COX:

12 Q. Okay. I'm going to direct your attention,

13 Mr. Easthope, to the yellow marker in the middle of

14 the page.

15 **A. Okay.**

16 Q. And this is what the transcript says of your

17 conversation with Detective West. And I'm starting

18 at line 12. You see line 12 where it has the name

19 "Tom"?

20 **A. Yep.**

21 Q. Okay. And there it says -- and this is a quote

22 from you, according to the transcript. "My memory

23 was that he left. Don't know whether -- you know,

24 a doctor has several appointments all over the

25 place. He might have had one in the medical

Page 56

1 school. He might have had one in the athletic

2 department." Okay. You can take that down.

3 Having looked at that, does that refresh

4 your memory as to other appointments that

5 Dr. Anderson had while he was also working for you

6 in Student Services?

7 MS. PARKER: I'd like to -- I have an

8 objection. This is Stephanie Parker. My objection

9 is to the exhibit. I understand that you

10 transcribed the recording. My objection, though,

11 is to the first page in your description that

12 it's -- that the underlying recording is for this

13 case. It's not. That's my objection.

14 MR. COX: All right. Thank you.

15 BY MR. COX:

16 Q. At any rate, Mr. Easthope, having looked at that

17 yellow area, does that refresh or help your memory

18 as to whether Dr. Anderson had outside work for the

19 medical school and for the athletic department

20 during the time he worked for you?

21 **A. I can't tell you one way or the other on that.**

22 Q. Okay.

23 **A. If I knew it, I had forgotten it.**

24 Q. I understand.

25 Okay. Now I want to go to your firing of

Page 57

1 Dr. Anderson, okay?

2 **A. Of course.**

3 Q. In your -- as I understand, between the time you

4 were at Chrysler Missile or Bendix or University of

5 Michigan or after you moved on to the private

6 equity world with Mr. Diamond after U of M --

7 **A. You know a lot about me.**

8 Q. Well, a lot of people -- we know a lot of people in

9 common.

10 **A. Do they say nice things about me?**

11 Q. They all did.

12 **A. Good.**

13 Q. So during your long professional career, had you

14 ever had as a traumatic employee issue as when you

15 had to fire Dr. Anderson?

16 **A. I can't recall any at the moment. There might have**

17 **been, but I can't recall any that stand out in my**

18 **mind at this moment.**

19 Q. So would it be fair to say that in your career as a

20 boss, this was the worst employee incident you had

21 to deal with?

22 **A. Absolutely.**

23 Q. Okay. Okay. And would it be fair to say, now

24 years later, it still sticks out in your memory and

25 sticks in your crawl?

Page 58

1 **A. For many years it didn't; since, I think, February**
2 **of this year, it has been in my crawl.**
3 Q. Okay. If I understand from Detective West's
4 report, your decision to fire Dr. Anderson was
5 based on a conversation or conversations with Jim
6 Toy; is that right?
7 **A. A conversation with Jim Toy.**
8 Q. One conversation?
9 **A. That's correct.**
10 Q. Okay.
11 **A. That I recall anyway.**
12 Q. No, I understand.
13 And just for the record, Jim Toy, can you
14 tell us about your relationship with him back
15 during that time?
16 **A. You've got to come back 40 years with me now.**
17 Q. I am.
18 **A. As you probably know as a student there, the gay**
19 **community was not highly recognized as being fully**
20 **participant in the student body at the University**
21 **of Michigan in those days, so Jim Toy was hired to**
22 **be the voice to the administration about things**
23 **that were affecting the gay community, and so he**
24 **was called the gay advocate, and so he went around**
25 **trying to make sure that they were welcomed in the**

Page 59

1 **community.**
2 Q. Okay. And in fact, like yourself, he's also a
3 retiree from U of M and very well known in the Ann
4 Arbor community, correct?
5 **A. He sure is.**
6 Q. Okay. And back during -- did he work in one of
7 your departments or was he off in a different
8 department?
9 **A. He worked in, I believe, Community Services as a**
10 **gay advocate.**
11 Q. Okay. And he had an office over in the Union or
12 somewhere else?
13 **A. Yes, on the second floor.**
14 Q. Second floor of the Union?
15 **A. Yep.**
16 Q. And I think you alluded to this. At that time, the
17 gay community was a bit ostracized, vulnerable and
18 underground, would you say?
19 **A. Ostracized is not a word I would use.**
20 Q. Vulnerable?
21 **A. Pardon me?**
22 Q. Let me restate it. You're right; ostracized is a
23 bad choice.
24 It was more vulnerable, more underground
25 than it is today?

Page 60

1 **A. Yes, sir.**
2 Q. Okay. And because of social views, would you agree
3 that gay students could be especially vulnerable to
4 an authority figure?
5 **A. I would -- I would believe that, absolutely.**
6 Q. Okay. All right. So at some point, Mr. Toy comes
7 to you and gives you information about
8 Dr. Anderson, correct?
9 **A. That is correct.**
10 Q. Do you remember the context? Like I know the
11 information was really big, but do you remember
12 where you guys were, his office, your office, or
13 having a cup of coffee, or was the information so
14 big and dynamic that you can't even remember that
15 now?
16 **A. I don't remember the place or the time, but I**
17 **remember him coming to me and in a very serious way**
18 **saying something to me that, you know, just shocked**
19 **the hell out of me.**
20 Q. Okay. As best as you recall, what was it that he
21 said to you, Jim Toy said to you, that shocked the
22 hell out of you, as you say?
23 **A. Well, what he said, how I interpreted it -- can I**
24 **tell you?**
25 Q. Yes, please.

Page 61

1 **A. He said, "Anderson is fooling around with the**
2 **boys." I read that to be he was abusing a segment**
3 **of the population that were very vulnerable and**
4 **that just tore me up.**
5 Q. Okay. Did you ask questions about it or were you
6 so torn up that you didn't really have a whole lot
7 of followup because you knew what he was talking
8 about?
9 **A. I knew what he was talking about.**
10 Q. Okay. Did Mr. Toy give you any names or letters at
11 that point, or no?
12 **A. Nope.**
13 Q. Okay.
14 **A. That I can remember. I'm sorry.**
15 Q. No, I understand.
16 **A. Memory comes and goes, but on that, I don't think**
17 **he told me names or anything like that.**
18 Q. Okay. And this information that shocked the hell
19 out of you, did it -- did the fact that
20 Dr. Anderson was a doctor versus, I think -- let me
21 pull back.
22 Earlier you told us about -- and I don't
23 want to misquote. You told us that Dr. Anderson
24 was a little bit different than the ordinary
25 Student Services person because he was a physician.

Page 62

1 Do you recall something like that?

2 **A. Yeah, something like that.**

3 Q. Okay. Did --

4 **A. He had an authority aura about him that regular**

5 **folks don't -- you know what doctors are like.**

6 Q. Sure, sure, sure, I do.

7 And Mr. Toy said that, "boys," more than

8 one, that's how you recall it?

9 **A. Yeah, I -- I'm going to go with yes, but he was**

10 **fooling around -- yeah, I think he said fooling**

11 **around with boys, yes, "boys."**

12 Q. At that time, U of M had policies against sexual

13 harassment, correct?

14 **A. Yeah, but it wasn't as dominant as it became later**

15 **in that time period.**

16 Q. I understand, but let me pull back.

17 Did he describe the particular acts --

18 **A. No.**

19 Q. -- that --

20 **A. No.**

21 Q. Okay. Just that he was fooling around with boys in

22 the exam room; is that correct?

23 **A. He was abusing.**

24 Q. Abusing. Okay.

25 **A. That's my words. He was abusing a vulnerable**

Page 63

1 **population. That was horrible to me.**

2 Q. Had Mr. Toy ever reported anything like this to you

3 before --

4 **A. No.**

5 Q. -- about any other employee?

6 **A. Nope.**

7 Q. Okay.

8 **A. You know, I think I would remember if he had.**

9 Q. Okay. And so what did you do when Mr. Toy tells

10 you this information that shocked the hell out of

11 you?

12 **A. I can't remember in detail, and that may be**

13 **something you want. I can't remember in detail.**

14 **My memory, because it was a significant**

15 **event in my life -- like, you know, your first ice**

16 **cream or something like that -- it was a**

17 **significant event. It infuriated me. Did I speak**

18 **to anybody else? I don't know. But I remember**

19 **walking across the diag thinking, "That bastard,"**

20 **you know, "taking advantage of a position like that**

21 **with a vulnerable population. That doesn't go**

22 **here."**

23 Q. Okay. And when you say "That doesn't go here," you

24 mean U of M?

25 **A. Yeah, that's who I was talking for.**

Page 64

1 Q. Right. Okay. And you were also mad that he used

2 his position as a doctor?

3 **A. Well, that's the whole -- that's the whole part of**

4 **it. I mean, I don't know what other position that**

5 **could take advantage of people like that.**

6 Q. Okay. And I think you were saying that you -- and

7 correct me if I'm wrong; I might be confusing what

8 I read or what you just said.

9 But did you say you were walking across

10 campus thinking these things?

11 **A. I was furious walking across campus. I left the**

12 **Michigan Union, walked across the diag to Health**

13 **Service, walked into his office and said, "You're**

14 **outta here." I remember that because it was a**

15 **very, very significant point in my life and my**

16 **career and everything else to confront somebody who**

17 **was a doctor.**

18 Q. Okay. And you changed your voice with "doctor,"

19 meaning someone society gives special authority to

20 and respect to?

21 **A. Everybody makes their own judgments. That was my**

22 **judgment.**

23 Q. Okay. So you said, "You're outta here." Did you

24 tell him why first?

25 **A. I did indeed. I told him that Toy told me, and,**

Page 65

1 **you know, he didn't deny it, put his head down. I**

2 **remember him putting his head down. I said,**

3 **"You're outta here."**

4 Q. Okay. Did you spend much time with him or you just

5 turned around and walked out?

6 **A. I turned around and walked out.**

7 Q. Okay. And when you talked with him, were you

8 talking like you are now or did you have a

9 different tone and demeanor?

10 **A. Boy, 40 years ago, describing my tone is a risky**

11 **business in front of lawyers. I don't know. I**

12 **can't remember my tone, but in my soul, I can tell**

13 **you how I felt.**

14 Q. Okay. So you said that U of M's sexual harassment

15 policy isn't what it is today, but there was one at

16 that time, correct?

17 **A. Sure there was.**

18 Q. Okay. Did you view this as -- putting aside U of M

19 policy, did you also view this as an ethical issue?

20 **A. What?**

21 Q. What Dr. Anderson had done to the young men in the

22 exam room.

23 **A. Of course.**

24 Q. Okay. Did you view it as a criminal act?

25 **A. Not being a lawyer, I don't make those kind of**

Page 66

1 **judgments.**

2 Q. I understand. I'm asking you not as a lawyer, but

3 just as a person on the street. Did you view it as

4 a criminal act?

5 MS. PARKER: Objection as to form. It's

6 not clear as to the period of time.

7 MR. COX: You can answer the question,

8 sir.

9 **THE WITNESS: That's an interesting**

10 **question. I really can't answer that with some**

11 **knowledge.**

12 MR. COX: I understand.

13 Now, are you doing well? Do you need a

14 break or water or anything or can I keep going?

15 **THE WITNESS: I'm fine if you are.**

16 MR. COX: Okay. Good. You're going to

17 wear me out.

18 **THE WITNESS: No, you're going to wear me**

19 **out and you know it.**

20 BY MR. COX:

21 Q. So after you got -- after you fired him, you say,

22 "You gotta go," did you have any further -- I'm

23 sorry?

24 **A. I remember those words, "You're outta here."**

25 Q. "You're outta here." After you say, "You're outta

Page 67

1 here," did you have any further written or oral or

2 visual; did you ever see him or talk to him or

3 communicate with him again?

4 **A. No.**

5 Q. Okay. Now at some point either that day or later

6 that day, I assume you got back to the office and

7 thought about what happened, right, that you had

8 told him, "You gotta go"?

9 **A. That's a pretty good assumption, although my memory**

10 **now, you can ask me things that I did not commit to**

11 **memory, so...**

12 Q. I understand.

13 **A. I'll be honest with you; if I remember something,**

14 **I'll tell you.**

15 Q. Okay. Now you had fired one of Mr. Johnson's

16 division heads, correct?

17 **A. That's correct.**

18 Q. So I assume you went and told him or filled

19 out paperwork -- strike that. Let me break it

20 down.

21 I assume you went and told Mr. Johnson

22 that you had fired Dr. Anderson because of his

23 abusing young men in the exam rooms; is that

24 correct?

25 MS. PARKER: Objection. Lack of

Page 68

1 foundation. Asking for an assumption.

2 MR. COX: You can answer, sir.

3 **THE WITNESS: Actually, I have no memory**

4 **of what I said to Henry Johnson at all. I tried to**

5 **remember, and of course I wouldn't call him and ask**

6 **him because I didn't think that would be**

7 **appropriate, but I can't remember what discussions**

8 **we might have had.**

9 BY MR. COX:

10 Q. Okay. Had you ever fired another division head

11 before during your time at U of M?

12 **A. Not that I can remember.**

13 Q. Okay. Putting aside whether you recall

14 specifically doing it, and given your relationship

15 with Mr. Johnson, and this was one of his six

16 division heads, do you think you would have had to

17 tell Mr. Johnson, "Hey, I just got rid of your head

18 of Health Services and here's why"?

19 MS. PARKER: Objection to the form of the

20 question. That calls for speculation.

21 MR. COX: You can answer the question,

22 sir.

23 **THE WITNESS: I don't know. Ask me that**

24 **question again.**

25 MR. COX: Sure.

Page 69

1 BY MR. COX:

2 Q. If I understand -- we don't have an org chart, but

3 if I understood it, Vice President Johnson was sort

4 of the CEO of Student Services, you were sort of

5 the chief operating officer, and then you had six

6 business units, I'll call them.

7 **A. Yeah.**

8 Q. And you told us earlier that Mr. Johnson made the

9 calls on promotions, correct?

10 **A. That is correct.**

11 Q. And he made the calls on merit pay, correct?

12 **A. That is correct.**

13 Q. So given that organizational chart, looking back,

14 would you agree that you, as COO, would have told

15 Mr. Johnson, as CEO, or you would likely to have

16 told him why you fired one of his division unit

17 heads, especially given how traumatic and shocking

18 it was?

19 MS. PARKER: Objection to the form of the

20 question. Asks for speculation and it's compound.

21 MR. COX: You can answer the question,

22 sir.

23 **THE WITNESS: That's a tough -- you know,**

24 **you're asking me to remember things that are very,**

25 **very fuzzy. I've tried to remember as this thing**

Page 70

1 goes on, but a lot of this stuff I have no memory
2 of at all.
3 BY MR. COX:
4 Q. Okay. I understand. Let me try a different way.
5 I want to go to your first contact with
6 Detective West, which I believe was sometime in
7 November of 2018. Do you remember that?
8 A. I think -- yeah, I know I met with somebody twice.
9 Q. Okay. And when I say Detective West, we can agree
10 that's the U of M police detective who interviewed
11 you about the firing, correct?
12 A. Yeah, I think so, yep.
13 Q. Okay. And when he -- when you first met him, did
14 he call ahead or did he just show up at your door,
15 do you recall?
16 A. I don't recall.
17 Q. Okay. Had you had any heads up that he was coming
18 to interview you about the firing of Dr. Anderson?
19 A. No.
20 Q. Okay. Do you recall when he came to your home,
21 your wife, Donna Winkelman, was there?
22 A. I do recall my wife Donna Winkelman was there.
23 Q. Okay. Now Ms. Winkelman never worked at U of M,
24 right?
25 A. That's not right.

Page 71

1 Q. Oh, okay. When did she work at U of M?
2 A. You would have to ask her, but it was --
3 Q. Ballpark.
4 A. In the '80s sometime.
5 Q. Okay.
6 A. She worked in Career Planning and Placements. She
7 was an HR specialist.
8 Q. So at one point she worked in one of your units; is
9 that correct?
10 A. Yes.
11 Q. When you were there, you were co-workers at some
12 point in time?
13 A. I'm sorry, say that again.
14 Q. You were co-workers at one point in time?
15 A. Well, I wouldn't say co-workers. She worked for
16 somebody that worked for somebody who worked for
17 somebody who worked for me.
18 Q. Okay. All right.
19 A. So we didn't have that kind of relationship.
20 Q. Okay. I get it.
21 Now I understand from what you just said
22 that each of the six business units have its own HR
23 people, its own personnel and human resources
24 people?
25 A. No, I didn't say that.

Page 72

1 Q. I was trying to -- let me pull back.
2 You said that Ms. Winkelman did human
3 resource and personnel work for one of your six
4 business units, correct?
5 A. She was a counselor in the office of Career
6 Planning and Placement. She helped people to
7 decide -- I think she -- you'd have to ask her; I
8 can't remember now.
9 Q. Okay.
10 A. She had some program of helping PhDs who were
11 looking for jobs and it was her HR background and
12 through that.
13 Q. Okay. All right.
14 A. You'd have to ask her. I, frankly, am going into
15 territory that I probably don't know anything
16 about.
17 Q. Okay. And I'll avoid that for you, okay? So I'll
18 make the questions nice and direct and hopefully
19 we'll get nice and direct answers, okay?
20 A. Good.
21 Q. Okay. With supervising 1,800 people --
22 A. Sixteen.
23 Q. I'm sorry. 1,600 people over the six different
24 business units, I assume there were a lot of
25 personnel and human resources folks scattered

Page 73

1 amongst those different business units; is that
2 correct?
3 A. That is not correct.
4 Q. Was there centralized personnel or human resources
5 that you could rely on?
6 A. The university had an extensive personnel
7 department that oversaw personnel policies of the
8 university. We didn't have that -- people you were
9 referring to were helping students develop career
10 paths and stuff like that, nothing to do with
11 taking care of personnel matters of the student
12 affairs because that was a university personnel
13 office.
14 Q. Okay. I understand. Thank you.
15 Did you ever fill out any personnel human
16 resources paperwork on firing Dr. Anderson?
17 A. I have no -- I cannot remember that at all.
18 Q. Okay.
19 A. At all. I've tried to rack my brain, but I have no
20 memory of that.
21 Q. All right. You would agree that in the normal
22 course of things, if you fire or demoted someone,
23 there's paperwork to be filled out that the
24 university requires?
25 MS. PARKER: Objection to the form of the

Page 74

1 question because the time period is not clear.
 2 MR. COX: You can answer the question,
 3 sir.
 4 **THE WITNESS: I'm sorry, I really don't**
 5 **know how to answer that.**
 6 MR. COX: Well, let me try it a different
 7 way.
 8 **THE WITNESS: Rephrase the question and I**
 9 **might be able to.**
 10 BY MR. COX:
 11 Q. Okay. The university was a big bureaucracy, a big
 12 company, correct?
 13 **A. Bigger than a big company.**
 14 Q. Okay. And so the university had a lot of forms
 15 that helped run the whole university, correct?
 16 MS. PARKER: Objection -- same objection.
 17 It's to the form of the question because the time
 18 period is not clear.
 19 MR. COX: You can answer the question,
 20 sir.
 21 **THE WITNESS: Ask that again, please.**
 22 MR. COX: Sure. Sure.
 23 BY MR. COX:
 24 Q. In the ordinary course of business at the
 25 university, did you encounter forms that you had

Page 75

1 to fill out when you hired, fired or promoted
 2 someone?
 3 MS. PARKER: Same objection.
 4 **THE WITNESS: I don't think the actual**
 5 **paperwork I did. I don't think that -- now if it**
 6 **was my secretary, yes, but I don't think that I**
 7 **became involved in the hiring and firing of people**
 8 **within the units.**
 9 BY MR. COX:
 10 Q. Sir, you would agree -- you would agree that the
 11 university had forms to keep track of people who
 12 had been promoted or hired or fired, correct?
 13 MS. PARKER: Same objection to form.
 14 Lack of time period.
 15 **THE WITNESS: Actually, I'm -- my guess**
 16 **would be that to have a well-run organization, you**
 17 **would have to have something like that.**
 18 MR. COX: Okay.
 19 **THE WITNESS: And I believe if it**
 20 **occurred, it was in the university's personnel**
 21 **office.**
 22 BY MR. COX:
 23 Q. Okay. And sir, the fact that Dr. Anderson had been
 24 fired, you would expect that there would be a form
 25 showing that in his personnel record, correct?

Page 76

1 MS. PARKER: Calls for speculation.
 2 Object to the form.
 3 **THE WITNESS: That's what I was going to**
 4 **answer. I really can't answer that because I don't**
 5 **know.**
 6 BY MR. COX:
 7 Q. But in your own personnel file, there were records
 8 of the big events of your career at the university,
 9 correct?
 10 **A. Really? Can you share them?**
 11 Q. I'm asking a question, sir. Have you looked at
 12 personnel -- employees' personnel records before
 13 during your career at U of M?
 14 **A. Specifically?**
 15 Q. Sure.
 16 **A. I don't think so. I can't remember.**
 17 Q. Well, let me ask you a -- let me pull back for a
 18 second.
 19 Based on your training at U of D and your
 20 master's and your experience in business, in the
 21 ordinary course of business, would you expect that
 22 a large organization like the University of
 23 Michigan would have paperwork covering the
 24 circumstances for the firing of an employee?
 25 MS. PARKER: Same objection as to the

Page 77

1 form of the question. The time periods is
 2 speculative.
 3 MR. COX: You would expect that, wouldn't
 4 you, sir?
 5 MS. PARKER: Same objection.
 6 **THE WITNESS: That's an interesting --**
 7 **I've never thought about it that way, so that's a**
 8 **tough question to answer. I hadn't thought about**
 9 **it and it's a long, long time ago.**
 10 MR. COX: Okay. Well, what I'm going to
 11 do is I want to have Exhibit No. -- I want to have
 12 Exhibit No. 16 put up.
 13 VIDEOGRAPHER: Yes, sir.
 14 MR. COX: Bates Nos. 118 and 119.
 15 VIDEOGRAPHER: The URL is in the chat for
 16 everyone and the share is on the screen.
 17 (Marked for identification:
 18 Deposition Exhibit No. 16.)
 19 BY MR. COX:
 20 Q. Sir, to orient you, this purports to be a two-page
 21 statement taken by Detective West. It purports to
 22 be a statement of Tom Easthope that was prepared by
 23 Detective West, okay?
 24 **A. Okay.**
 25 Q. And I want to walk you through and see if Detective

Page 78

1 West got it correct, okay?

2 **A. He does not have it correct. I was not the vice**

3 **president of Student Life.**

4 Q. Sir, remember earlier I said if -- I didn't have a

5 question, so if you just answer my questions, we

6 might get you out to the water a little quicker,

7 okay?

8 **A. Okay.**

9 Q. All right. Now I want to go to -- I'm going to go

10 to the line below you. Do you see there

11 highlighted, "Mary Jo Desprez is currently in

12 charge of the University of Michigan Wellness and

13 had heard rumors from her father"? Do you see that

14 sentence, sir?

15 **A. Where is that?**

16 Q. At the very top. I'll try and get my cursor.

17 Right here. See that where --

18 **A. Okay. Yeah.**

19 Q. "Mary Jo Desprez is currently in charge of the

20 university" --

21 **A. Desprez.**

22 Q. Desprez. I'm sorry. "...is currently in charge of

23 University of Michigan Wellness and heard rumors

24 from her father Tom Easthope in regards to

25 Anderson." Do you see that, sir?

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1 said that..."?

2 **A. Where is it?**

3 Q. See right here, the cursor?

4 **A. "That I will never forget walking across" -- right.**

5 Q. Hold on, sir. I want you to -- can you see my

6 cursor here in the white?

7 **A. Yep.**

8 Q. Okay. I'm going to pull it down here in an area I

9 don't have in orange. Detective West writes this:

10 "He said that Robert Anderson was the director of

11 Health Services during his time and that he had

12 stories to tell about Bob."

13 When Detective West knocked on your door

14 and asked about him, did you tell him that you knew

15 about Dr. Anderson, about Bob, and you knew some

16 stories to tell him?

17 **THE WITNESS: Where are we reading here?**

18 MR. COX: You know what, I'm going to

19 move on to a different question, okay?

20 MS. BELVEAL: If it's possible for you to

21 blow it up because the screen is somewhat small.

22 MR. COX: I got it.

23 VIDEOGRAPHER: It's me. I'm trying to

24 blow it up.

25 MR. COX: Can you scroll? Because I

Page 79

1 **A. Yeah.**

2 Q. After you talked with Detective West, did your

3 daughter tell you that she had sent him to go see

4 you?

5 **A. No.**

6 Q. So do you know how Detective West came to land on

7 your door, to knock on your door?

8 **A. As a matter of fact, I don't.**

9 Q. Okay. Did you ever -- did you ever tell your

10 daughter, Mary Jo Desprez, about the firing of

11 Dr. Anderson?

12 **A. This is my memory, okay? When the Larry Nassar**

13 **thing came up -- she's a graduate, she's got a**

14 **couple of degrees from Michigan State, and she was**

15 **going on about how terrible that was, and I said,**

16 **"Well, we had an occasion like that with Anderson,"**

17 **and I don't think I went any farther than that.**

18 Q. Okay.

19 **A. I could have, but my memory is that's the extent of**

20 **my memory.**

21 Q. You answered my question. Thank you.

22 Now I'm going to have you move down a

23 little bit further, okay?

24 **A. Okay.**

25 Q. And see where the cursor is, where it says, "He

Page 81

1 can't figure out the scrolling. Right there.

2 Perfect.

3 BY MR. COX:

4 Q. Sir, I'm going to get you the cursor. So you see

5 where the cursor is here?

6 **A. Yep.**

7 Q. Okay. So it says -- Detective West wrote this: "I

8 told him we were investigating 'inappropriate

9 behavior' involving Dr. Anderson and a patient" --

10 "and a patient, and he replied, 'I bet there are

11 over 100 people that could be on that list.'" Do

12 you remember telling him that?

13 **A. Yeah, but that -- you know, that to me, the amount**

14 **should be a -- I had no basis to make that**

15 **statement, but it just sounded like he had been**

16 **doing it for some time in my estimation and that it**

17 **could easily amount to that number of people.**

18 Q. I understand. And when you say it sounded like

19 that, you're talking about from what you had heard

20 from Mr. Toy, correct?

21 **A. What I heard from Mr. Toy, you know, that's an**

22 **accurate reporting, screwing around with boys.**

23 Q. Okay. So that's where the statement, "I bet there

24 are over 100 people that could be on that list,"

25 that comes from your conversations with Mr. Toy,

Page 82

1 correct?

2 **A. It comes from an inference from my conversations**

3 **with Mr. Toy.**

4 MR. COX: I understand. Thank you.

5 Now we're going to move down two more

6 sentences. And I'll move my cursor here so you can

7 see it. At your far right, right where it says

8 "Toy." Do you see where I am over here to the far

9 right?

10 MS. BELVEAL: We can't see your cursor.

11 **THE WITNESS: Where are you at? We have**

12 **some pretty pictures of people.**

13 MR. COX: Can you see my cursor now?

14 MS. BELVEAL: We cannot.

15 VIDEOGRAPHER: You have control.

16 MR. COX: One person at a time, please.

17 Do I have control of the cursor?

18 VIDEOGRAPHER: Yes, sir.

19 MR. COX: I'm sorry?

20 VIDEOGRAPHER: Yes, sir; you have

21 control.

22 MR. COX: Okay. Do you see where the

23 cursor is now, sir?

24 **THE WITNESS: No.**

25 MR. COX: Far right.

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1 can you move up, please, the page up? No, sorry.

2 My bad. Down.

3 VIDEOGRAPHER: You should have control,

4 sir.

5 MR. COX: I don't know where the command

6 is to move the page up and down; that's my problem.

7 VIDEOGRAPHER: Do you see on the bottom,

8 as you scroll a little black box comes up,

9 rectangular box? There you go. That's how you get

10 to the next page and things like that.

11 MR. COX: I want to move within the page.

12 (Discussion off the written record.)

13 VIDEOGRAPHER: Two-page document, right?

14 MR. COX: I'm going to turn it over to

15 someone competent to do it for me.

16 VIDEOGRAPHER: You're at the bottom now.

17 MR. COX: Can you go back to page 1?

18 VIDEOGRAPHER: Yes, sir.

19 MR. COX: Okay. And can you move the

20 page up? Thank you. A little bit more. A little

21 bit more. Stop right there.

22 VIDEOGRAPHER: I'm a little delayed from

23 you.

24 MR. COX: Okay. Sorry about that.

25 Sir, you see the cursor now? Can you see

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1 **THE WITNESS: I see a cursor in the blank**

2 **space, a white space.**

3 MR. COX: Right.

4 BY MR. COX:

5 Q. So I'm going to read you a sentence that says --

6 here's what Detective West wrote: "Toy relayed

7 that he had several people that were in the gay

8 community that told him they were assaulted by

9 Dr. Anderson. Easthope said that he remembered the

10 phrase 'fooling around with boys in the exam rooms'

11 as what Toy had told him." Did Detective West get

12 that correct, sir?

13 **A. Yeah.**

14 MR. COX: Okay. Good.

15 MS. PARKER: Object. I have to put my

16 objection in. I object to the form of the question

17 because it's not clear what you were referring to.

18 You read him several parts of the document. It's

19 not clear what you were referring to or what he

20 answered.

21 MR. COX: He was able -- sir, if I'm

22 confusing you, stop me and have me restate the

23 question, okay?

24 **THE WITNESS: Go ahead.**

25 MR. COX: Okay. And then I want to --

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1 my cursor?

2 **THE WITNESS: Yeah, "Easthope said**

3 **that..."**

4 BY MR. COX:

5 Q. Now I want to go here. He quoted you as saying,

6 "Bob (Dr. Anderson) was a big shot at the

7 university." Did you tell Detective West that he

8 was a big shot at the university?

9 **A. That sounds like something -- I don't remember**

10 **saying that, but that sounds like something I might**

11 **say.**

12 Q. Okay. Let me move down. Can you see my cursor in

13 the space between the two yellows? I'll just read

14 it.

15 **A. I'll follow you.**

16 Q. One, two, three -- four lines down from the top of

17 the paragraph. The sentence begins, "Easthope said

18 that he fired him on the spot, but his wife, Donna

19 Winkelman, reminded him that he allowed him to

20 resign." Did you see that sentence, sir?

21 **A. I saw that sentence and that was her unasked-for**

22 **opinion and you'll have to ask her how she came up**

23 **with that.**

24 Q. So is it your position today that you fired him,

25 you didn't allow him to resign?

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1 **A. That is correct.**
 2 Q. Okay.
 3 **A. You know what, you'll have to ask her. That**
 4 **doesn't sound like something she would say.**
 5 Q. Okay. Sir --
 6 **A. I'm being honest with you. We've been together**
 7 **over 30 years and she very rarely corrects me what**
 8 **my remembrances are.**
 9 Q. Let me pull back and let me get to the original
 10 question.
 11 Putting aside what he wrote there, it's
 12 your testimony that you fired him out and out, you
 13 didn't let him resign at any point, correct?
 14 **A. That's correct.**
 15 Q. Okay. Thank you.
 16 And then the last paragraph -- this is all
 17 I have on this page. If you can see my cursor,
 18 there's a sentence that starts, "Easthope said this
 19 was an emotional time for him and still in his
 20 conscious at this time." Did you see that, sir?
 21 **A. Yes.**
 22 Q. Okay. Was that -- did Detective West get that part
 23 right, that it was an emotional time for you when
 24 you fired Dr. Anderson and it's still on your
 25 conscious at this time?

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1 **A. It sure was.**
 2 Q. Okay.
 3 **A. People don't fire people like that very often in**
 4 **life and especially somebody who has got this aura**
 5 **of being a physician and being the head of Health**
 6 **Services. That took some guts, as I recall.**
 7 Q. You mean guts by yourself to do it, right?
 8 **A. That's correct.**
 9 Q. Okay. That you were aware of, did anyone override
 10 your decision to fire him?
 11 **A. Not that I know of.**
 12 Q. If someone did override your decision, that would
 13 have been an absolute wrong in your mind, correct?
 14 MS. PARKER: Objection to the form of the
 15 question. That asks for speculation.
 16 MR. COX: You can answer the question,
 17 sir.
 18 BY MR. COX:
 19 Q. If someone overrode your decision to fire him, in
 20 your mind, given what he did, that would be
 21 absolutely wrong, correct?
 22 MS. PARKER: Same objection.
 23 MR. COX: Excuse me, Stephanie. When
 24 I -- you're just trying to slow this down.
 25 Sir, may I restart? I'm going to ask you

Page 88

1 the question.
 2 **THE WITNESS: Why don't you ask me the**
 3 **question. I get confused when she objects and**
 4 **then --**
 5 MR. COX: I know. That's why she's doing
 6 it.
 7 MS. PARKER: Mr. Cox, that's very
 8 inappropriate for you to say something like that.
 9 I am making appropriate objections; I have to make
 10 them every time you ask the question.
 11 MR. COX: Anything else you want to say
 12 before I ask my questions?
 13 Okay. You ready, Mr. Easthope?
 14 **THE WITNESS: Whenever you are.**
 15 MR. COX: Okay. You can take the screen
 16 off, please, or take the exhibit off. Okay.
 17 **THE WITNESS: Now I get to see.**
 18 MR. COX: Yes.
 19 BY MR. COX:
 20 Q. So sir, you would agree with me, wouldn't you, if
 21 someone overrode your decision to fire
 22 Dr. Anderson, that would have been absolutely
 23 wrong, correct?
 24 MS. PARKER: Same objection.
 25 **THE WITNESS: I believe that would be**

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1 **wrong, yes. I was dealing with -- I don't know**
 2 **that it was executive authority, it was moral**
 3 **authority, so I gotta get rid of that guy.**
 4 BY MR. COX:
 5 Q. I understand. And if someone allowed him to stay
 6 at the university one day after you fired him, you
 7 would agree that that would have put so many
 8 students at risk, correct?
 9 MS. PARKER: Same objection. Form. Asks
 10 for speculation.
 11 **THE WITNESS: That would be my answer;**
 12 **that's speculation. You know, based upon his past**
 13 **performance, I would have to agree with you, you**
 14 **know, that if he was allowed to stay, he would --**
 15 **the numbers would go up.**
 16 BY MR. COX:
 17 Q. Okay. And if I understood your earlier answers,
 18 you don't recall telling anyone about the
 19 circumstances of firing Dr. Anderson; is that
 20 correct?
 21 **A. No, that's where my memory fails me, and I'm sorry.**
 22 **I've tried to dig and see if I could remember**
 23 **anything, but I can't remember it. I wish I did**
 24 **remember it, but I can't.**
 25 Q. Okay.

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1 A. And I'm not going to try and BS you either.
 2 MR. COX: Okay. I'm going to mute this
 3 for just a second and I'll be right back.
 4 MS. BELVEAL: Is now a good time for a
 5 break? It's almost noon.
 6 MR. COX: That sounds good.
 7 VIDEOGRAPHER: All right. We're going
 8 off the record. The time is 11:53.
 9 (Whereupon a break was taken
 10 from 11:53 a.m. to 12:12 p.m.)
 11 VIDEOGRAPHER: We are now back on the
 12 record. The time is 12:12.
 13 MR. COX: Good afternoon, sir.
14 THE WITNESS: Good afternoon, sir.
 15 MR. COX: All right. Thank you.
 16 I hope you got enough to eat and drink
 17 and we'll try and move this along, okay?
18 THE WITNESS: Whatever you say.
 19 MR. COX: All right. Let's -- if I can
 20 have Exhibit 5 up, I'd appreciate that.
 21 VIDEOGRAPHER: Yes, sir. Exhibit 5 is
 22 going up, and as usual, the URL is going into the
 23 chat so everyone can get to it.
 24 (Marked for identification:
 25 Deposition Exhibit No. 5.)

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1 do you see at the top it has a table of contents?
 2 And I've highlighted, "The Vice President for
 3 Student Services" at the top line. Do you see
 4 that, sir?
5 A. Yes, sir, I do.
 6 Q. Okay. And if we read below that, we see a number
 7 of divisions under the vice president for Student
 8 Services: Career Planning and Placement, Community
 9 Services, Counseling Services, Health Service,
 10 Housing, Student Programs, Ombudsman; is that
 11 correct?
12 A. That's what I read.
 13 Q. Okay. And from your prior testimony, those were
 14 all units that you helped supervise for Vice
 15 President Johnson, correct?
16 A. That's correct.
 17 MR. COX: Okay. And if we go to the very
 18 bottom, you're going to see there's an asterisk,
 19 says, "No report submitted," and so when we look on
 20 this table, the table of contents, you're going to
 21 see two of the programs -- Student Programs,
 22 Ombudsmen -- didn't submit a report, but then
 23 everyone else did.
 24 Now I'm going to have -- if we can move
 25 now to page Bates page 29 of this exhibit. That's

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1 BY MR. COX:
 2 Q. Okay. Sir, can you see Exhibit 5, the cover
 3 page?
4 A. The report, yes.
 5 Q. Okay. You have seen presidents' reports before; is
 6 that right?
7 A. That was a long time ago to remember that. I can't
8 absolutely say I remember that.
 9 Q. Okay. Well, you reacted to the title "President's
 10 Report." Were you aware that for a period of time,
 11 the university made different departments put out a
 12 summary of what they do and then the president
 13 would put that in a president's report?
14 A. I have no memory of that.
 15 Q. Okay.
16 A. I really don't.
 17 Q. Okay. Well, we're going to -- I'm going to show
 18 you -- the Bates number doesn't show up, but
 19 Exhibit 5. Do you see on the front page of
 20 Exhibit 5, there purports to be "Volume III,
 21 President's Report of the University of Michigan
 22 for 1979-1980," do you see that, sir?
23 A. I see that page in front of me, yes.
 24 Q. Okay. And I'm going to move on to the next page,
 25 which is Bates No. MC12, and if we stop there, sir,

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1 39, I believe.
 2 VIDEOGRAPHER: I have 29.
 3 MR. COX: Okay. Then how about you go
 4 back ten pages to 19?
 5 VIDEOGRAPHER: Yes, sir.
 6 MR. COX: Okay. There we go. My bad.
 7 And actually, go one more page over, one more, to
 8 18 rather, 18. Okay.
 9 BY MR. COX:
 10 Q. See there, sir, there is a medical snake around --
 11 the asp around the pole, the University Health
 12 Service, annual report, 1979-1980; do you see that,
 13 sir?
14 A. I see it.
 15 MR. COX: Now we're going to go to the
 16 next page which we have up there. And just for the
 17 record, at the very bottom, you see highlighted --
 18 it's MC, but it's Bates No. 000029. I don't know
 19 if you can see that. That's in very small print at
 20 the bottom right.
21 THE WITNESS: 000029.
 22 MR. COX: Okay. And that's just to
 23 orient us lawyers to keep track. So can you pull
 24 up that a little more, sir, so we -- I'm sorry.
 25 Up, up. There we go.

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1 BY MR. COX:
 2 Q. Okay. There, sir, we see in big bold print
 3 "Acknowledgment," correct?
 4 **A. I see that.**
 5 Q. Okay. And would you agree these presidential
 6 reports were a little bit like a high school
 7 yearbook where various classes would report on what
 8 they did, and then if a popular teacher or coach
 9 left, they would have an acknowledgment or preface
 10 at the beginning?
 11 **A. You're taking me into an area that I either have**
 12 **completely forgotten or I wasn't part of.**
 13 Q. Okay.
 14 **A. I am unfamiliar with this particular thing.**
 15 Q. Okay. I understand.
 16 Now when you fired Dr. Anderson, he was
 17 the director of the Health Services, correct?
 18 **A. That's correct.**
 19 Q. Okay. Now I wanted you to look at this
 20 acknowledgment from the 1979-1980 president's
 21 report. And on the page in front of you, it says,
 22 "The University Health Service staff wish to
 23 acknowledge the eleven years of leadership provided
 24 by Dr. Robert E. Anderson, MD." Do you see that in
 25 the first sentence paragraph?

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1 **A. I see that.**
 2 Q. Okay. I'm going to go on to paragraph 2.
 3 **A. Can you tell me who wrote that?**
 4 Q. We'll get to that in a second, okay?
 5 **A. Okay.**
 6 Q. On paragraph 2, sir, it says, "In January of 1980,
 7 Dr. Anderson resigned as director of the University
 8 Health Service." Do you see that highlighted?
 9 **A. I see that.**
 10 Q. And so if -- so whatever you -- whenever you fired
 11 him, that was before January of 1980 if he was no
 12 longer director, correct?
 13 **A. That's correct.**
 14 Q. Okay. It continues on explaining why Dr. Anderson
 15 resigned. "...to devote more time in his clinical
 16 fields of urology/andrology and athletic medicine
 17 both here and in private practice. During his
 18 tenure as director, he energetically developed many
 19 programs -- his many contributions to healthcare
 20 acknowledged at all levels of the university
 21 community," is that right?
 22 **A. I read that, I read what you were...**
 23 Q. Okay. Now I'm going to finish with the third
 24 paragraph and I want to ask you some questions.
 25 Sir, does the third paragraph say, "The

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1 University Health Service staff wish to thank
 2 Dr. Anderson for his years of leadership and to
 3 dedicate the annual report to him"? Is that what
 4 it says there?
 5 **A. "...and dedicate the annual report to him."**
 6 Q. Okay. Given your firing of him, do you agree that
 7 he should not have been lauded for 11 years of
 8 leadership while he was at the University Health
 9 Service?
 10 **A. I certainly wouldn't have lauded him.**
 11 Q. Okay.
 12 **A. But I don't know who wrote this either. Do you**
 13 **know who wrote this?**
 14 Q. I don't know, sir. And maybe through the
 15 questioning we'll be able to figure that out with
 16 your help, okay?
 17 **A. Okay. Because, you know, I don't know who writes**
 18 **these things. I'm unaware of it. Sorry about**
 19 **that.**
 20 Q. I understand. Sir, sir, if I could just interject,
 21 if you can just focus on answering my question, I
 22 think we can move through it quicker, okay?
 23 **A. Okay.**
 24 Q. All right. But you certainly -- after he left a
 25 directorship, you certainly wouldn't have praised

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1 his leadership during his 11 years given the
 2 circumstances of your firing of him, correct?
 3 **A. That's correct.**
 4 Q. If anything, you would have condemned the time he
 5 was at the University Health Service, correct?
 6 MS. PARKER: Objection. Form of the
 7 question. Asks for speculation.
 8 MR. COX: Is that correct, sir?
 9 **THE WITNESS: I can only speak to the**
 10 **situation that I was confronted with. For me to**
 11 **speculate on the entire career of this guy, I don't**
 12 **think is fair. I know what the instant problem was**
 13 **and that's what I dealt with; what his past service**
 14 **was was, to me, irrelevant.**
 15 **Maybe people who worked with him and**
 16 **didn't know what he was doing in the examining room**
 17 **thought he was great, and, I mean, people weren't**
 18 **running around telling everybody on the staff what**
 19 **he was doing, so, you know, my guess is that they**
 20 **really didn't know what he was doing.**
 21 BY MR. COX:
 22 Q. Do you think when you fired him you should have
 23 informed his staff so they know what he was doing?
 24 **A. That's a tough question.**
 25 MR. COX: Let me pull it back.

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1 MS. PARKER: I want to object to -- let
2 the witness finish his answer, please.
3 MR. COX: Well, if you -- okay. Go ahead
4 and finish your answer and then I'll ask the next
5 question.
6 **THE WITNESS: Go ahead. I forgot the**
7 **last question.**
8 MR. COX: I understand.
9 BY MR. COX:
10 Q. But by January of 1980, you had been there the
11 whole decade of the '70s, correct?
12 **A. That is correct.**
13 Q. So you would have been there most of the 11 years
14 that he supposedly was providing leadership,
15 correct?
16 **A. Yeah, that's what the record says.**
17 Q. Okay. But your experience is that he should have
18 been condemned for what he did, not praised,
19 correct?
20 **A. That's -- yes.**
21 Q. Okay. Now let's move on to -- well, let me ask you
22 this: Getting back to the top sentence in
23 paragraph 2, it says there, sir, "In January of
24 1980, Dr. Anderson resigned as the director of the
25 University Health Service."

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1 Based on your testimony, that is -- that's
2 a lie, is it not, because you fired him?
3 **A. I can't -- I can't say what people did based upon**
4 **what they knew at that moment, so I -- you know,**
5 **for me to make a judgment about that, I am not**
6 **those people, so --**
7 Q. I understand. Let me restate the question, okay?
8 You would agree that the use of the
9 word -- based on your knowledge, you would agree
10 that the use of the word "resigned" is just
11 factually incorrect because you fired him; you
12 would agree with that, correct?
13 **A. Yes, I would.**
14 Q. Okay.
15 **A. Yeah, I would.**
16 MR. COX: Okay. Now can we go to Bates
17 page 16?
18 VIDEOGRAPHER: Yes, sir.
19 MR. COX: Fourteen. I'm sorry -- no, 16.
20 I want to go -- I'll get to 16 in a second. Go to
21 14. I'm sorry. Sorry for the confusion.
22 VIDEOGRAPHER: Page 14?
23 MR. COX: Yes, sir. Okay. My 14 has a
24 page 2 at the top of it. MC000014.
25 VIDEOGRAPHER: MC000014 -- how many

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1 zeros?
2 MR. COX: Whatever -- ending in 14, so
3 three pages removed from where you are.
4 VIDEOGRAPHER: Okay. There you go, sir.
5 MR. COX: Okay.
6 BY MR. COX:
7 Q. All right. Are you with me where -- at the top it
8 says page 2, and then there's a title, "Student
9 Housing," and a title, "Health Service," do you see
10 where I'm at, sir?
11 **A. Yes.**
12 Q. Okay. And then you see the yellow highlighting for
13 the paragraph immediately below "Health Service"?
14 **A. Uh-hum.**
15 Q. You have to answer yes or no just for the court
16 reporter.
17 **A. Yes.**
18 Q. Okay. Now I'm going to go over the continuation of
19 this same dedication and annual report, but let
20 me -- I want to go over this paragraph with you and
21 see if it fits with factually what happened.
22 "This past year in Health Services was
23 maked" -- I think it's supposed to be marked --
24 "was maked by the resignation of Dr. Robert E.
25 Anderson as director..." I'll stop there.

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1 You told us earlier that factually he was
2 fired, not resigned, correct?
3 **A. That is my understanding.**
4 Q. Okay. I'm going to continue with the rest of the
5 sentence. "...to return to the staff as a senior
6 physician and to pursue private practice."
7 There, sir, it says that after you fired
8 him in 1979, he continued on as a senior physician
9 to Health Services; is that correct, sir?
10 **A. I'm sorry, I can't answer that because I don't**
11 **know, but I would like to know who wrote that.**
12 Q. I don't know, but it's posted by the University of
13 Michigan on its website, so --
14 **A. I have no memory of that at all.**
15 Q. Okay. No memory of Dr. Anderson staying at Health
16 Services after you fired him?
17 **A. Absolutely, I have no memory of that.**
18 Q. Okay. Let's go on to the next sentence. "He has
19 also continued as director of athletic medicine at
20 the Health Service and as physician to UM athletic
21 teams." Do you see that sentence there, sir, from
22 1980?
23 **A. I see that sentence.**
24 Q. Okay. So for this public report by -- this would
25 have been President Shapiro and -- is that correct?

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1 Let me pull back.
2 (Technical interruption.)
3 BY MR. COX:
4 Q. Sir, in 19 -- for the school year 79-80, that would
5 have been either President Allan -- Interim
6 President Allan Smith or President Hal Shapiro,
7 correct?
8 **A. You know that better than I do, I can't remember**
9 **that far back, but they all participated around**
10 **that time. Allan came in as acting and then**
11 **Shapiro was made president.**
12 Q. Okay.
13 **A. The dates, I can't -- I couldn't swear to.**
14 Q. Okay. But in any event, this document issued by
15 the president says, among other things, that,
16 No. 1, Dr. Anderson will continue as a senior
17 physician at the Health Service; No. 2, he will
18 continue as director of athletic medicine at the
19 Health Service; and No. 3, he will continue as a
20 U --
21 (Technical interruption.)
22 MR. COX: Sorry about that, Mr. Easthope.
23 **THE WITNESS: That's all right.**
24 **Technology scares me, too.**
25 MR. COX: We're of the same mind then.

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1 BY MR. COX:
2 Q. Okay. So from reading those first two sentences,
3 the president, or whoever wrote this, is telling
4 the public that, No. 1, Dr. Anderson was continuing
5 as senior physician; No. 2, he was continuing as
6 director of athletic medicine at the Health
7 Service; and No. 3, he was continuing as the
8 physician to the U of M athletic teams after you
9 had fired him, correct?
10 **A. That's what this says.**
11 Q. Okay. And let me go over the last sentence again.
12 Here, the author on behalf of the president of the
13 University of Michigan writes, "We are extremely
14 grateful for the high quality of administrative and
15 medical leadership Dr. Anderson has provided during
16 his 12 years in Health Service and we are pleased
17 that he plans to remain on the staff." Does that
18 make you mad?
19 **A. It sure as hell does. And I would like to know who**
20 **wrote it and where they got that information.**
21 Q. After -- I'm sorry?
22 **A. Can you tell me who wrote that?**
23 Q. I don't know, sir, but we're going to try and find
24 out during the course of this case.
25 **A. Good. Let me know.**

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1 Q. I will.
2 So it made you mad that he might have
3 stayed on after your firing, correct?
4 **A. Yes, sir.**
5 MR. COX: Okay. Thank you.
6 I want to go now two more pages over to
7 Bates No. 16. And actually, can we scroll -- can
8 you go back to 14? And can you scroll at a slow
9 pace so Mr. Easthope can see the titles?
10 **THE WITNESS: Health Service?**
11 BY MR. COX:
12 Q. So we go to "Health Service," further down we see
13 "Student Achievement Awards," correct?
14 **A. Right.**
15 Q. Okay. And then moving on to Bates page 15, we see
16 the next title, "Management by Objectives (MBO) and
17 Program Evaluation Phase I and II."
18 **A. It was Kathie Dannemiller's big thing in life.**
19 Q. So you're aware of the MBO. What was -- it was
20 Kathie what, sir?
21 **A. Kathie Dannemiller was an assistant to Henry early**
22 **in the '70s. She left and formed her own business,**
23 **a consulting business on motivation and that kind**
24 **of stuff.**
25 Q. Okay.

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1 **A. But she was big on management objectives.**
2 Q. And just for me and the court reporter, is
3 Dannemiller something like D-A-N-N-E-M-I-L-L-E-R?
4 **A. Yep.**
5 Q. Okay.
6 **A. Kathie Dannemiller.**
7 Q. Then we move on, the next title is, "North Central
8 Accreditation On-Site Visit," correct?
9 **A. I see that, yep.**
10 Q. Okay. We can scroll on, sir.
11 And then we're going to go on the Bates
12 page 16. At the top, we see, "Career Planning and
13 Placement," correct?
14 **A. Yep.**
15 Q. And then we see, "Student Organizations, Activities
16 and Programs (SOAP)," correct?
17 **A. Yeah, this is interesting reading. I forgot about**
18 **Ardis.**
19 Q. But Dr. Evart Ardis worked for you?
20 **A. Slim Ardis, yeah.**
21 Q. And then we go to, "Student Organizations,
22 Activities and Programs," and they have a parens,
23 like acronym SOAP. That was another one of your
24 units?
25 **A. SOAP? SOAP?**

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1 Q. Yes.

2 **A. I don't remember that word SOAP.**

3 Q. Okay. But at any rate, "Student Organizations,

4 Activities and Programs," were under you, correct?

5 **A. Yep.**

6 Q. Okay. Now at the bottom, we're going to see a

7 conclusion paragraph. If we can move the page --

8 see the conclusion, wrapping up what went before

9 it? Are you with me, sir? The conclusions?

10 **A. I'm with you.**

11 Q. Okay. At the very bottom, under the conclusion, we

12 see the presumed author, Henry Johnson, vice

13 president for Student Services, correct?

14 **A. I read the same thing you're reading.**

15 Q. Okay. Would you be angry and upset if Henry

16 Johnson had let Dr. Anderson stay on after you

17 fired him?

18 MS. PARKER: Objection. Calls for

19 speculation. Object to the form of the question.

20 MR. COX: It doesn't call for speculation

21 given what we just put in evidence.

22 **THE WITNESS: Well, you know, I don't**

23 **want to damn Henry. Henry was viewed with a**

24 **different set of circumstances. How he -- how he**

25 **framed that or who framed it for him, I don't know.**

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1 **It doesn't sound like Henry's writing. You know,**

2 **it's been a long time, but I would be willing to**

3 **bet if you put that in front of Henry, said, "Is**

4 **that your writing?" I would be willing to bet that**

5 **he would say, "I don't think so," but we would have**

6 **to ask him.**

7 MR. COX: Okay.

8 **THE WITNESS: It doesn't sound like**

9 **Henry.**

10 MR. COX: I understand.

11 BY MR. COX:

12 Q. Let me ask you a different question. You would

13 agree that for Dr. Anderson to stay after you fired

14 him, it would take someone who ranked above you in

15 the university to keep him there, correct?

16 MS. PARKER: Objection to the form of the

17 question. Assumes facts not in evidence.

18 MR. COX: The facts are in evidence. You

19 can answer the question, sir.

20 **THE WITNESS: Ask me again.**

21 MR. COX: Sure.

22 BY MR. COX:

23 Q. The only way Dr. Anderson could stay at the

24 university, as this document says he did, after you

25 fired him is if a superior of yours ordered it,

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1 correct?

2 MS. PARKER: Same objection.

3 **THE WITNESS: Yeah, but, you know,**

4 **there's another dynamic in this thing and that's**

5 **the athletic department. I didn't get into the**

6 **politics of Henry Johnson versus the athletic**

7 **department or anything like that, so I can't really**

8 **speculate about how that came about, but I wasn't**

9 **involved in any of it, and you have to go with what**

10 **Henry said, I guess.**

11 MR. COX: Okay. Thank you. Can I move

12 on to the next question, sir?

13 **THE WITNESS: Sure.**

14 BY MR. COX:

15 Q. Okay. You said there was a dynamic with the

16 athletic department. Are you saying that the

17 athletic department had influence on things outside

18 of the athletic department, that it was a big shot

19 on campus?

20 **A. You went to school when; what years?**

21 Q. 1983 to 1989.

22 **A. Who was the biggest person on campus?**

23 Q. I would say -- well, that's my question to you.

24 **A. My question to you is, who would you have thought,**

25 **Don Canham or Henry Johnson?**

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1 Q. Based on the question -- well, Don Canham.

2 **A. That's right. So if you --**

3 Q. Let me ask you a question now, sir, okay?

4 **A. Huh?**

5 Q. Let me ask you a question.

6 **A. Go ahead.**

7 Q. Okay. Would you agree with me, that based on what

8 you just said to me, that Don Canham had a lot more

9 sway on campus than Henry Johnson?

10 **A. No doubt about it.**

11 Q. Okay. And so based on your questions, what you're

12 saying is Don Canham may have been the one who

13 intervened on behalf of Dr. Anderson, correct?

14 MS. PARKER: Objection. Objection to the

15 form of the question.

16 **THE WITNESS: That's speculation. I**

17 **don't know. I can't -- I can't give you an opinion**

18 **about that one way or the other.**

19 BY MR. COX:

20 Q. Okay. But in your mind, Don Canham was a much

21 bigger power on campus than Henry Johnson, correct?

22 **A. Yes, sir.**

23 Q. Okay. And that's why you posed the question you

24 did to me, correct?

25 **A. Correct. Don Canham was a bigger man than Henry**

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1 **Johnson and probably 90 percent of the people up**
 2 **the hill.**
 3 MR. COX: Okay. I'm going to ask our
 4 technician to go now to -- give me a second here.
 5 Let me ask you -- strike that. I'll move beyond
 6 that.
 7 Sir, could we go to -- for the
 8 technician. Sir, could we go to Bates page 39?
 9 VIDEOGRAPHER: On that same document?
 10 MR. COX: Yes, sir.
 11 VIDEOGRAPHER: One moment. I'll start
 12 sharing. Here we are.
 13 BY MR. COX:
 14 Q. Okay. Now sir, Mr. Easthope this time, I'm at
 15 page -- still on the same report of the Student
 16 Services section, the annual report. It has a
 17 subtitle under "Health Services" for "Allergy
 18 Immunization Clinic." Do you see that subtitle,
 19 sir?
 20 **A. I do.**
 21 Q. Okay. And the second paragraph down, I have
 22 highlighted one sentence. It says, "University
 23 female athletes are also given part of their
 24 physical examinations here," end of sentence, end
 25 of paragraph. Do you see that?

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1 **A. Yep.**
 2 Q. Okay. That you're aware of, after you fired
 3 Dr. Anderson, did anyone reach out to the female
 4 coaches to let them know that he had been fired?
 5 **A. I have no -- I can't remember if that's true or**
 6 **not. I don't remember.**
 7 Q. Okay. And if Dr. Anderson had access to female
 8 athletes to do their exams before you fired him,
 9 you agree it would have been proper to let the
 10 coaches know after you fired him that he shouldn't
 11 do anymore physical exams on them, correct?
 12 MS. PARKER: Objection to the form of the
 13 question. Asks for speculation.
 14 **THE WITNESS: That's about what I was**
 15 **going to tell you. I really can't speculate on**
 16 **that because I really don't know.**
 17 BY MR. COX:
 18 Q. Let me pull back. I respectfully beg to differ.
 19 You told us you had a degree in industrial
 20 management, you had a degree in educational
 21 psychology, at this point in time you had been
 22 eight years as one of the high-ranking executives
 23 at the University of Michigan, so once you fired
 24 Dr. Anderson, don't you think people should have
 25 been warned to no longer treat with or allow their

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1 athletes to have physical exams done by him?
 2 MS. PARKER: Objection to the form of the
 3 question.
 4 **THE WITNESS: I know what you want me to**
 5 **answer, but I can't. Thinking about what I should**
 6 **have or what I could have doesn't help me a bit. I**
 7 **mean, maybe I made terrible mistakes in that, but**
 8 **it wasn't out of malice or anything, it was out of**
 9 **concern for the population that I was informed**
 10 **about. All the rest of this, I must say, I have no**
 11 **knowledge of 90 percent of this stuff you've shown**
 12 **me.**
 13 BY MR. COX:
 14 Q. Okay. Let me ask you a different question. Given
 15 that you fired him for abusing gay male students,
 16 would you have been concerned if he saw male
 17 athletes after your firing?
 18 MS. PARKER: Objection to the form of the
 19 question.
 20 **THE WITNESS: I can't answer that because**
 21 **I wasn't faced with that situation, but my guess is**
 22 **they're human beings, and if they were being**
 23 **abused, sure, I would have -- my reaction wouldn't**
 24 **have been only for gay people, it would have been**
 25 **anybody with -- when people abuse their power,**

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1 **whether they're gay or not, that's an abuse of**
 2 **their power.**
 3 MR. COX: Okay. Well, let me -- okay.
 4 Let's go on to -- how about we pull up Exhibit
 5 No. 6.
 6 VIDEOGRAPHER: Exhibit 6 is coming up.
 7 MR. COX: Thank you.
 8 (Marked for identification:
 9 Deposition Exhibit No. 6.)
 10 VIDEOGRAPHER: Once again, so everyone
 11 knows, the URL is going into the chat. One second.
 12 It's taking a second to load. One moment. It's
 13 taking its time to load.
 14 **THE WITNESS: It has really changed a lot**
 15 **with all this videotaping. You have to have a**
 16 **degree in computer science.**
 17 BY MR. COX:
 18 Q. Okay. Actually -- sir, you were familiar with a
 19 form called the appointment change request when you
 20 were in your position at the U, correct?
 21 **A. You know what? I may have been. I can't remember**
 22 **that, but that was a long time ago.**
 23 Q. Okay.
 24 **A. I have no memory of that.**
 25 MR. COX: I understand.

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1 So actually, can we just darken this
2 exhibit for a second? I want to ask him a couple
3 questions before.
4 VIDEOGRAPHER: Yes, sir.
5 BY MR. COX:
6 Q. So when we saw the annual report, we saw that the
7 annual report said that Dr. Anderson had resigned
8 in January of 1980. Do you remember that?
9 **A. I remember reading that.**
10 Q. Okay.
11 **A. I had never seen that report ever before.**
12 Q. No, I understand. So your firing of -- if he
13 stayed after you fired him, your firing was before
14 January of 1980, correct?
15 **A. I think you know the dates better than I do now at**
16 **this point.**
17 Q. But what I'm saying is when you fired him, he was
18 head of Health Services; you told us that earlier,
19 correct?
20 Okay. And that annual report, whether
21 it's right or wrong, claims he -- tells us, tells
22 the reader, that he resigned in January of 1980, so
23 whatever you did was before January of 1980,
24 correct?
25 **A. You know the dates better than I do.**

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1 MR. COX: Okay. Well, let's go back to
2 the exhibit then.
3 VIDEOGRAPHER: Yes, sir. I'll share it
4 again. Here we are.
5 MR. COX: Can I have control of the
6 cursor?
7 VIDEOGRAPHER: Of course. One moment,
8 please.
9 MR. COX: Can you see the cursor moving
10 around, sir, in the white area?
11 **THE WITNESS: Nope.**
12 MR. COX: How about at the top; can you
13 see the cursor at the top middle?
14 **THE WITNESS: Nope.**
15 MR. COX: Okay.
16 **THE WITNESS: Now I see it. It's up on**
17 **the top right.**
18 MR. COX: Right. I'm going to move over
19 to the top left, the cursor. And can we blow up
20 right where I am right now, Mr. Technician? Can
21 you slide over so he can see? I want to be able to
22 read this area here.
23 BY MR. COX:
24 Q. Okay. Can you read that area, sir?
25 **A. "Robert Anderson" --**

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1 Q. Mr. Easthope, I'm going to read what I think it
2 says and you correct me if I'm wrong, okay?
3 MS. BELVEAL: Excuse me. Is it possible
4 to blow it up further or can he look at the hard
5 copy? It's very difficult to see on the computer
6 screen. That's better. Thank you.
7 MR. COX: Perfect. Thank you.
8 BY MR. COX:
9 Q. It says page 1, and over here in the middle says,
10 "Appointment Change Request," and then the
11 University of Michigan seal. Do you see that right
12 here? It's not that important. Let's go to the
13 top left again, okay?
14 **A. Okay.**
15 Q. It says page 01, correct?
16 **A. Yep.**
17 Q. 08-13-79, and then it has "YR" for year, correct?
18 **A. That's what I read.**
19 Q. Okay. So this is page 1 presumably of something
20 from August 13th of 1979, correct?
21 **A. If you say so.**
22 Q. Okay. But that's what -- at least that's how you
23 would interpret these numbers, correct?
24 **A. Yeah, I guess.**
25 Q. Okay. And then below that, we see the name of the

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1 employee, Robert E. Anderson; do you see that?
2 **A. Yep.**
3 Q. Okay. And slightly down to the right, we see that,
4 "Director of University Health Services and
5 Clinical" -- I'm going to stay with that. We see
6 that "Director of University Health Services" is
7 lined out, like a pen lining it out, correct?
8 **A. That's what it looks like.**
9 Q. Okay. And then it goes on and says, "...and
10 clinical instructor in internal medicine and
11 clinical instructor of surgery, medical school."
12 You would agree with me that that appears to be
13 that he also had an appointment with the med
14 school, correct?
15 **A. What I'm reading there, it looks like that, yeah.**
16 Q. Okay. Now I want to go back to the handwritten
17 stuff. So above, we see that "Director of
18 University Health Services" is crossed out,
19 correct?
20 **A. Yep.**
21 Q. And then someone hand wrote in, "...and senior
22 physician, Health Service," correct?
23 **A. That's what I see on this.**
24 Q. Okay. Right.
25 Now we go down, and in the middle, there's

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1 a notation for, "Change End Date," and it says
2 1-13-80; is that correct?
3 **A. Where is that?**
4 Q. Right here. Can we blow that up?
5 **A. January 1980.**
6 Q. Do you see that?
7 **A. Yep.**
8 Q. Okay. So that presumably stands for January 13th
9 of 1980, correct?
10 **A. I guess so, if you say so.**
11 Q. Well, I'm not saying. Is that how you read it as
12 well?
13 **A. Yes.**
14 Q. Okay. In fact, if we move directly down, we see a
15 type-out of 01-13-80, correct, also in highlights?
16 **A. Yeah.**
17 Q. Okay. And then I'm going to go down to -- I'm
18 going to drop and go to the right with the cursor.
19 So I'm going over here. And we see that there's a
20 salary rate of \$53,220, rate EFF, effective,
21 9-1-79, correct?
22 **A. That's what I read on here.**
23 Q. And then I want to go below and go to the change,
24 the new rate. There we see typed in "Change Rate"
25 and someone wrote in \$46,000; is that correct, hand

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1 wrote that in?
2 **A. Evidently.**
3 Q. Okay. So whatever -- on August 13 of 1979, this is
4 telling us that he went -- that Dr. Anderson went
5 from director to senior physician and that his pay
6 went from \$53,220 down to just 46,000, correct; at
7 least that's what the data says, correct?
8 **A. That's what it says.**
9 Q. Now if we move over from the reduced salary of
10 46,000, we see that the rate effective date is to
11 be -- and someone wrote this in again in pen -- 01-
12 -- or pencil -- 01-14-80 for January 1 -- excuse
13 me -- January 14 of 1980, correct?
14 **A. What I'm seeing is what you're saying, yes.**
15 Q. Okay. Now I want to go down to the signature
16 blocks. I don't know which -- can you move down?
17 Okay. Stop there. I want you to start at the
18 left. I don't have it highlighted, but the left,
19 at the bottom, it's typed in, "Administrative
20 Department, Health Services," and it looks like
21 someone signed in cursive J. DuPerot (ph). Did you
22 know a J. DuPerot?
23 **A. No, I can't say that I did.**
24 Q. Okay. Below J. DuPerot -- and it may be something
25 different because it's cursive -- there appears to

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1 be the signature of a Dana Mills. Did you know
2 Dana Mills, an administrative manager there?
3 **A. I knew the name. I can't remember exactly, but I**
4 **know that name rings a bell.**
5 Q. Okay. Did you know a man or woman by the name of
6 RS Mortonson?
7 **A. I have no memory of that.**
8 Q. And now I want you to move to the right and we're
9 going to see a signature there in highlighting, and
10 there's in pen, appears to be 1-21-80. But whose
11 signature is that there, sir, at the bottom of the
12 page? The biggest signature that's in the
13 highlighting.
14 **A. It looks like mine.**
15 Q. Okay. So while you don't -- you signed this
16 document then, correct?
17 **A. I don't -- did I? I don't know.**
18 Q. But that is your signature, correct?
19 **A. It appears to be.**
20 MR. COX: Okay. Now I'm going to move
21 down to the next Bates number, page 2.
22 Mr. Technician, can you help me out?
23 Thank you. Perfect. Stop.
24 BY MR. COX:
25 Q. And there, sir, again, on page 2 of this document,

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1 I'm starting in the upper left, it says page 02,
2 08-13-79, correct?
3 **A. Yep.**
4 Q. So that presumably would be August 13 of '79,
5 correct?
6 **A. Yeah, if you say so; that's the way they usually do**
7 **it.**
8 Q. And then we move over, keep going to your right, we
9 see the University of Michigan appointment change
10 request with the U of M seal in the middle of the
11 page, correct?
12 **A. Uh-hum.**
13 Q. You have to answer yes or no for the court
14 reporter.
15 **A. Yes.**
16 Q. Okay. And then we move further to the right, says,
17 "Administrative Department," and in there we have
18 typed in "Student Services," correct?
19 **A. That's what it says.**
20 Q. That would be the department that you were the COO
21 of sorts for, correct?
22 **A. Yep.**
23 MR. COX: Okay. And let's go --
24 Mr. Technician, if you can take us down to the
25 signature block area again.

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1 BY MR. COX:
 2 Q. And sir, here at the bottom of page 2 of the same
 3 document, do we see your handwritten signature
 4 again in that yellow highlighting?
 5 **A. I see my signature.**
 6 Q. Okay.
 7 **A. I don't remember that.**
 8 MR. COX: All right. Let me now move on
 9 to Exhibit 7.
 10 (Marked for identification:
 11 Deposition Exhibit No. 7.)
 12 VIDEOGRAPHER: Exhibit 7 is coming up.
 13 Just taking its time for some reason. Okay. I'm
 14 putting it in the chat box and starting the share.
 15 BY MR. COX:
 16 Q. Okay. Sir, this is Exhibit 7. It purports to be a
 17 notification of open position worksheet. You're
 18 familiar with those forms, correct?
 19 **A. No, I'm not familiar with them now. I might have**
 20 **been then, but --**
 21 Q. Okay.
 22 **A. It's all French to me at the moment.**
 23 Q. I understand.
 24 Now so at the top right, it says,
 25 "Notification of Open Position Worksheet." You see

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1 where I am at the top right, correct?
 2 **A. Yeah.**
 3 Q. Okay. Now if we move down, straight down from
 4 there, we see highlighted that this form is -- the
 5 name is Anderson, Robert E., Dr. Anderson, correct?
 6 **A. Uh-hum.**
 7 Q. Again, that's a yes, correct?
 8 **A. Yes.**
 9 Q. Okay. And then we're going to move down, and
 10 moving back to the left, not highlighted, but title
 11 is "Appointment Information," correct? Over here.
 12 **A. Yep, I see it.**
 13 Q. Now I'm not trying to make you seasick. I'm going
 14 to move back to the right. And over here in the
 15 yellow orange highlight, we have "Appointment
 16 Effective Date" and it says 1-14-80, correct?
 17 **A. Yeah, yep, I was reading the received date above**
 18 **it.**
 19 Q. So that January 14, 1980, date, that was on a prior
 20 exhibit, same date, correct?
 21 **A. If you say so.**
 22 Q. Okay. And then if we go to pay rate, we see
 23 handwritten in 46,000; is that right? Right here.
 24 **A. Yeah, I see it.**
 25 Q. Okay. Do you recall that as that was the same

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1 handwritten 46,000 that was on the prior exhibit,
 2 Exhibit No. 6? I'll withdraw the question. I'll
 3 move on here. I'm going to go back to the left
 4 again, okay?
 5 And see where it says "Reason," then
 6 there's an answer box, it says, "D: Resuming
 7 former position." Do you see that, Mr. Easthope?
 8 Do you see right here? "Resuming former position."
 9 **A. Right.**
 10 Q. Okay. And then below that, there's a title,
 11 "Method of Entry," correct? Do you see that?
 12 **A. Yep.**
 13 Q. And the form lists out five different options to
 14 check. No. 1 is "Hire," No. 2 is "Promotion,"
 15 No. 3 is "Transfer," No. 4 is "Demotion," and No. 5
 16 is "Added Position," correct?
 17 **A. That's what I read.**
 18 Q. And for Dr. Anderson, No. 4 is circled and darkened
 19 and that's for a demotion, correct?
 20 **A. That's what it looks like to me.**
 21 Q. Okay. Did you know Sylvia Weber did personnel work
 22 in the medical services?
 23 **A. Say the name again?**
 24 Q. Sylvia Weber.
 25 **A. No, I don't. I don't have any memory of it anyway.**

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1 Q. Okay. Do you remember a person by the name of Andy
 2 Perez?
 3 **A. No, no, I don't. Where was Andy from?**
 4 Q. He's at the bottom of the form on the left.
 5 **A. What were their jobs?**
 6 Q. It says, "Employment Representative, Andy Perez"?
 7 **A. Oh, I don't know.**
 8 MR. COX: Okay. All right. Can we go to
 9 Exhibit No. 9?
 10 (Marked for identification:
 11 Deposition Exhibit No. 9.)
 12 VIDEOGRAPHER: Yes, sir. Exhibit 9
 13 coming up.
 14 MR. COX: Thank you, Mr. Rowles.
 15 VIDEOGRAPHER: Sorry it's taking a little
 16 delay here.
 17 MR. COX: No problem.
 18 VIDEOGRAPHER: Appreciate it.
 19 MR. COX: I'm not the fastest myself.
 20 **THE WITNESS: I'm fast as hell.**
 21 MR. COX: That's why you're a middle
 22 linebacker, right?
 23 **THE WITNESS: Yeah.**
 24 MR. COX: Your grandson had to get it
 25 from somebody.

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1 **THE WITNESS: Right.**
 2 MR. COX: The quickness.
 3 VIDEOGRAPHER: Here it finally comes.
 4 MR. COX: Okay. That is something that's
 5 a bill, I think. You're already billing me before
 6 we're done.
 7 VIDEOGRAPHER: One moment.
 8 **THE WITNESS: Who am I billing?**
 9 MR. COX: We'll get you a witness fee.
 10 **THE WITNESS: I bet.**
 11 MR. COX: You and I can go back to the U
 12 club and we'll have a beer.
 13 **THE WITNESS: I wish that the U club**
 14 **existed.**
 15 VIDEOGRAPHER: You should see it now,
 16 sir.
 17 MR. COX: Okay. All right.
 18 BY MR. COX:
 19 Q. Now I'm showing you Exhibit No. 9. At the top,
 20 it's University of Michigan letterhead, "Office of
 21 Student Services, Michigan Union, Ann Arbor,
 22 Michigan, 48104, telephone 313.764.7423." Do you
 23 see the letterhead, Mr. Easthope?
 24 **A. I do indeed.**
 25 Q. You probably saw that letterhead a lot, right?

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1 **A. I did.**
 2 Q. Okay. And we're going to see -- we move over to
 3 the left, we see it's entitled, "Memorandum,"
 4 correct?
 5 **A. Yep.**
 6 Q. And the "to" is to the Health Service department
 7 heads, correct?
 8 **A. Okay. Department heads, yep.**
 9 Q. And the "from" says from Henry Johnson, vice
 10 president for Student Services, correct?
 11 **A. That's what it says.**
 12 Q. And there we see Mr. Johnson's signature right next
 13 to it, correct?
 14 **A. That's his signature, too.**
 15 Q. Okay. And we see a date and the date tells us this
 16 memorandum was January 10 of 1980, right?
 17 **A. That's correct.**
 18 Q. Okay. And the RE: for regarding is "Health Service
 19 Directorship," correct? Right here.
 20 **A. Yep.**
 21 Q. Okay. I'm going to read you a couple sections to
 22 see if we're on the same page.
 23 There, this memo from Mr. Johnson says,
 24 "Effective January 14th of this year, Dr. Robert
 25 Anderson will step down as director of Health

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1 Service," is that correct? That's what it says,
 2 correct?
 3 **A. That's what it says, yes.**
 4 Q. Okay. And does it then say, "He will remain on
 5 staff as a senior physician 50 percent of the time
 6 and director of athletic medicine"? Is that what
 7 the memo says?
 8 **A. Yeah, that's what I read.**
 9 Q. Did Mr. Johnson send this memo about the
 10 resignation because you were too mad, angry and
 11 upset because of what Anderson did?
 12 **A. I can't speculate on any of that.**
 13 Q. That's not speculation, sir. I'm asking you for
 14 what happened.
 15 Were you so mad and upset and angry that
 16 U of M was keeping Dr. Anderson that you wouldn't
 17 sign any documents that would inform the staff
 18 about his change in status?
 19 **A. Boy, no, I don't have any memory of that at all, so**
 20 **anything I would answer would be speculative. I**
 21 **can't remember that at all.**
 22 Q. Okay. But you did tell us earlier that you ran the
 23 operations, and this is the kind of memo that would
 24 come from the person that ran the operations,
 25 wouldn't it, sir?

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1 **A. I imagine under ordinary circumstances, that's**
 2 **true, but if your boss intervened, what do you do,**
 3 **say, "You can't do that"?**
 4 Q. Okay. No, I get that.
 5 At any rate, Mr. Johnson intervened and
 6 generated this memo, correct?
 7 **A. I don't know what -- you're asking me to say**
 8 **something that I know nothing about.**
 9 Q. Okay. Well, let's move down to the third paragraph
 10 where I have some highlighting.
 11 **A. Okay.**
 12 Q. And there, the first sentence says, "I believe I
 13 speak for all of us in Student Services and the
 14 university community when I say we are extremely
 15 grateful for the high-quality administrative and
 16 medical leadership Dr. Anderson has provided during
 17 his years at Health Service." It then goes on to
 18 say, next sentence, "We are pleased that he plans
 19 to remain on staff as senior physician." End
 20 paragraph. Do you see that there, sir?
 21 **A. I see it.**
 22 Q. You were not pleased that he got to stay on as the
 23 senior physician, were you, after you fired him?
 24 **A. I did not know that he stayed on as a senior**
 25 **physician.**

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1 Q. If you had known, you would have fought like hell
2 to make sure he didn't stay on, correct?
3 **A. I would have objected -- I would have objected**
4 **seriously.**
5 Q. And you would have taken it above Mr. Johnson,
6 correct?
7 **A. Well, that's -- I don't know that. I can't answer**
8 **that question.**
9 Q. Okay. Did you ever --
10 **A. That's a difficult question to go against the vice**
11 **president about something that he overrode me on, I**
12 **guess.**
13 Q. Okay. When Mr. Johnson says, "I speak for all of
14 us at Student Services," here, he didn't speak for
15 you, correct, about Dr. Anderson?
16 **A. I think that's a good guess on your part.**
17 MR. COX: Okay. Thank you. One second,
18 I'm just going to -- give me two seconds.
19 (Discussion off the record.)
20 MR. COX: Do you need a break,
21 Mr. Easthope?
22 **THE WITNESS: Nope.**
23 MR. COX: Okay. All right. Let's go
24 down to the CCs. I think there's some CCs here on
25 this one. Can you go down a little further?

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1 BY MR. COX:
2 Q. Okay. Now I'm going to go down to the CCs here,
3 the very bottom left. It says, "CC: Dr. John A.
4 Gronvall." Do you see that, sir?
5 **A. Yep.**
6 Q. And Dr. John A. Gronvall was the head of the
7 medical school at the time, the dean, correct?
8 **A. I can't testify one way or the other to that. At**
9 **this moment, I don't know that.**
10 Q. Okay. Do you remember there being a Dean John
11 Gronvall at the U of M Medical School?
12 **A. I vaguely remember, but it wasn't something I dealt**
13 **with, so I might have seen it somewhere.**
14 Q. Okay. And below Dr. Gronvall's name, there was a
15 name Dr. Jephtha W. Dalston; do you see that, sir?
16 **A. I do.**
17 Q. Okay. And do you recall that Dr. Dalston was the
18 CEO of the U of M hospital medical system for about
19 ten years, from about 1975 to 1985; do you remember
20 that?
21 **A. Now that you triggered my memory, I think I**
22 **probably remember that.**
23 Q. Okay.
24 **A. But it wasn't something that was important in my**
25 **life, so I didn't pay much attention to it.**

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1 Q. I understand. But nonetheless, for whatever
2 reason, Dr. -- Mr. Johnson notified both the dean
3 of the medical school and the head of the CEO of
4 the health system about the change in status of
5 Dr. Anderson, correct? By carbon copy, correct?
6 **A. It looks like that.**
7 Q. Okay. And also noticed Office of Student Services
8 directors; is that correct?
9 **A. Yeah, that's what it says.**
10 Q. Okay. And how about we go to -- let me ask you
11 this: I don't see a notice to Don Canham at the
12 athletic department on this, do you?
13 **A. Unless you're hiding something from me, I don't see**
14 **it.**
15 Q. If, in fact, the annual report was correct that
16 he was still the doctor for the athletic
17 department, you would expect Mr. Canham to be
18 carbon copied, correct?
19 **A. To work with my expectations about 40 years ago is**
20 **very difficult for me to give you an affirmative**
21 **answer because that's a long time ago and I have a**
22 **hard time remembering a lot of things, but I can't**
23 **say one way or the other on that.**
24 Q. Okay. Did you approve a pay raise to Dr. Anderson
25 after you fired him in 1979?

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1 **A. I did not.**
2 Q. If a form showed that you did, would that only be
3 because you were forced to sign a form approving a
4 pay raise for the guy you fired?
5 **A. You know what, I have no memory of that at all.**
6 **You're just telling me something that I have**
7 **absolutely no memory of.**
8 MR. COX: Okay. Why don't we go to
9 Exhibit No. 17.
10 (Marked for identification:
11 Deposition Exhibit No. 17.)
12 VIDEOGRAPHER: Okay. Exhibit 17 coming
13 up. Here we go. It's loading.
14 BY MR. COX:
15 Q. So sir, I put up Exhibit 17, which is another
16 appointment change request with the U of M seal
17 here in the middle. Do you see where I'm talking?
18 I want to direct your attention over to,
19 again, the far upper left. And there we see -- and
20 correct me if I'm wrong. Does it say there, sir,
21 page 01, 06-27-80 for the year, so June 27 of 1980?
22 Is that what it says?
23 **A. That's what it says.**
24 Q. And the subject here, the employee who is the
25 subject of the appointment change request is Robert

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1 E. Anderson, correct? Right here.

2 **A. That's what I read.**

3 Q. Okay. And so June 27 of 1980, if we look at his

4 title, Dr. Anderson's title, I highlighted it. It

5 says here, "...and senior physician, Health

6 Service." So at least six months after you fired

7 him, this form says that he is still senior

8 physician at the Health Service, correct?

9 **A. That's what it says.**

10 Q. Okay. So we move down to appointment title, and if

11 we follow along, it says, "Senior physician,"

12 correct?

13 **A. Yes.**

14 Q. And if we move further to the left, we see,

15 "Department: Health Service," correct?

16 **A. Correct.**

17 Q. Which would indicate he never left or hadn't left

18 for the first six months after you fired him,

19 correct?

20 **A. That's what that appears to be.**

21 Q. Okay. Now I'm going to move down from where --

22 "Department: Health Services," immediately below,

23 and look at the pay. And the first box says

24 appointment rate 46,000, on a 12-month rate,

25 effective 01-14-80, correct? Do we need to blow

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1 that up?

2 **A. No, that's fine. I see it.**

3 Q. So according to the data on this U of M personnel

4 appointment change request, it says that as of

5 January 14, 1980, Dr. Anderson was being paid

6 46,000, correct?

7 **A. That's what it appears to say.**

8 Q. For being a senior physician at Health Service.

9 Now I'm going to move down the line below

10 where it says "Change Rate," meaning the

11 appointment change request is to change the rate of

12 his pay, and next to there we see typed in \$49,680

13 over a 12-month period, rate effective September 1,

14 of 1980, correct?

15 **A. Correct.**

16 Q. Okay. So this form is the bureaucratic form to

17 increase his salary by some \$3,680, correct?

18 **A. That's what it appears to say.**

19 Q. Okay. And if we go down to the bottom in the

20 signature area, we're going to see that you signed

21 off on this \$3,680 pay increase, are we not?

22 **A. That's what you're looking at.**

23 Q. And that is your signature, correct?

24 **A. As far as I can tell it is.**

25 Q. Did someone force you to sign that or did you sign

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1 that voluntarily?

2 **A. You know what, you're getting me in territory that**

3 **I have no memory of. I can't remember any of this**

4 **paperwork that you've been putting up. I've tried,**

5 **but I have no memory of it.**

6 MR. COX: Okay. Thank you.

7 Mr. Rowles, can we go to Exhibit 10,

8 please?

9 (Marked for identification:

10 Deposition Exhibit No. 10.)

11 MR. COX: I want to show you another

12 document and see if that helps refresh your memory.

13 VIDEOGRAPHER: I'm sorry, sir, what was

14 the --

15 MR. COX: Exhibit 10, please.

16 VIDEOGRAPHER: Exhibit 10. Gotcha.

17 BY MR. COX:

18 Q. Sir, I'm showing you Exhibit 10, which at the

19 bottom has a U of M-produced Bates No. 000226.

20 But there, sir, I highlighted the date of

21 June 10, 1980. Do you see that? In the upper

22 right-hand corner.

23 **A. Yep, I see it.**

24 Q. And then someone typed in, "Dear Henry," correct?

25 **A. That's what it says.**

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1 Q. And then this letter starts out, "Day by day it

2 becomes clearer that Anna and I are on a collision

3 course especially as regards to the athletic

4 medical program." End of sentence. Is that

5 correct, sir?

6 **A. That's what it says.**

7 Q. And in between your firing of Dr. Anderson back in

8 August of 1979, and then January 1 of 1981, almost

9 16 months, it's true that Dr. Anna Davol was the

10 interim director, correct?

11 **A. That is absolutely correct, yes.**

12 Q. Okay. And if we go down, we're going to see the

13 author of this letter to Mr. Johnson, or to Henry,

14 we see at the sides breakdowns of hours between

15 Health Service and athletics, correct? I'm now at

16 the highlighted area to the left margin.

17 **A. I see that.**

18 Q. Okay. And if we go down to the bottom paragraph,

19 we're going to see the author typed in a sentence

20 here, "Repeatedly I'm informed that we are not

21 properly reimbursed by the athletic department."

22 Is that right?

23 **A. That's what it says. I don't know. Are you asking**

24 **me to verify that?**

25 Q. I'm going to get to that in a second.

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1 Earlier you talked about the power of Don
2 Canham on campus, correct?
3 **A. I have.**
4 Q. Okay.
5 **A. I did.**
6 Q. And you knew that Don Canham and Dr. Anderson had a
7 relationship, correct?
8 **A. You know what, I can't -- what made you think that**
9 **I said that?**
10 Q. I didn't say you said that, sir.
11 **A. I don't know what their relationship was at all.**
12 Q. Okay. We'll leave it at that. Let's move on.
13 Next, page 2, which is Bates No. 000227.
14 Okay. At the bottom of this letter, we're going to
15 see the second page of it, it's typed, "Sincerely,"
16 a little signature, "Bob," and says, "Robert E.
17 Anderson," from Dr. Anderson, correct?
18 **A. I don't see that, but I --**
19 Q. Right here at the bottom.
20 MS. PARKER: Mike, this is Stephanie.
21 It's not on the screen.
22 MR. COX: There we go. Can you see where
23 Dr. Anderson wrote in "Bob"? Hold on.
24 VIDEOGRAPHER: I'm sorry. I blew it up
25 and I guess I went the wrong direction. I was

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1 trying to make it clearer for everybody.
2 MR. COX: That's all right.
3 BY MR. COX:
4 Q. You see where Dr. Anderson wrote in "Bob"?
5 **A. Yep.**
6 MR. COX: Okay. Actually, I don't have
7 anything more on this. I'm going to have you go
8 now to Exhibit --
9 MS. BELVEAL: Mr. Cox, is now a good time
10 for a five-minute break?
11 MR. COX: Sure.
12 VIDEOGRAPHER: We're going off the
13 record. The time is 1:23.
14 (Whereupon a break was taken
15 from 1:23 p.m. to 1:40 p.m.)
16 VIDEOGRAPHER: We are back on the record.
17 The time is 1:40.
18 MR. COX: Good afternoon again.
19 Mr. Rowles, can we get Exhibit No. 11 up?
20 VIDEOGRAPHER: Yes, sir.
21 (Marked for identification:
22 Deposition Exhibit No. 11.)
23 (Discussion off the written record.)
24 MR. COX: Are you able to see the letter
25 up there?

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1 **THE WITNESS: I can see the letter up**
2 **there, yes.**
3 BY MR. COX:
4 Q. There we see a different form of the University of
5 Michigan letterhead, correct?
6 **A. It says University of -- yeah.**
7 Q. And then?
8 **A. That's different.**
9 Q. And the left-hand side, we see date of August 5,
10 1980, correct?
11 **A. I see that.**
12 Q. And that would be almost --
13 **A. August 13th.**
14 Q. Right, over to the right. And that would be --
15 August 13th -- the stamp, "August 13th, Received,
16 Office of the Vice President for Student Services,"
17 that would be almost one year to the day after you
18 fired Dr. Anderson, correct?
19 **A. That's correct.**
20 Q. Okay. Now here, it's another memorandum. If we
21 look at the highlighted area, it says, "To: Anna
22 L. Davol, MD; From: Robert E. Anderson, MD," with
23 a signature by Dr. Anderson, correct?
24 **A. Yep, I see that.**
25 MR. COX: Okay. And as we go down the

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1 page, the subject -- if I can stop you there,
2 Mr. Rowles.
3 BY MR. COX:
4 Q. The subject says that -- the subject of
5 Dr. Anderson's memo to Interim Director Davol is,
6 "Athletic Medical Program," correct?
7 **A. Yep.**
8 Q. Okay. And the very first sentence of this memo,
9 August 5, 1980, almost a full year after you fired
10 Dr. Anderson, Dr. Anderson typed or someone typed
11 for him, "At our meeting with VP Johnson and
12 Assistant VP Easthope, it was my impression that a
13 conclusion was reached that embodied the following
14 items."
15 Sir, do you recall having a meeting with
16 VP Johnson and Dr. Anderson about the athletic
17 medical program after you fired Dr. Anderson?
18 **A. I have no memory of that whatsoever.**
19 Q. Are you saying that it couldn't have happened or
20 that it might have happened?
21 **A. Well, I would just say what I said to you. I can't**
22 **say one way or the other. I have no memory of it.**
23 Q. Okay. But this document at face value appears to
24 show that Dr. Anderson stayed at least a full year
25 after you fired him, correct?

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1 **A. That's what it appears to be on that memo.**
 2 Q. Okay. And if we look at point No. 1, Dr. Anderson
 3 types, "That the University Health Service would
 4 maintain a high-quality medical program and that
 5 the title given to me by VP Johnson as director of
 6 athletic medicine of the Health Service (Ann Arbor
 7 News) would continue."
 8 Were you aware that Vice President Johnson
 9 had given Dr. Anderson the title of director of
 10 athletic medicine after you fired him?
 11 **A. I have no memory of that at all. I can't say one
 12 way or the other because I don't remember that at
 13 all.**
 14 Q. Okay. Let's go to point 2. In point 2,
 15 Dr. Anderson types, "We would approach Mr. Canham
 16 for a more equitable financial contract and that
 17 simultaneously we would begin the effort to bill
 18 insurance companies for service to athletes." End
 19 of sentence.
 20 Do you recall a meeting after you fired
 21 Dr. Anderson with Dr. Anderson and Vice President
 22 Johnson where the three of you talked about
 23 approaching Mr. Canham for more money?
 24 **A. I have no memory of that at all.**
 25 Q. Are you saying that couldn't have happened?

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1 MS. PARKER: Objection to the form.
 2 MR. COX: Are you saying that couldn't
 3 have happened?
 4 **THE WITNESS: I don't have any memory of
 5 it, so I don't know.**
 6 MR. COX: Okay. All right. And let's,
 7 if we can, go down to the bottom of the page,
 8 actually on -- let me see. Two pages. Go on to
 9 the next page, please. Bates 225. And I want to
 10 go all the way down to the bottom.
 11 BY MR. COX:
 12 Q. And on this memo from Dr. Anderson on August 5th of
 13 1980 to Dr. Davol, we see that there's two carbon
 14 copies, one to VP Johnson and one to yourself,
 15 Assistant VP Easthope, correct?
 16 **A. That's what that appears to say.**
 17 MR. COX: Okay. Mr. Rowles, could we
 18 have Exhibit 12, please?
 19 VIDEOGRAPHER: Yes, sir.
 20 (Marked for identification:
 21 Deposition Exhibit No. 12.)
 22 **THE WITNESS: Could we go back to that?
 23 Is that the same -- is that the same type face on
 24 the CCs as it is to the body of the letter? It
 25 doesn't appear to be the same type face.**

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1 MR. COX: Well, it appears to be that way
 2 to me, but your answers are what matter and you
 3 commented on it.
 4 **THE WITNESS: You're the guy who makes
 5 the decisions. That, to me, doesn't look like the
 6 same type face, but it's just me.**
 7 MR. COX: I understand. This is all from
 8 the University of Michigan, so I can't comment one
 9 way or the other.
 10 **THE WITNESS: Okay.**
 11 MR. COX: Did you --
 12 **THE WITNESS: I'm just calling it into
 13 question.**
 14 MR. COX: I understand.
 15 BY MR. COX:
 16 Q. But you don't question the signatures on the prior
 17 forms, do you?
 18 MS. PARKER: Objection to the form of the
 19 question. It's not clear what you're referring to,
 20 which forms you're referring to, or which
 21 signatures.
 22 MR. COX: Thank you. On the appointment
 23 rate -- on the appointment rate -- change rate
 24 forms that I showed you --
 25 **THE WITNESS: I told you it appears to be**

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1 **my signature.**
 2 MR. COX: Okay. That's what I thought.
 3 All right. Thank you.
 4 Can we move on to Exhibit 12?
 5 BY MR. COX:
 6 Q. And I have the cursor up and there we see a
 7 letterhead memo form for the University of
 8 Michigan, upper right-hand side says -- someone
 9 hand wrote "File," correct, sir?
 10 **A. On this one?**
 11 Q. Yes.
 12 **A. Henry to me?**
 13 Q. Yeah -- actually, forget that. Let me get down to
 14 the -- here is a memorandum to Tom Easthope from
 15 Henry Johnson, date April 28, 1981, subject, "Anna
 16 Davol's Memo." Do you see that, sir?
 17 **A. I do.**
 18 Q. Okay. And would you agree with me that April of
 19 1981 would be a good year and a half after you
 20 fired Dr. Anderson in August of 1979, correct?
 21 **A. That would appear to be, yeah. I don't keep track
 22 of the dates, but I suppose you do.**
 23 Q. Okay. And I want to -- I have highlighted the
 24 beginning of the first sentence, and -- so the
 25 highlighted area, "I talked" -- meaning --

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1 presumably meaning Henry Johnson, since he's the
2 author. "I talked with Cy regarding Anna's memo to
3 Bob Anderson and left with the impression he is
4 without an immediate solution and would prefer if
5 the three of us (you" -- being Tom Easthope -- "me"
6 -- meaning Henry Johnson -- "and Cy) meet to
7 discuss the matter further."
8 Do you recall meeting with Cy Briefer and
9 Henry Johnson to discuss the problems between Anna
10 Davol and Bob Anderson?
11 **A. No, I -- no, I gotta be honest, I don't remember**
12 **that at all.**
13 Q. Okay.
14 **A. I'm just trying to remember what I can, but I**
15 **honestly can't remember that.**
16 Q. I understand, but let's shoot down to the bottom.
17 And I want to go to the next sentence. Do you
18 remember Kay who worked for Dr. Johnson?
19 **A. Kay?**
20 Q. Yeah. If you don't, I'll move on.
21 Do you remember a Kay who worked for --
22 not Dr. Johnson. Vice President Johnson.
23 **A. No, Doris Goodwin was his secretary.**
24 Q. Doris Goodwin?
25 **A. Yeah.**

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1 Q. All right. Like the author.
2 Let me get back to the last sentence then
3 in Exhibit 12 there.
4 **A. Who is Kay?**
5 Q. Well, I'm going to ask you that in a second. There
6 at the bottom of this memo from Mr. Johnson to you,
7 sir, does it say, "I would propose that Kay set up
8 a meeting for the three of us to once and for all
9 make a decision, at least for the short term (the
10 remainder of the year) regarding Dr. Anderson's
11 relationship and Health Services' relationship to
12 the athletic department and its medical needs."
13 Is that what the U of M-produced document
14 says, sir?
15 **A. That's what that document says that I'm reading.**
16 Q. Okay. And this document is predicated on
17 Dr. Anderson's continued presence in Health
18 Services at least through April 28th of 1981,
19 correct?
20 **A. I suppose; that's what it appears to say.**
21 Q. Okay. Now we just have gone through a number --
22 you told us definitively that you fired
23 Dr. Anderson in August of 1979 and we've now gone
24 over a number of exhibits which indicate that he
25 continued to stay at Health Services for at least a

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1 year and a half. How would you explain these
2 exhibits, sir?
3 **A. I wish I could. I just don't have any memory of**
4 **them, so it would be hard for me to explain, but I**
5 **have no memory of it. I'm not being funny here; I**
6 **wish that I could. I just don't have a memory of**
7 **it.**
8 Q. Okay.
9 **A. The parties involved -- Cy and I were good friends.**
10 **It's not that -- in that particular subject, I just**
11 **don't have any memory of it, honest.**
12 Q. Okay. But at any rate, you would agree that
13 Dr. Anderson's continued presence in Health
14 Services would have been over your objection,
15 correct?
16 **A. That's correct.**
17 Q. Now let's -- going back to your decision to fire
18 him. Do you think other people -- based on these
19 memos -- other people at the University of Michigan
20 didn't take it as seriously as you did?
21 MS. PARKER: Objection to the form of the
22 question. That assumes facts not in evidence.
23 **THE WITNESS: That would be a hard**
24 **question to answer because I can't put myself in**
25 **other people's shoes.**

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1 BY MR. COX:
2 Q. But do you think that you were more sensitive to
3 sexual harassment than your fellow employees and
4 colleagues at the time at the University of
5 Michigan?
6 MS. PARKER: Same objection to the form
7 of the question. That assumes facts that are not
8 in evidence.
9 MR. COX: You can answer the question.
10 **THE WITNESS: You have to know the**
11 **society we lived in then. It wasn't a very open**
12 **society, and to go around accusing people of things**
13 **to other people just wasn't my modus operandi. Now**
14 **should I have gone and told the world that that guy**
15 **was doing what he was doing? In retrospect, maybe**
16 **I should have, but at the time, it was an**
17 **embarrassment to me, it was an embarrassment to the**
18 **abused students. I didn't want to make a big deal**
19 **about something that I thought I could get rid of**
20 **and it would go away.**
21 MR. COX: Okay.
22 **THE WITNESS: Does that make sense to**
23 **you?**
24 MR. COX: Well, I can appreciate your
25 answer. Let me ask you this --

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1 **THE WITNESS: You can appreciate my**
 2 **answer.**
 3 BY MR. COX:
 4 Q. So are you saying you told no one else that you
 5 fired Dr. Anderson for abusing the gay students?
 6 **A. Can I explicitly say something to someone? No, I**
 7 **can't. I cannot tell you that I -- in my memory, I**
 8 **said what I did to Bob Anderson. I probably can't**
 9 **even remember discussion about it with Henry.**
 10 Q. Okay.
 11 **A. I'm sure it must have happened, but I can't**
 12 **remember it.**
 13 Q. Okay. Now did you -- after you fired Dr. Anderson
 14 in 1979, did you have any further contacts with Jim
 15 Toy about any other new claims of abuse?
 16 **A. No, I don't think I did.**
 17 MR. COX: Okay. Just one second. Give
 18 me ten seconds.
 19 Okay. Mr. Mr. Rowles, can you pull up
 20 Exhibit No. 15? Actually, if I could, can you go
 21 back to 14 for a second? That's the transcript.
 22 BY MR. COX:
 23 Q. And do you recall -- and Mr. Easthope, before we go
 24 to the transcript, do you recall telling Detective
 25 West that you think you told Henry on the way to

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1 firing Dr. Anderson?
 2 **A. No, I was -- when I was talking to this guy, it was**
 3 **completely out of the dark, and I thought,**
 4 **logically, would I have told Henry about that? And**
 5 **my answer was yeah, but I can't say that I did**
 6 **because I can't remember.**
 7 MR. COX: Okay. Let's go to Exhibit 15.
 8 (Marked for identification:
 9 Deposition Exhibit No. 15.)
 10 BY MR. COX:
 11 Q. Now sir, can you see the first page of Exhibit 15,
 12 which is dated August 28 of 1981?
 13 **A. I see that.**
 14 Q. Okay. This would have been now almost two years
 15 after you fired Dr. Anderson, correct?
 16 **A. That date, you know, you're telling me that.**
 17 Q. Well, we went over the demotion form from August 13
 18 of 1979, so this is roughly two years later if this
 19 date is correct; is that right?
 20 **A. Yep -- was Ann Davol still the director? Oh, just**
 21 **clinical services. She was acting director until**
 22 **Cy came.**
 23 Q. Can we now -- if we -- this cover page, the author
 24 of whatever memo is behind it is sending it to the
 25 "Human Sexuality Office (Gay Male Advocate)," is

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1 that right? That's the first CC?
 2 **A. That's what it says.**
 3 Q. And that would have been Jim Toy, correct?
 4 **A. I don't know who received their mail, so I can't**
 5 **say Jim Toy would have received it because I don't**
 6 **know what their interoffice relationship was, so**
 7 **there were several people in that office.**
 8 Q. But if I could -- but he was the designated gay
 9 male advocate at that point, correct? Whether he
 10 received it or not, he was the gay male advocate?
 11 **A. I don't know. I can't remember what the specific**
 12 **job title was, but he was considered the**
 13 **spokesperson for the gay community on campus.**
 14 Q. Okay. But in any event, he worked at the Human
 15 Sexuality Office, whether he saw this or not,
 16 correct?
 17 **A. Yes, I believe that to be true.**
 18 Q. Okay. And the next carbon copy is Sue Kaufman,
 19 program associate for Women's Concerns Affirmative
 20 Action Office. You knew Sue Kaufman, correct?
 21 **A. I did not know her. I know the name, but I did not**
 22 **know her.**
 23 Q. Okay. The third carbon copy says, "Lesbian/Gay Law
 24 Students Association." And if that were a student
 25 association, would that have been under -- down the

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1 org chart from you under your director of student
 2 organizations?
 3 **A. That is news to me. I didn't know that such an**
 4 **organization existed.**
 5 Q. Okay. But in any event, the fourth carbon copy
 6 here is you, correct, "Thomas Easthope, Associate
 7 Vice President for Student Services," correct?
 8 **A. That's what it says.**
 9 Q. Okay. And then Dr. Davol was on that as a carbon
 10 copy as well, correct?
 11 **A. That's correct.**
 12 MR. COX: Now I want you to go over to
 13 the next page, which is Bates 000221. And there is
 14 a typewritten letter. If you look at the bottom --
 15 can we blow it up a little and show the bottom?
 16 BY MR. COX:
 17 Q. The typewritten letter, it's signed -- it appears
 18 to be signed by a person Keith E. Moree, M-O-R-E-E,
 19 August 28, 1981, correct?
 20 **A. That's what it says.**
 21 Q. Let's go up to the top. And at the top, which I
 22 have highlighted, Mr. Moree typed, "The following
 23 events transpired on May 28 of 1980 at the
 24 University of Michigan Student Health Services."
 25 And he then writes, "I checked into the

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1 Health Service desk," and you see from the
2 highlighting that he saw Dr. Robert Anderson. Do
3 you see that, sir?
4 **A. Yes, I do.**
5 Q. Okay. In this document produced by the University
6 of Michigan, he outlines that on May 28th of 1980,
7 almost eight, nine months after you fired
8 Dr. Anderson, that Dr. Anderson started
9 masturbating in front of Mr. Moree. Do you recall
10 this incident?
11 **A. No. That's the first time I've heard it.**
12 Q. If this had been taken to you, if Mr. Moree had had
13 an opportunity to talk with you and you had heard
14 that, after you fired Dr. Anderson, Mr. Moree had
15 been subjected to Dr. Anderson simulating
16 masturbation in front of the patient, would that
17 have outraged you?
18 MS. PARKER: Objection to the form of the
19 question. Asks for speculation. Facts not in
20 evidence.
21 MR. COX: Would that have outraged
22 you?
23 MS. PARKER: Same objection.
24 **THE WITNESS: I'm sorry, what is your**
25 **question to me?**

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1 BY MR. COX:
2 Q. Okay. If in fact on May 28 of 1980, eight months
3 after you fired Dr. Anderson, Dr. Anderson started
4 performing masturbation on himself in front of a
5 patient in the exam room, would that have outraged
6 you?
7 MS. PARKER: Same objection.
8 **THE WITNESS: Of course it would have.**
9 BY MR. COX:
10 Q. Okay. Would you have acted on it if it came to
11 you?
12 **A. I certainly would have.**
13 Q. Okay. Now Keith Moree has filed a lawsuit in this
14 matter, called under MC -- John Doe MC-73 versus
15 The University of Michigan and The Regents of the
16 University of Michigan, where he described what
17 happened on May 28th and says that Jim Toy took him
18 to see you in your office. Do you remember that?
19 **A. No.**
20 Q. And Mr. Moree says that he was an undergraduate at
21 the time, and that you were nice, heard him out and
22 very solicitous of what he described. Do you
23 recall it now?
24 **A. No, I don't.**
25 Q. And that after hearing him out, you told him,

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1 Mr. Moree, that you would have to investigate it
2 and that you had him and Mr. Toy come back a week
3 later to your office. Do you recall it now?
4 **A. What do you want me to say? I mean, what answer**
5 **are you looking for?**
6 Q. Let me relay the next thing Mr. Moree said.
7 Mr. Moree said the second meeting with
8 you, you told him that you thought about firing
9 Dr. Anderson, but then thought about his wife and
10 children and that they would be financially
11 impacted, and so then you asked Mr. Moree if he
12 would be agreeable to you promising that
13 Dr. Anderson would no longer treat any students
14 and he would be moved to an administrative
15 position.
16 Does that refresh your recollection?
17 **A. It just makes people on -- that is pure bullshit.**
18 **I never talked to somebody like that. And where**
19 **does -- where does he get that from? I read**
20 **something that he went to my office in the**
21 **administration building. I don't have an office, I**
22 **never had an office in the administration building.**
23 **He might have been talking about somebody else; he**
24 **wasn't talking about me.**
25 Q. Okay.

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1 **A. I'm quite sure of that, okay? That's the one thing**
2 **that's been in the newspapers and everything else**
3 **and it pisses me off to have somebody accuse me of**
4 **something I didn't do. And he doesn't want to ever**
5 **meet me and I'm happy for him to make a lawsuit.**
6 Q. Okay. So it's your testimony that Mr. Moree is
7 lying about that?
8 **A. That is absolutely correct.**
9 Q. Okay. Thank you.
10 Now are you saying that Mr. Moree is lying
11 about seeing Dr. Anderson after you fired
12 Dr. Anderson in 1979 --
13 **A. I don't know anything about Mr. Moree --**
14 Q. Let me finish.
15 Are you saying that Mr. Moree is lying
16 about seeing Dr. Anderson at the Health Services in
17 1980, months after you say you fired him? Do you
18 think that's a lie?
19 **A. I don't know. I don't know anything about it, so**
20 **how can I make a judgment that I don't know**
21 **anything about?**
22 Q. Okay. So you're saying the lie is that Mr. Moree
23 ever met with you; is that correct?
24 **A. That is absolutely correct.**
25 Q. But --

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1 **A. And if he wants to sue me, I'll sue him, too,**
2 **because that is pure BS.**
3 Q. Okay. Is it your testimony that after you, as a
4 season ticketholder, after you fired Dr. Anderson,
5 you never saw Dr. Anderson at the U of M football
6 games on the sidelines?
7 **A. No. And somebody asked me that question; I can't**
8 **remember who. I didn't go to football games to**
9 **watch players run on the field. You know, I**
10 **happened to know Jerry O'Connor from St. Thomas, he**
11 **was a fellow parishioner, and I would venture --**
12 **every once in awhile I would see Jerry running**
13 **across the field, but, you know, when you're**
14 **walking into a football game with 100 and some**
15 **thousand people, you've got a lot of distractions.**
16 **I didn't pay attention to who was running out.**
17 **There's a whole hell of a lot of people running**
18 **out, so to point out anyone in particular wouldn't**
19 **have been, you know, in my consciousness. Maybe**
20 **with other people, but not mine.**
21 Q. So you're saying that there were times when you
22 were at games when you saw Dr. O'Connor run out
23 onto the field?
24 **A. Yeah, I think I mentioned to Jerry -- you know, I**
25 **went with different people, different social**

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1 **groups, and somebody wrote that, that I was sitting**
2 **with my -- from the church, and I think that might**
3 **be what called my attention to it, but did I pay**
4 **attention to the 100 or so follow-on people running**
5 **on the field? No, I didn't. Do you?**
6 Q. So if --
7 **A. Do you do that?**
8 Q. If there were times when players were hurt on the
9 field, and during your time, your season ticket
10 holdings, and Dr. Anderson ran out there, you
11 didn't happen to notice it or you were talking with
12 other folks; is that your testimony?
13 **A. It would have to be because I can't say that I ever**
14 **saw Bob Anderson on the football field.**
15 MR. COX: Let me get to Exhibit 8,
16 please.
17 (Marked for identification:
18 Deposition Exhibit No. 8.)
19 BY MR. COX:
20 Q. Mr. Easthope, I'm showing you -- or what the screen
21 has on is a U of M personnel form entitled, "Layoff
22 and Termination Request." Do you see that at the
23 top?
24 **A. Yep.**
25 MR. COX: And if we scroll down, can

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1 we -- can I get control of the scroll?
2 VIDEOGRAPHER: It's waiting for you to
3 take control, sir.
4 MR. COX: You see here that it says,
5 "Identifying Information." Can we blow it up a
6 little bit?
7 VIDEOGRAPHER: Sure.
8 BY MR. COX:
9 Q. Okay. You see here that this University of
10 Michigan layoff and termination request is for a
11 person by the name of Robert E. Anderson and that
12 he was part of internal medicine, general medicine
13 and clinical assistant professor, correct? Do you
14 see that? Do I need to blow it up?
15 **A. Where is that?**
16 MR. COX: Can you blow it up a little bit
17 more, Mr. Rowles?
18 BY MR. COX:
19 Q. You see there the person identified as being the
20 subject of the layoff and termination request is
21 Robert E. Anderson, Dr. Anderson?
22 **A. Yeah.**
23 Q. Do you see that?
24 **A. Yep.**
25 Q. Okay. And now if we go below, it says, 3(a),

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1 "Request for termination of all regular or
2 supplemental appointments for reason checked
3 below," and it is dated 1/ -- looks like a 2 or a 3
4 in print, in handwriting -- /03, so it looks to be
5 on January 2nd or January 3rd of 2003; would you
6 agree with that?
7 **A. What's to disagree with?**
8 Q. Okay. And there is a box checked for the reason
9 for termination over to the bottom mid right and it
10 says, "Retired," is that correct?
11 **A. Yep.**
12 Q. Okay. Then we go back over to 3(b) of this
13 personnel form, it says, "Recommendation for
14 Rehire," and there the person doing this form --
15 and we'll see who that is. Can you go down to the
16 bottom? It's signed on 11-11-2002 by Cheryl
17 Sweetland of Michigan Medicine. Do you know
18 Ms. Sweetland?
19 **A. No, but I'd been gone from the university by then**
20 **for about four or five years.**
21 Q. Okay. But at any rate, she signs as the
22 dean/director or representative of the university,
23 correct?
24 **A. Evidently; that's what it says.**
25 Q. Let's move back up to "Recommendation for Rehire."

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1 Section 3(b), "Recommendation for Rehire," and
 2 there's three options: To check a box, "Yes, in a
 3 similar position," to check a box that's, "Not
 4 recommended and explain in remarks," and then check
 5 a box, "Yes, in a different position (Explain
 6 remarks)." Do you see those choices?
 7 **A. Yes, I do.**
 8 Q. And in November of 2002, when Dr. Anderson was
 9 retiring from the university, the personnel HR
 10 person had three opportunities as to whether he
 11 should be recommended for rehire or not and
 12 Ms. Sweetland checked the box, "Yes, in a similar
 13 position." Do you see that there, sir?
 14 **A. I do.**
 15 Q. So despite your firing Dr. Anderson in August of
 16 1979, he stayed almost another 23 years, all the
 17 way to the end of 2002; that's what this form
 18 shows, correct?
 19 **A. That's what it appears to show.**
 20 Q. Do you have any explanation as to how that
 21 happened, how he survived that firing?
 22 **A. That, I have no explanation, and I'm stunned, to be**
 23 **honest with you.**
 24 Q. After you fired him in 1979, you stayed at the
 25 University of Michigan for another eight years

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1 until 1987, correct?
 2 **A. '89.**
 3 Q. '89. So you stayed for a full decade after you say
 4 you fired him, correct?
 5 **A. Yep.**
 6 Q. And you're saying to walk from the Union or the
 7 Fleming Building --
 8 **A. Union.**
 9 Q. To walk from the Union over across campus to the
 10 University Health Service is maybe a four-minute
 11 walk?
 12 **A. Well, you can decide that. I've got two new knees**
 13 **now, so I can't answer that.**
 14 Q. Can we agree it's a short walk?
 15 **A. Yeah, it's not very far.**
 16 Q. Okay.
 17 **A. Yeah, yeah, probably five minutes.**
 18 Q. And to walk from the Union down to Schembechler
 19 Hall, the athletic building, down State Street, is
 20 also a very short walk, correct?
 21 **A. Yeah, just down the hill.**
 22 Q. And you're saying during that decade, you never saw
 23 Dr. Anderson, correct?
 24 **A. That is absolutely correct.**
 25 Q. Based on the information you had from Mr. Toy, do

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1 you doubt that Dr. Anderson would continue to
 2 assault students if he stayed on campus?
 3 MS. PARKER: Objection to the form of the
 4 question. Asks for speculation.
 5 **THE WITNESS: That was what I was going**
 6 **to answer you. How do I know? I mean, you're**
 7 **asking me to make a guess. I really -- I can't**
 8 **answer that.**
 9 BY MR. COX:
 10 Q. Okay. Well, if hundreds of then young male
 11 athletes have now sued -- imagine much like your
 12 grandson suing years later -- would you have any
 13 reason to doubt the validity of their claims
 14 against Dr. Anderson?
 15 MS. PARKER: Object to the form of the
 16 question, and particularly the reference -- it's
 17 just not clear. Are you talking about the
 18 plaintiffs who filed? Are you talking about --
 19 what are you talking about his grandson? Object to
 20 the form of the question.
 21 MR. COX: Well, Stephanie, if he hasn't
 22 said he doesn't understand me and -- the point
 23 isn't for you to understand me, it's for the
 24 witness.
 25 Did you not understand what I said, sir?

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1 **THE WITNESS: Why don't you say it again**
 2 **because it gets all stuck in the conversation.**
 3 MR. COX: Sure.
 4 BY MR. COX:
 5 Q. Based on your experience with Dr. Anderson, do you
 6 have any reason to doubt the hundreds of athletes
 7 who were given exams by him when they claim he
 8 abused them?
 9 **A. That's a very difficult question because I don't**
 10 **know what's going on. I do know that the one guy**
 11 **that you identified to me is a liar and I'm not**
 12 **going to make any judgments about anybody else**
 13 **because I can't -- I can't respond to that.**
 14 **My assumption is that he probably did try**
 15 **to take on a whole bunch of people. What amazes me**
 16 **is nobody said anything about it. Why didn't**
 17 **somebody, the trainers or somebody, say something**
 18 **about it?**
 19 Q. Okay. Well, sir, you said you did not want him to
 20 do it again, correct?
 21 **A. That is correct.**
 22 Q. But you didn't tell anyone about what he did; is
 23 that what you're saying?
 24 **A. If you're trying to put me in a corner, that's**
 25 **okay, but hear me: We live in a different time,**

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1 and it's not like it is today. To go out and make
 2 accusations about people, and "This guy is against
 3 gays," or something, wouldn't have been very nice
 4 to anybody, including myself, so it wasn't
 5 something that you go out and broadcast. I just
 6 didn't want to have to deal with that kind of
 7 problem.
 8 Q. I understand.
 9 A. Is that understandable?
 10 Q. I understand exactly what you're saying.
 11 By the way, how did you come to have Foley
 12 Lardner as your lawyers here, the two lawyers who
 13 are there with you? Did you hire them?
 14 A. The university hired them.
 15 Q. Okay. Who told you the university hired them? Did
 16 you ask the university to hire them?
 17 A. No, I did not. They called me up and said --
 18 MS. BELVEAL: I'm going to object here.
 19 Attorney-client privilege. To the extent that you
 20 had communications with counsel, you can't answer
 21 questions that would reveal communications with
 22 counsel, so I'm going to object here and instruct
 23 you not to answer.
 24 THE WITNESS: I can't answer that
 25 question by advice of counsel.

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1 MR. COX: Fair -- hold on. There's a
 2 Sixth Circuit case in the United States versus
 3 Ritchie, F 3d, 592, Sixth Circuit for 1994, where
 4 the Court wrote, "In any event, every court has
 5 considered the client identity and payment of fees
 6 is not privileged information."
 7 Are you still instructing him not to
 8 answer the question?
 9 MS. BELVEAL: Mr. Cox, you can ask him
 10 who is paying his legal fees, you can ask whether
 11 or not he engaged counsel; you may not ask him
 12 about communications with his counsel.
 13 MR. COX: I didn't ask him that. You
 14 interjected that. I never asked one question
 15 about -- to tell me what you told your lawyers.
 16 BY MR. COX:
 17 Q. Now sir, so University of Michigan is paying your
 18 fees here, correct?
 19 A. As far as I can tell, yes.
 20 Q. Okay. Did you ask someone at the University of
 21 Michigan to pay your fees?
 22 A. I didn't talk to anybody at the University of
 23 Michigan about it.
 24 Q. Okay. Did you ask your daughter, Mary Jo Desprez,
 25 to ask someone --

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1 A. Desprez.
 2 Q. Desprez. Did you ask her to go ask someone?
 3 A. No, I have not -- we covered this earlier. I have
 4 not discussed this case with my kids in any way,
 5 shape or form.
 6 Q. Okay. So all of the sudden out of the blue,
 7 lawyers appeared from the University of Michigan to
 8 represent you; is that your testimony?
 9 MS. PARKER: Objection. Form.
 10 Mischaracterizes his testimony.
 11 THE WITNESS: On advice of counsel, I'm
 12 not going to answer that.
 13 MR. COX: She didn't advise you not to
 14 answer that, did you, Ms. Belveal?
 15 MS. BELVEAL: No, you can answer his
 16 question -- if you understand his question, you can
 17 answer his question.
 18 THE WITNESS: Well, I don't understand
 19 his question.
 20 MR. COX: So --
 21 THE WITNESS: Ask me the question.
 22 BY MR. COX:
 23 Q. You did not ask for anyone to hire you an attorney,
 24 correct?
 25 A. I didn't even know I needed an attorney.

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1 Q. Okay. Someone reached out to you and volunteered
 2 Foley Lardner, correct? Is that correct, sir?
 3 A. I suppose that's correct. I don't know what you're
 4 getting at, so if you tell me what you're getting
 5 at, I'm happy to answer.
 6 Q. I think you do know.
 7 So did -- so out of the blue, someone from
 8 Foley Lardner called you up and offered to
 9 represent you here, correct?
 10 MS. BELVEAL: If you can answer the
 11 question without revealing conversations between us
 12 and you -- because that is privileged -- then you
 13 can answer the question. I think he's asking you
 14 to reveal conversations and you cannot reveal
 15 conversations.
 16 MR. COX: On the contrary. If you were
 17 the first one, or Mr. Czerniawski reached out to
 18 him, then just tell me that and I won't ask
 19 anything further, but if there was an intermediary,
 20 I can -- you know, I'm not asking what the
 21 conversation was when you called him, if you're the
 22 one who called him, or if Mr. Czerniawski called
 23 him, but I want an identity of the person who
 24 called him and volunteered the services of Foley
 25 Lardner, which is permitted by the Sixth Circuit.

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1 MS. BELVEAL: So if you recall how you
2 were contacted, you may testify to that.
3 **THE WITNESS: I got a call from this**
4 **woman by the name of Jennifer and said that --**
5 MS. BELVEAL: No, you cannot talk about
6 any conversations, so stop. So again...
7 BY MR. COX:
8 Q. Was the person Ms. Belveal or was it someone from
9 Jones Day? Who was Jennifer; was it Ms. Belveal,
10 who is sitting with you?
11 **A. Yes.**
12 Q. Okay. All right. Have you seen the bills for your
13 representation?
14 **A. No, I have not.**
15 Q. And no one is billing you for the Foley Lardner
16 attorneys, correct?
17 **A. I hope not.**
18 Q. So sir, who is at fault here for the hundreds of
19 athletes who were victimized by Dr. Anderson; is it
20 U of M, is it you, is it lack of policy, is it
21 particular U of M officers, who is at fault?
22 MS. PARKER: Objection to the form of the
23 question.
24 **THE WITNESS: That's a tough question.**
25 MR. COX: That's why I asked it.

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1 **THE WITNESS: Our society is complicit in**
2 **that, our society that allows certain people to**
3 **have dominion over other people and that's very**
4 **difficult, you know. If you were a young athlete**
5 **and you wanted to perform, you didn't want to get**
6 **yourself in trouble with anybody, and it's hard --**
7 **it would be hard to know that you got yourself in**
8 **trouble because some guy was screwing around with**
9 **you.**
10 That's a heavy question. I don't know
11 the answer to it. I can tell you how I would feel,
12 but I'm not 100 athletes that had their
13 scholarships on the line if they reported somebody
14 who was revered by their coaches. So it's a tough
15 question.
16 MR. COX: Okay. I'm going to take a
17 break for 30 seconds.
18 **THE WITNESS: Oh, good. Me, too.**
19 VIDEOGRAPHER: So we're going to go off
20 the record. The time is 2:26.
21 (Whereupon a break was taken
22 from 2:26 p.m. to 2:38 p.m.)
23 VIDEOGRAPHER: We're back on the record.
24 The time is 2:38.
25 MR. MULVIHILL: Mr. Easthope, my name is

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1 Dennis Mulvihill. I represent Charles Christian in
2 this case and I've got some questions for you,
3 also.
4 I appreciate what you've been doing so
5 far and I think you and Mr. Cox had a good dialogue
6 going back and forth; hopefully we can continue
7 that.
8 I will refer to some of the documents
9 you've already seen and maybe even a couple that
10 you haven't seen just depending on where we go
11 here.
12 So anyway, I've got twenty minutes to ask
13 you questions and then I will continue on with my
14 question at our next session. Do you understand
15 that?
16 **THE WITNESS: I understand.**
17 MR. MULVIHILL: Okay.
18 EXAMINATION
19 BY MR. MULVIHILL:
20 Q. How old is Henry Johnson?
21 **A. You want me to guess?**
22 Q. Is he older than you or younger than you?
23 **A. He's younger than I am.**
24 Q. Do you know by how many years, roughly?
25 **A. I'm sorry, I don't, but I would imagine four or**

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1 **five.**
2 Q. Where does he live?
3 **A. In Ann Arbor.**
4 Q. Have you spoken to him since this story about
5 Dr. Anderson broke earlier this year?
6 **A. I didn't speak to him about this particular thing,**
7 **but they just reopened the Union and we were both**
8 **invited because of our history at the Union to the**
9 **reopening of the Union, and we talked about the**
10 **Union, but we never talked about the case at all.**
11 Q. So I take it you're upset with some of the press
12 coverage you've gotten in this case based on what
13 you were saying in response to Mr. Cox's questions,
14 correct?
15 **A. That is absolutely correct.**
16 Q. Okay. And I take it you were also upset to hear
17 that hundreds of former students and athletes at
18 the University of Michigan have accused
19 Dr. Anderson of sexual abuse and sexual assault,
20 correct?
21 **A. Am I upset? In what regard are you talking?**
22 Q. Are you upset that former students of the
23 university have been victimized by a doctor that
24 you worked with?
25 **A. Of course.**

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1 MS. PARKER: Objection to the --
2 objection to the form.
3 BY MR. MULVIHILL:
4 Q. All right. So given the fact that you were upset
5 about the allegations made by former students and
6 former athletes at Michigan, and you're upset by
7 the press coverage that you got in this case, and
8 ultimately you knew that Henry had the ability to
9 override your firing of Dr. Anderson, did you ever
10 talk to him about that at all?
11 **A. I can't remember that I ever spoke to him about it.**
12 Q. I'm talking about this year in 2020.
13 **A. Oh, I have not spoken to Henry about it.**
14 Q. Okay. When did Foley -- do you know when
15 Ms. Belveal actually first reached out to you, when
16 you first spoke with her?
17 **A. Roughly, I remember. I had to engage her if I**
18 **wanted her to represent me and so I engaged her in**
19 **a formal way.**
20 Q. When was that?
21 **A. I can't even remember what yesterday was, so you're**
22 **asking me about something that -- can I ask her?**
23 Q. No, that's okay.
24 Was it within the last two months?
25 **A. Oh, yeah.**

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1 Q. Okay. Do you agree with me that when you were
2 working at the University of Michigan, the
3 university had an obligation to provide a safe
4 campus for its students?
5 MS. PARKER: Objection to the form.
6 **THE WITNESS: I think that's built into**
7 **any educational institution.**
8 BY MR. MULVIHILL:
9 Q. Including the University of Michigan?
10 **A. Of course.**
11 Q. Okay. And do you agree that the University of
12 Michigan had an obligation to protect its students
13 from sexual predators?
14 MS. PARKER: Objection to the form of the
15 question.
16 **THE WITNESS: To be in a society, I think**
17 **you have to object to people doing those kinds of**
18 **things, other people, against their will.**
19 **That's -- I believe that.**
20 BY MR. MULVIHILL:
21 Q. Well, I'm not talking about society at large -- and
22 by the way, I agree with you on that --
23 **A. I'm --**
24 Q. I'm talking about what happened at the University
25 of Michigan.

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1 Do you believe, when you were working at
2 the University of Michigan, the university had an
3 obligation to protect its students from sexual
4 predators?
5 **A. Yes.**
6 MS. PARKER: Objection to the form.
7 BY MR. MULVIHILL:
8 Q. Do you believe the university had an obligation to
9 protect its students from those who engage in
10 sexual harassment?
11 MS. PARKER: Same objection.
12 **THE WITNESS: Yes.**
13 BY MR. MULVIHILL:
14 Q. And same thing with sexual assault?
15 MS. PARKER: I'm sorry, I don't think the
16 witness was finished answering. You're asking
17 questions really quickly and --
18 MR. MULVIHILL: Stephanie, can you stop
19 interrupting the deposition, please? He's got
20 counsel sitting right next to him.
21 MS. PARKER: I've stated my objection.
22 **THE WITNESS: Say it again.**
23 MR. MULVIHILL: Sure.
24 BY MR. MULVIHILL:
25 Q. And the last question I have along this line,

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1 Mr. Easthope, is, do you agree that the University
2 of Michigan had an obligation to protect its
3 students from those who would engage in sexual
4 assault?
5 MS. PARKER: Objection to form.
6 **THE WITNESS: Yes.**
7 BY MR. MULVIHILL:
8 Q. And that would be including doctors who might be
9 engaging in that kind of sexual assault behavior,
10 correct?
11 **A. Of course.**
12 Q. Okay. I think this was made pretty clear, but I
13 just want it for my own mind. Part of your
14 jurisdiction was the Health Services when you were
15 working with Student Services, correct?
16 **A. The Health Service, yes.**
17 Q. Health Service, right.
18 And obviously you had the authority to
19 fire Dr. Anderson because you did in the
20 summer/fall of 1979, correct?
21 **A. Yes, it was an implied. Remember, I wasn't the**
22 **vice president, I was the associate vice**
23 **president.**
24 Q. Right.
25 **A. And I assumed the operating responsibility for**

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1 **managing that at that level.**
2 Q. And the reason you fired Dr. Anderson is because
3 you perceived him as an immediate threat to the
4 safety of the students at the University of
5 Michigan, correct?
6 **A. I perceived him as a threat to a certain segment of**
7 **vulnerable people at the university.**
8 Q. Are you saying that it was your understanding in
9 the summer or fall of 1979 that Dr. Anderson was
10 only a threat to gay students on campus?
11 **A. That was the only ones that I was personally**
12 **informed of.**
13 Q. Is that because Mr. Toy talked to you about what he
14 was doing with gay students?
15 **A. Yes.**
16 Q. All right. Did you say -- did you tell Detective
17 West that, that -- in any of your conversations
18 with him that you thought that Dr. Anderson was
19 only a threat to gay students?
20 MS. PARKER: Objection. Form.
21 **THE WITNESS: I don't recall. That**
22 **conversation has been several months ago and it**
23 **was -- I did not read -- I did not realize the**
24 **enormity of the consequences of that conversation.**
25 **I don't remember what went on.**

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1 BY MR. MULVIHILL:
2 Q. Well, When Detective West told you that he was
3 investigating allegations against Dr. Anderson, you
4 understood what he was there to do because you were
5 a witness in that matter, correct?
6 **A. Of course.**
7 Q. Okay. And so you did your best to tell him the
8 truth because you were talking to a law enforcement
9 officer who was engaging in a very serious
10 important investigation, correct?
11 **A. That's correct.**
12 Q. Okay. When you fired Dr. Anderson, did you talk to
13 any of the victims of Dr. Anderson's assaults or
14 abuse?
15 **A. No, I did not personally.**
16 Q. Did you find out how many victims there were of
17 Dr. Anderson when you fired him?
18 **A. No, I think I only speculated. That would -- I**
19 **don't know how I would have been able to determine**
20 **that in numbers. That would have been almost**
21 **impossible.**
22 Q. And did you see how any of the victims were doing
23 either physically or emotionally as a result of the
24 abuse of Dr. Anderson?
25 **A. No, I didn't -- no contact with them.**

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1 Q. After you fired -- so you walked -- you immediately
2 walked across campus and fired Dr. Anderson as soon
3 as Mr. Toy told you what was happening in the
4 examination rooms?
5 **A. You know, I don't remember that level of detail,**
6 **okay? I remember that I reacted to Jim Toy's**
7 **claims to me. Whether I did it that day or the**
8 **next day or did I tell Henry on the way there, I**
9 **can't remember, I really can't; I wish I could, but**
10 **that's all I can say about it.**
11 Q. Did you do any investigation at all into the
12 allegations that Mr. Toy brought to your attention
13 about Dr. Anderson abusing students in the
14 examination rooms?
15 MS. PARKER: Objection. Form.
16 **THE WITNESS: I don't quite understand**
17 **what you want me to talk about.**
18 BY MR. MULVIHILL:
19 Q. Well, did you do anything to determine whether or
20 not Mr. Toy was telling you the truth about
21 Dr. Anderson?
22 **A. I believed, I trusted Jim Toy to tell the truth**
23 **because of his excellent reputation, and I knew**
24 **that he was an advocate for the gay people on**
25 **campus and he would not make those kinds of**

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1 **accusations unless he knew what he was talking**
2 **about.**
3 Q. And when you spoke to Dr. Anderson and told him
4 that he needed to "Get outta here," that was your
5 language for firing him, correct?
6 **A. That is absolutely correct.**
7 Q. And Dr. Anderson did not deny that he had sexually
8 assaulted students in the examination room,
9 correct?
10 **A. He did not.**
11 Q. Did you tell him that that's why you were telling
12 him to "Get outta here"?
13 **A. Yes.**
14 Q. And I think you said earlier maybe he put his head
15 down and refused to deny what you suggested to him,
16 correct?
17 **A. Well, I don't know who told you he put his head**
18 **down; I can't remember that far back. I really**
19 **have no -- if I said that, it was a thought in**
20 **passing. I have no memory of what happened between**
21 **us; I can't remember the exact words.**
22 Q. How long did you spend with Dr. Anderson when you
23 fired him?
24 MS. BELVEAL: I don't think the witness
25 finished his answer.

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1 MR. MULVIHILL: Oh, I'm sorry. I didn't
2 mean to interrupt. Go ahead.
3 **THE WITNESS: No, that's all right. It's**
4 **hard for me to remember exact things that happened.**
5 **You're asking me for details that long ago have**
6 **gone off of my memory. And I'm trying to be as**
7 **honest and straight-forward with what I know and**
8 **what I know for a fact, and when I don't know**
9 **something, I can't answer it, and I don't want to**
10 **frustrate you people, but I'll give you whatever I**
11 **can. I'm on your side.**
12 MR. MULVIHILL: I appreciate that and I
13 appreciate you telling us that you're going to be
14 honest with us. All I'm trying to do is ask
15 questions, and if you don't know the answer, that's
16 okay, too.
17 **THE WITNESS: Okay.**
18 MR. MULVIHILL: So it's okay to tell me,
19 "I just don't remember that."
20 BY MR. MULVIHILL:
21 Q. Did you ever use the words with Dr. Anderson,
22 "You're fired"?
23 **A. I don't think I said, "You're fired." That's**
24 **bothered me through this whole thing all day. I**
25 **think I said, "You're outta here, buddy."**

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1 Q. Okay. And what did he say to you in response? Do
2 you recall him saying anything?
3 **A. No, he looked dumb-founded, as I recall. I have a**
4 **pretty good recollection of his facial features**
5 **when I said that to him.**
6 Q. Did you tell him how long he had to clean out his
7 office and leave campus?
8 **A. No.**
9 Q. But to be clear then, Mr. Easthope, the reason you
10 fired Dr. Anderson in the summer/fall of 1979 was
11 because he was abusing students in the examination
12 room in a sexual manner, correct?
13 **A. He was -- from my knowledge, he was abusing a**
14 **subset of the student body, the gay students, I**
15 **thought primarily male -- I didn't know about**
16 **female, but I knew about males -- and that's --**
17 **that was the basis of my interactions.**
18 Q. Sexually abusing them?
19 **A. Yes.**
20 Q. Yes.
21 Okay. Do you recall how many other people
22 you had to fire at the university in your job?
23 **A. Yeah, probably two or three.**
24 Q. And during that period of time, was Vice President
25 Johnson always your sort of superior in the

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1 department?
2 **A. During that period of time, yes.**
3 Q. Did you ever consult him for the other two or three
4 firings or did you do it without his knowledge?
5 **A. I have -- I can't rely on my memory because it's**
6 **faulty, and, you know, for me to make an accusation**
7 **that I can't remember would be false. I remember**
8 **removing someone from Community Relations because**
9 **he was buying magazines for his home or bought some**
10 **furniture for his home and we got rid of him.**
11 **There was probably one other that I can't**
12 **remember now.**
13 Q. When you fired Dr. Anderson, do you recall -- what
14 I don't understand is the procedure. I mean, you
15 walked in and said, "You gotta go, buddy; you're
16 outta here," then you go back to your office,
17 correct?
18 **A. I didn't say buddy.**
19 Q. Okay. "You gotta go, you're out of here,"
20 something to that effect, correct?
21 **A. Yes.**
22 Q. Okay. Then you go back to your office. What did
23 you do actually to effectuate the firing; did you
24 fill out paperwork, did you call the university to
25 stop his pay, what did you do?

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1 **A. I have no memory of that and that bothers the hell**
2 **out of me. I've tried for these last couple weeks**
3 **to figure out what the hell I did. I can't**
4 **remember that. It's very frustrating for me**
5 **because it would clear up a lot. I would venture**
6 **to say -- and that's probably not a good idea to**
7 **venture to say something I'm not sure of -- but I'm**
8 **pretty sure I told Henry, but --**
9 Q. And would you have done that in writing or in
10 person?
11 **A. Oh, in person. He was in the next room.**
12 Q. Did you have -- you reviewed some documents in
13 preparation for this deposition, correct?
14 **A. Yeah, some. I don't know.**
15 Q. In reviewing those documents, did you see any
16 documents of any kind that actually suggested that
17 you fired Anderson?
18 **A. Just my testimony.**
19 Q. Right. I'm saying, is there any paperwork there
20 that you saw that backs up your testimony that you
21 fired Anderson?
22 **A. I don't recall that, but it could have happened,**
23 **but I can't recall that.**
24 Q. Okay. Do you have any memory, as you sit here
25 today, of talking to Dr. Anderson after January of

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1 1980?

2 **A. No.**

3 Q. Do you have any recollection, as you sit here

4 today, of anyone making an allegation of abuse

5 against Dr. Anderson after January of 1980?

6 **A. That's a tough question. I wish that my memory was**

7 **better. Nothing pops out at me that I can remember**

8 **that somebody said something about it, but it's my**

9 **lack of memory more than anything.**

10 Q. Well, it would also be consistent with your

11 understanding that he wasn't even on campus after

12 January of 1980, right?

13 MS. PARKER: Objection. Form.

14 **THE WITNESS: I don't know who said that.**

15 **I had a large organization and that was some pretty**

16 **rough times at the university then. My attention**

17 **had to be on a lot of things at that time.**

18 **So in retrospect, it doesn't sound very**

19 **forgiving of me, but I had to move on, I had a lot**

20 **of things going on every day, and, you know, I**

21 **suppose you experience having to make a decision**

22 **and move on. I can't explain it any other way.**

23 MR. MULVIHILL: Could you read back the

24 question, please?

25 THE REPORTER: Sure.

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1 (Whereupon the question was read

2 back by the court reporter.)

3 BY MR. MULVIHILL:

4 Q. Let me ask it this way, Mr. Easthope: When you

5 fired him in the summer/fall of 1979, you thought

6 he was off campus, correct?

7 **A. It's logical to think that's what I thought. I**

8 **didn't think about Bob Anderson after that.**

9 Q. Because you thought -- I'm sorry, I didn't mean to

10 interrupt. Go ahead.

11 **A. That's okay. That's pretty much what I had to say.**

12 **Yes. You know, I have no memory of what transpired**

13 **after that. I suppose you guys got all kinds of**

14 **writing things down, but my memory is very, very**

15 **poor beyond that relative to Bob Anderson.**

16 Q. I understand that. And all I can do is ask you

17 what you recall, and so if you don't recall, it's

18 perfectly acceptable to say that.

19 As you sit here today, do you recall a

20 single incident of abuse being reported to you

21 after January of 1980 at the hands of Dr. Anderson?

22 **A. No.**

23 Q. So as you sit here today, do you remember

24 Dr. Anderson being on campus at all in any capacity

25 after January of 1980?

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1 **A. I do not recall having anything to do with Anderson**

2 **after 1980. I don't recall seeing him on campus**

3 **and I don't recall going to a football game and**

4 **seeing him; I just don't.**

5 Q. How many victims did Mr. Toy tell you that Anderson

6 had engaged with in the examination rooms?

7 **A. He did not give me a number.**

8 MR. MULVIHILL: Okay. Let's go to

9 Exhibit 1 if we could, please. Bates stamp

10 page 118.

11 VIDEOGRAPHER: One second.

12 (Marked for identification:

13 Deposition Exhibit No. 1.)

14 MS. BELVEAL: Can we find out how long

15 we've been back on the record? By my clock, we've

16 been back on the record 20 minutes.

17 VIDEOGRAPHER: We've been back on

18 20 minutes and 25 seconds.

19 MR. MULVIHILL: Okay. So we will carry

20 on with this then at our next session.

21 Mr. Easthope, I appreciate your time

22 today. I know it's not easy. And we will continue

23 talking at our next session, okay?

24 **THE WITNESS: Okay. I'll do my best to**

25 **answer your questions as far as I can. You caught**

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1 **an 87-year-old guy, man, and as you guys get older,**

2 **you'll notice how much you lose.**

3 MR. MULVIHILL: I notice it already, so I

4 can appreciate that. Thank you, sir, very much.

5 Have a nice afternoon.

6 MS. PARKER: This is Stephanie Parker. I

7 need to put on the record that I have -- as I've

8 already advised other plaintiffs' lawyers -- I have

9 about three hours of questioning, so you all can

10 keep that in mind in terms of your planning for the

11 remainder of your time.

12 MR. MULVIHILL: Okay. Thank you,

13 everybody.

14 VIDEOGRAPHER: Please, no one disconnect

15 yet. This concludes the video conference

16 deposition of Thomas Easthope. We ask all

17 participants to please stay connected briefly so we

18 can get your transcript and video order needs.

19 We are going off the record on July 28,

20 2020, at 2:59 p.m.

21

22

23 (Deposition adjourned at 2:59 p.m.)

24

25

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1 STATE OF MICHIGAN)
2 COUNTY OF OAKLAND)
3
4 Certificate of Notary Public
5 I do hereby certify the witness, whose attached
6 testimony was taken in the above matter, was first duly
7 sworn to tell the truth; the testimony contained herein
8 was reduced to writing in the presence of the witness, by
9 means of stenography; afterwards transcribed; and is a
10 true and complete transcript of the testimony given. I
11 further certify that I am not connected by blood or
12 marriage with any of the parties, their attorneys or
13 agents, and that I am not interested directly, indirectly
14 or financially in the matter of controversy.
15 In witness whereof, I have hereunto set my hand
16 this day at Clarkston, Michigan, State of Michigan.
17 I hereby set my hand this day, July 28, 2020.
18
19
20 *Karen Fortna*
21 _____
22 Karen Fortna, CRR/RMR/RPR/CSR-5067
23 Notary Public, Oakland County, Michigan
24 My Commission expires 4/30/2025
25

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1 DEPOSITION ERRATA SHEET
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22 _____
23 SIGNATURE: _____ DATE: _____
24 THOMAS EASTHOPE
25

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1 DEPOSITION ERRATA SHEET
2
3 Our Assignment No.: 12025
4 Case Caption: Doe v U of M
5
6 DECLARATION UNDER PENALTY OF PERJURY
7 I declare under penalty of perjury that I have read
8 the entire transcript of my deposition taken in the
9 captioned matter or the same has been read to me,
10 and the same is true and accurate, save and except
11 for changes and/or corrections, if any, as indicated
12 by me on the DEPOSITION ERRATA SHEET hereof, with the
13 understanding that I offer these changes as if still
14 under oath.
15
16 Signed on the _____ day of _____, 20____.
17 _____
18 _____
19 THOMAS EASTHOPE
20
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25

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24 THOMAS EASTHOPE
25

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