

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ROBBIE EMERY BURKE, as the Special)
Administratrix of the ESTATE of)
ELLIOTT EARL WILLIAMS, Deceased,)
)
Plaintiff,)
)
-VS-) No. 11-CV-720-JED-PJC
)
STANLEY GLANZ, in his Individual)
Capacity; and VIC REGALADO, in his)
Official Capacity,)
)
Defendants.)

TRANSCRIPT OF PROCEEDINGS

MARCH 13, 2017

BEFORE THE HONORABLE JOHN E. DOWDELL, DISTRICT JUDGE

JURY TRIAL - A.M.

REPORTED BY: BRIAN P. NEIL, RMR-CRR
United States Court Reporter

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I N D E X

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Monday, March 13, 2017

* * * * *

THE COURT: Good morning. Please stand as the jury comes in.

(Jury enters the courtroom)

THE COURT: Please be seated. Did you get a good weekend? And the ladies and gentlemen of the jury are in the box.

Mr. Smolen, you may call your next witness.

MR. DAN SMOLEN: Thank you, Your Honor. We'd call County Commissioner Karen Keith.

DEPUTY COURT CLERK: Would you please raise your right hand?

KAREN KEITH,
after having been first duly sworn, says in reply to the questions propounded as follows, to-wit:

THE COURT: Ms. Keith, get situated there. And if you would, state your name and spell it for the court reporter.

THE WITNESS: Karen Keith, K-a-r-e-n, K-e-i-t-h.

THE COURT: All right. Mr. Smolen, you may examine.

MR. DAN SMOLEN: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. DAN SMOLEN:

Q. Good morning, Commissioner Keith. How are you?

A. Good.

1 Q. I appreciate you being here last week. I'm sorry we
2 didn't get the opportunity to put you on the stand then. Did
3 you have any opportunity to prepare for your testimony over the
4 weekend?

5 A. Just looking back at some documents but nothing more than
6 that.

7 Q. Okay. Did you meet with anybody over the weekend?

8 A. No, sir.

9 Q. And what documents did you have an opportunity to review?

10 A. Just documents from -- not -- actually not very much.

11 Q. Okay.

12 A. I took the weekend off for the most part.

13 Q. Can you tell the jury just minimally what the documents
14 are that you reviewed?

15 A. Old deposition.

16 Q. Okay. One of the depositions that you and I had in this
17 case?

18 A. Yeah.

19 Q. Okay. Or one of the medical cases; is that right?

20 A. It was an old deposition.

21 Q. Okay. From this past year?

22 A. Yes.

23 Q. Okay. A deposition that we had together; right?

24 A. Yes.

25 Q. Okay. And you and I, actually we've met privately as

1 well over some of these issues; correct?

2 A. We did.

3 Q. Okay. I want to ask you -- and I'm assuming you might be
4 familiar with it because it was in your deposition -- but can
5 you tell the jury what your obligation is as a county
6 commissioner, statutory obligation, as it pertains to the jail?

7 A. We actually just tour the jail once a year and that is
8 our obligation to the jail.

9 Q. Okay. And what statute are you referring to maintaining
10 that is your obligation?

11 A. I'm not sure of the statute number. I'm not a lawyer.

12 Q. Okay. Well, I want to ask you a little bit -- and I
13 brought a copy of the statute here.

14 MR. DAN SMOLEN: Your Honor, may I approach?

15 THE COURT: You may.

16 (Discussion held off the record)

17 Q. (BY MR. DAN SMOLEN) Ms. Keith, do you recognize this
18 statute?

19 A. I've seen this, yes.

20 Q. Okay. And it actually lays out your statutory obligation
21 as a county commissioner as it pertains to the inspection of
22 the Tulsa County Jail; correct?

23 A. Uh-huh, yes.

24 Q. I'm sorry?

25 A. Yes.

1 Q. Okay. It's just a one-paragraph provision; correct?

2 A. Yes.

3 Q. Okay. And it's actually been in effect since July 1st of
4 1978; correct?

5 A. Yes. I think it was -- was it originally written in
6 1910?

7 Q. I don't know. Are you familiar with when it was
8 originally written?

9 A. I'm just looking on here.

10 Q. We can at least agree it's been on -- it's been on the
11 record for quite some time; right? Yes?

12 A. Yes.

13 Q. Okay. And prior to my deposition, had you ever read it?

14 A. No. Not that I recall, no.

15 Q. Okay. And, if you would, tell the jury a little bit
16 about how long you've been a county commissioner.

17 A. I've been county commissioner since 2008.

18 Q. Okay. And you're the only democrat that's a county
19 commissioner here in Tulsa?

20 MR. BREWSTER: Relevancy on political affiliation,
21 Your Honor.

22 THE COURT: Sustained.

23 MR. DAN SMOLEN: I'll withdraw the question.

24 Q. (BY MR. DAN SMOLEN) 2008 you've been on the county
25 commissioner or the Board of County Commissioners; correct?

1 A. Yes.

2 Q. Okay. Why did it take you so long to read just the
3 one-paragraph statutory provision that pertained to your job
4 requirements as it pertains to the Tulsa County Jail?

5 MR. BREWSTER: Object; relevancy, implies -- it's
6 just not relevant to any issue.

7 THE COURT: Overruled, overruled. You can answer.

8 A. Well, I think we knew we had to do this. But do I recall
9 reading this document? No, sir.

10 Q. (BY MR. DAN SMOLEN) Okay. But without having read the
11 statute, the one paragraph, you're comfortable telling the jury
12 that you knew what your obligations were as a county
13 commissioner; correct?

14 A. We knew that we had to tour the jail once a year.

15 Q. Okay. I don't -- and that's why I'm asking, because I
16 don't see in the statute where it says you have to tour the
17 jail once a year. Where -- where in the statute do you see
18 that?

19 A. It says, "At least once a year, shall fully examine the
20 health, cleanliness, and discipline conditions at the jail."

21 Q. Okay. And it also says that "the person responsible for
22 the administration of such jail shall provide the county
23 commissioner with the name, age, and basis for incarceration of
24 each prisoner, and if it appears to the commissioners that any
25 provisions of law have been violated or neglected, they shall

1 give notice to the district attorney of the county"; correct?

2 A. That's correct.

3 Q. Okay. And you're comfortable -- while you haven't read
4 the statute until just this year, you're comfortable with the
5 information that's contained in it and knowing what your
6 responsibility is?

7 A. Yes.

8 Q. Okay. And since you have the statute in front of you,
9 tell the jury what your understanding of "shall inspect" means.

10 A. We would simply go through and tour the jail.

11 Q. Okay. That was your understanding of the statute where
12 it says that you shall inspect the jail?

13 A. Yes.

14 Q. Okay. And tell the jury a little bit about the tour that
15 you do once a year, please.

16 A. Well, Michelle Robinette is generally who has taken us
17 through the jail, and she does a very thorough job of taking us
18 into -- we have an actual checklist so we make sure we hit
19 every nook and cranny in the jail which is really helpful and
20 so it -- it's real important for everybody.

21 In fact, if you all have not had a chance to go through
22 our jail, I wish you would. It would help you understand, you
23 know, what we're dealing with and the magnitude of it.

24 Q. Okay. That's what I want you to give the -- since that's
25 part of your job as a county commissioner is to know the

1 magnitude of what you're dealing with at the county jail, I
2 want -- your testimony hopefully will assist with that.

3 The statute requires you to fully examine -- it says
4 that you shall fully examine the health conditions at the jail;
5 correct?

6 A. Yes.

7 Q. Okay. And can you tell the jury what steps you've taken
8 as a county commissioner, pursuant to your statutory
9 obligation, to examine the health conditions at the jail since
10 CHC was the medical provider in 2005?

11 A. Clearly, you know, I'm not a medical provider, I'm not a
12 medical expert, so as a part of our tour, we go through and --
13 if the doctor's there, we get to say "hello" but generally
14 there's a nurse. That's the extent of what -- our medical
15 tour. You look at the pods.

16 Q. Okay. Well, you understand that -- you know what a
17 mortality review is?

18 A. The number of souls that have passed in our jail?

19 Q. Uh-huh. And then there's supposed to be a mortality
20 review for every one of those people; correct?

21 MR. BREWSTER: Object to the foundation.

22 THE COURT: Overruled.

23 A. I'm not sure how to respond to that.

24 Q. (BY MR. DAN SMOLEN) Well, I just need you to answer it
25 just honestly. If you can tell the jury whether you know --

1 one way or the other, whether or not you know anything about
2 mortality reviews of --

3 A. Well, I would tell you that I have not looked at
4 mortality reviews.

5 Q. Okay. So don't you think that as a county commissioner,
6 who's getting paid to do this service for the community, it
7 would be important to review the mortality reviews of the
8 inmates who have passed away in the jail?

9 A. I would tell you that I am not a medical expert. We rely
10 on the sheriff to run the jail.

11 Q. Right. And I --

12 A. That's the extent of my role.

13 Q. Well, I understand that. But with all due respect, the
14 statute kind of defines the extent of your role; agreed?

15 A. It's saying examine the -- which we do in a tour, yes.

16 Q. It says "fully examine"; right? I mean, doesn't say
17 anything about a tour.

18 A. Again, I'm not a medical expert and we rely on the
19 sheriff to run the jail.

20 Q. Okay. But just so the jury's aware, you've not ever read
21 even a single mortality review of an inmate who's died in the
22 jail; correct?

23 A. No, sir.

24 Q. Do you know how many people have died in the jail since
25 2005?

1 A. No.

2 Q. Okay. Have you taken --

3 A. I don't recall.

4 Q. Have you taken any steps to review that data?

5 A. No.

6 Q. Okay. Do you not think that that's an important thing to
7 be aware of since you're ultimately charged with the
8 responsibility of the health to the inmates?

9 A. We get reports through the Jail Trust Authority, and
10 certainly I care what happens in there, but we do get reports
11 from the chief in charge of the jail telling us what's
12 happened. But in terms of trying to recall everything that's
13 happened, you know, it's -- I cannot.

14 Q. Okay. And you're referring to "the chief." Was that
15 Chief Robinette?

16 A. Yes, sir.

17 Q. Okay. And she's been in that role since 2005; is that
18 correct?

19 A. Yes.

20 Q. Okay. And that's who your main contact person has been;
21 correct?

22 A. Yes, sir.

23 Q. And, in fact, the statute says, "The person responsible
24 for the administration of such jail shall provide the county
25 commissioners with the name, age, and basis for incarceration

1 of each prisoner and if it appears to the commissioner that any
2 provision" -- we've talked about the provisions being violated.

3 Does Ms. Robinette do that for you?

4 A. It's a stack of about -- pages about this deep.

5 Q. Uh-huh.

6 A. So we -- we get that and it's a very -- but that's the
7 extent of that.

8 Q. Okay.

9 A. If there's an individual incident, she informs the entire
10 group.

11 Q. Okay. Can you tell the jury, though, just what your
12 process is for reviewing that stack of information that
13 Ms. Robinette gives you?

14 A. I mean, it's nearly impossible. If it was a small
15 jail -- but, I mean, with -- we rely object on the sheriff to
16 take care of the jail as well as the medical providers.

17 Q. Okay. So I just want to make it clear. When
18 Ms. Robinette gives you this stack of paperwork, you don't
19 actually review it despite the statutory obligation to do so?

20 A. It's cursory so you look through it, but single-spaced --
21 it's a very -- it would be very difficult. Again, we rely on
22 the sheriff to run the jail.

23 Q. Right. And I appreciate that. But you would agree with
24 me that --

25 A. Okay.

1 Q. -- irrespective of what you're relying on, the statute
2 actually imposes a duty on you as a commissioner, that's what
3 you're getting paid for; right?

4 MR. BREWSTER: Your Honor, I'll object to the --
5 it's been asked like three or four times, cumulative.

6 THE COURT: Overruled. It's not. Overruled.

7 A. Would you repeat the question?

8 Q. (BY MR. DAN SMOLEN) Sure. Irrespective of your reliance
9 on the sheriff to make sure everything's going okay, you would
10 agree with me that your statutorily obligation is what it is;
11 correct?

12 A. Yes. And I feel like we've fulfilled that.

13 Q. And I'm just curious. With the stack of information that
14 Ms. Robinette gives you, do you actually read it?

15 A. I would say cursory look through it, yes.

16 Q. Okay. And what do you mean by "cursory look"?

17 A. Just -- it looks about like this.

18 Q. Uh-huh. And do you actually read the material that's in
19 it?

20 A. It's impossible, I'm sorry, with -- no. I can glance
21 through it if there are incidents, yeah.

22 Q. Okay. What do you mean that it's impossible?

23 A. Well, I -- my job requires me to work -- I work on our
24 redevelopment of the levies, low-water dams, the Gilcrease
25 Expressway. I never ask that the sheriff understand all the

1 things that are on my plate so that's what I'm just saying.
2 And the statute, I believe -- we -- we are not running the
3 jail. We are singularly elected as individuals.

4 Q. Right.

5 A. And we all have equal status with each other.

6 Q. Uh-huh.

7 A. And we --

8 Q. Was there one commissioner that does adhere to this
9 statute that you're aware of?

10 A. I think we all have similar practices.

11 Q. Okay. So no one's really doing anything more than giving
12 a cursory review and a couple-hour tour a year?

13 MR. BREWSTER: Object to the argumentation.

14 THE COURT: Overruled.

15 A. Would you repeat the question?

16 Q. (BY MR. DAN SMOLEN) Sure. So is it your testimony that
17 you and the other commissioners pretty much do the same thing
18 as it pertains to your statutory obligations --

19 A. Yes.

20 Q. Let me just get the question out, Ms. Keith, please.

21 Is it your testimony that you and the other county
22 commissioners pretty much do the same thing as it pertains to
23 your inspection, your statutory obligations, of reviewing the
24 jail every year?

25 A. Yes, sir.

1 Q. And the extent of that includes a one- to two-hour tour
2 annually; correct?

3 A. I've never done a one-hour.

4 Q. Okay. Ever spent the whole day over there?

5 A. I -- more than a few hours, yes.

6 Q. Okay. And so a three-hour tour at most?

7 A. Easily.

8 Q. Okay. And once a year; correct?

9 A. Yes, sir.

10 Q. And then you get a stack of paper every year that you
11 don't have time, that's impossible to read; correct?

12 MR. BREWSTER: Objection; cumulative, repetitive.

13 THE COURT: Overruled.

14 A. I'm just telling you we can -- I glanced through it. If
15 there are individuals that I know about, I can look that up,
16 but no.

17 Q. (BY MR. DAN SMOLEN) So if you're not reading the
18 information that you're provided, how can you tell if there's
19 been any violations of law or if any inmates have been
20 neglected?

21 A. Again, we are all singularly elected. The sheriff is in
22 charge of the jail. He contracts with a medical provider to
23 oversee his clients that are in the medical, you know. That is
24 his job and we have our own jobs to do.

25 Q. Right. And that's what I'm trying to get is, under the

1 statute this is your job, it's one of your primary jobs as a
2 county commissioner; correct?

3 A. It is.

4 Q. I mean, there's no statute that says, Karen Keith has to
5 monitor low-water dams, is there?

6 A. It's part of my district and to your benefit that I do
7 that.

8 Q. No. And I appreciate that.

9 A. Thank you.

10 Q. But there's no statute that requires you to do that;
11 right? Right? I mean, you're not statutorily required to do
12 that?

13 MR. BREWSTER: Judge, this is --

14 A. I don't understand the question.

15 MR. BREWSTER: This is irrelevant truly.

16 THE COURT: Overruled.

17 MR. BREWSTER: Low-water dams?

18 Q. (BY MR. DAN SMOLEN) My point, ma'am, is you said you're
19 too busy reviewing low-water dams to --

20 A. I didn't say I was too busy. So --

21 Q. Let me try to get the question out, please, just so the
22 court reporter can get it down. We want to have a good
23 transcript.

24 You have a lot on your plate, including such things as
25 the low-water dams and other issues that you have concern

1 about; correct?

2 A. Yes.

3 Q. But you don't have a statutory obligation to deal with
4 those issues, do you?

5 MR. BREWSTER: Your Honor, calls for a legal
6 opinion, and also it's irrelevant to the issues in this trial,
7 low-water dams.

8 MR. DAN SMOLEN: Can I respond to the legal --

9 THE COURT: Overruled, overruled.

10 MR. DAN SMOLEN: Okay.

11 A. It's part of my job. It's not a statutory obligation.

12 Q. (BY MR. DAN SMOLEN) But it's not a statutory obligation;
13 right?

14 A. Yeah.

15 Q. Okay. But this is? This job, this part of your job, is
16 statutorily required; correct?

17 A. Yes. And we rely on legal counsel to do our jobs and --
18 and --

19 Q. Okay.

20 A. -- that's what we follow, all of us.

21 Q. But this is a one-paragraph provision that just very
22 plainly lays out your minimum obligations as a county
23 commissioner, and it's your testimony that you don't even do
24 that, the minimum; right?

25 A. We do the minimum.

1 Q. Okay. And that's what I'm trying to get you to tell the
2 jury, is what do you -- like how can you report if there's been
3 violations of law or neglect if you don't even read the
4 material?

5 A. I'm not an expert. I don't run a jail. I'm not sure
6 it's -- it's virtually impossible for me to do that. If I were
7 in a rural county with a few people in that jail, that might
8 make sense. But we have a jail that is a model from across the
9 country that has -- you know, we have a sheriff who's in charge
10 of that jail and a team that works with that jail. We rely on
11 them to do their job.

12 Q. Okay. Well, don't you think the taxpayers are relying on
13 you to do your job which is spelled out in the statute --

14 A. Yes, they do.

15 MR. BREWSTER: Object. That's improper, Judge,
16 taxpayers.

17 THE COURT: Overruled, overruled.

18 Q. (BY MR. DAN SMOLEN) -- which is spelled out in the
19 statute in one paragraph?

20 But, again, I just want to understand. You think it's
21 impossible for you to fulfill your statutory role?

22 MR. BREWSTER: Judge, this is argumentative.

23 A. I think we have fulfilled our statutory role.

24 MR. BREWSTER: Objection to the argument.

25 THE COURT: Overruled.

1 MR. BREWSTER: And the cumulative nature.

2 THE COURT: Overruled.

3 Q. (BY MR. DAN SMOLEN) You think it's impossible to do what
4 the statute --

5 A. I think we have done our statutory obligation.

6 (Discussion held off the record)

7 Q. (BY MR. DAN SMOLEN) When I took your deposition, you
8 couldn't recall doing anything other than this couple-hour tour
9 annually; correct?

10 A. Yes.

11 Q. Okay. And is that still the case today?

12 A. Yes.

13 Q. How much do you receive in compensation for your role as
14 a county commissioner?

15 MR. BREWSTER: Objection; relevancy.

16 THE COURT: Overruled.

17 A. It's in excess of a hundred-thousand a year, I think.

18 Q. (BY MR. DAN SMOLEN) Okay. And the jail tour that you
19 take once a year for a couple hours, is that the extent of what
20 you've done since 2005 to fulfill your statutory obligations as
21 it pertains to the full examination of the health and
22 cleanliness of the situations pertaining to inmates in the
23 jail?

24 MR. BREWSTER: Objection; compound, and also states
25 evidence contrary to the witness' testimony.

1 THE COURT: Overruled.

2 A. Can you restate the question?

3 Q. (BY MR. DAN SMOLEN) Sure. The extent -- and this is
4 more going towards the time frame. But what you've done with
5 -- with that annual jail tour, is that the extent of what
6 you've done as a county commissioner to fulfill your statutory
7 obligations since 2005?

8 MR. BREWSTER: Objection; relevancy.

9 THE COURT: Overruled.

10 A. Can you restate the question?

11 Q. (BY MR. DAN SMOLEN) Sure. We talked about the extent of
12 what you did to ensure that those statutory obligations that
13 you have are being met, and you just simply stated that you did
14 the jail tour a couple hours a year; correct?

15 A. Yes.

16 Q. Okay. Is that the extent of what you've done to fulfill
17 your statutory obligations since 2005 through the time that
18 we're sitting here today?

19 A. Yes.

20 Q. Okay. The hundred-thousand dollars that -- plus that you
21 get every year as a county commissioner, is that for a
22 part-time role?

23 MR. BREWSTER: Object to the relevancy.

24 THE COURT: Overruled.

25 Q. (BY MR. DAN SMOLEN) I mean, is it part-time or

1 full-time?

2 A. I work more than a full-time job every week, sir.

3 Q. Okay. I mean, it's one of the few elected positions that
4 you can still actually maintain full-time employment in another
5 role as well; correct?

6 MR. BREWSTER: Objection; relevancy.

7 THE COURT: Overruled.

8 A. Can you restate the --

9 Q. (BY MR. DAN SMOLEN) Sure. As a county commissioner, you
10 can also hold a full-time job in addition to being a county
11 commissioner?

12 MR. BREWSTER: Relevancy to this case.

13 MR. DAN SMOLEN: I'm just curious whether she does
14 or not.

15 MR. BREWSTER: His curiosity is not --

16 A. I would have no --

17 THE COURT: Hold on. Overruled, overruled.

18 Q. (BY MR. DAN SMOLEN) Do you do any other work, consulting
19 work or anything, beyond just being a county commissioner?

20 A. No. I don't have time.

21 Q. Okay. So even with not having additional work that you
22 have to do elsewhere, you still think it's impossible to review
23 like a binder that big?

24 MR. BREWSTER: Objection. Now asked for the fifth
25 or sixth time. Objection; cumulative.

1 THE COURT: I think we're there. Sustained.

2 Q. (BY MR. DAN SMOLEN) Okay. Ma'am, I want to talk with
3 you a little bit about the RFP process. Can you tell the jury
4 what the RFP process is from the county commissioners'
5 standpoint?

6 A. Yes. When we go out for contract, we ask different --
7 different companies who have been approved to go out for bid.
8 They get a document, we turn that back in, and then our
9 purchasing -- our purchasing department and then the individual
10 department -- for instance, if it's the sheriff's department,
11 they will review the contract and then bring it back to us; if
12 it is transportation, it -- each individual department will
13 review that with purchasing and then it will come to your Board
14 of County Commissioners for time sign-off and we take that
15 recommendations.

16 Q. Okay. So is it essentially just like a rubber-stamp
17 deal?

18 A. It's a recommendation, yes, from our purchasing and then
19 the individual department head of where the contracts are
20 coming through.

21 Q. Okay. So in this case, for example, Mr. Glanz hired some
22 friends of him -- some friends of his that owned CHC at the
23 time. You're aware of that; correct?

24 MR. BREWSTER: Objection. Objection.

25 A. What is your question?

1 THE COURT: Overruled.

2 Q. (BY MR. DAN SMOLEN) Are you aware that in 2005 when you
3 contracted -- or the county commissioners contracted with CHC,
4 that it was a company owned by some of his friends?

5 A. No idea.

6 Q. Okay. Do you think it's important as a county
7 commissioner and the one who ultimately signs off on the
8 contracts to make yourself aware of the situation involving the
9 contractual process?

10 MR. BREWSTER: Object to the question. It's vague
11 and ambiguous and not comprehensible.

12 THE COURT: Overruled.

13 A. Would you repeat the question?

14 Q. (BY MR. DAN SMOLEN) Sure. With respect to bringing in
15 contracts, vendors, to do work, such as a private medical
16 provider, the RFP process is used; correct?

17 A. Yes.

18 Q. Okay. And if I understand your testimony correctly, what
19 you're telling the jury is ultimately while you might sign the
20 contract, or the other commissioners sign the contract and you,
21 it's ultimately up to the sheriff to decide which vendor he
22 wants to use; is that correct?

23 A. We use purchasing -- we have a purchasing department, and
24 Linda Dorrell does that for us and she's very good. She knows
25 all the ins and outs of that. She goes through it and reviews

1 and makes sure that each -- she goes through all those
2 contracts with the department. Every department goes through a
3 similar process.

4 Q. With the sheriff's office, though, as it pertains to the
5 jail, is it your understanding that Ms. Dorrell essentially
6 makes sure that the RFP requirements have been met and then
7 takes the recommendation of the sheriff?

8 A. I think it works both ways. I'm sure there have been
9 instances where the sheriff wanted somebody that it didn't --
10 she -- she probably did not sign off on it. I couldn't name a
11 specific instance but I'm sure that's happened.

12 Q. Do you know of any specific instances where that's
13 happened?

14 A. I just said I did not.

15 Q. Okay. And I was just curious if you knew whether there
16 was a requirement to disclose whether you had a friendship with
17 somebody who was receiving the contract or not?

18 A. Not that I know of.

19 Q. Okay. Do you recall having any discussions in your
20 capacity as a Board of County Commissioners regarding
21 healthcare delivery systems at David L. Moss since the time you
22 were elected into office in 2008?

23 A. In the past year, yes.

24 Q. Okay. How about prior to the last year?

25 A. Huh-huh, no.

1 Q. Okay. So you don't recall even having any discussions
2 regarding the private medical provider at the jail up until the
3 last year?

4 A. No.

5 Q. Okay. And what was your discussion just recently over
6 the last year about the private medical provider?

7 MR. BREWSTER: Relevancy and calls for hearsay.

8 THE COURT: Overruled.

9 Q. (BY MR. DAN SMOLEN) You can answer, ma'am.

10 A. Would you repeat the question?

11 Q. Sure. Can you tell the jury what you recall from the
12 only conversation you've had since you've been elected
13 regarding the private medical provider at the Tulsa County
14 jail?

15 MR. BREWSTER: Your Honor, hearsay, calls for
16 hearsay, who she's talking to; and also remote in time.

17 THE COURT: Overruled, overruled.

18 A. I can't recall a specific conversation.

19 Q. (BY MR. DAN SMOLEN) Can you recall anything generally
20 from it?

21 A. No. Not -- no, nothing specific.

22 Q. That's what I'm saying, just anything generally?

23 A. Nothing specific, no, sir.

24 Q. Ma'am, do you believe that it's within your scope as a
25 county commissioner to have discussions pertaining to the

1 adequacy or inadequacy of the healthcare delivery system at the
2 Tulsa County Jail?

3 A. Are you're going back to the statute?

4 Q. No. I'm just wondering from your understanding of what
5 your obligations are and your role as a county commissioner, do
6 you believe that it's within your scope to have discussions
7 pertaining to the adequacy of the medical delivery system at
8 the Tulsa County Jail?

9 A. No. We rely on the sheriff to take care of that as well
10 as our legal counsel.

11 Q. And your legal counsel, is that the district attorney's
12 office.

13 A. Yes, sir.

14 Q. Okay. And do they advise you about the private medical
15 provider or issues that they're seeing with that?

16 MR. BREWSTER: Your Honor, that would call for legal
17 advice and attorney-client privilege.

18 THE COURT: Overruled. If you know.

19 A. I don't have -- I don't know anything specific.

20 Q. (BY MR. DAN SMOLEN) Okay. Let me just ask you real
21 quick about --

22 MR. DAN SMOLEN: Your Honor, may I approach?

23 THE COURT: You may.

24 (Discussion held off the record)

25 MR. BREWSTER: Your Honor, may we approach on a very

1 important issue that I don't want to articulate in open mic?

2 THE COURT: All right.

3 (Bench conference)

4 MR. BREWSTER: Your Honor may or may not be aware of
5 the mediation sessions. We couldn't have authority without
6 getting it approved by the county commissioners. So when he
7 asks questions if she's spoken with anybody about the jail, the
8 health delivery system, I posed an objection on hearsay and
9 it's overruled. Those are executive, nonpublic meetings
10 authorizing approval for resolution. I'm very concerned about
11 that not being introduced. I mean, I think it would violate
12 your earlier orders with regard to that process, that mediation
13 process. That's why I interposed objections on the hearsay and
14 relevancy issue concerning the remoteness in time.

15 THE COURT: Okay.

16 MR. BREWSTER: And I don't want that opened up
17 because I think that would be something that would be -- I
18 mean --

19 THE COURT: Mediation issues?

20 MR. BREWSTER: Yeah. They would have executive
21 sessions and he's hitting all round those conversations. So.

22 MR. DAN SMOLEN: The only reason was, I don't think
23 that Ms. Keith's been involved in any of the mediations, and I
24 think that the questions that I've been asking are about --
25 specifically pertain to her statutory obligations as a county

1 commissioner. I don't plan on inquiring into discussions that
2 they've had with counsel regarding mediations and things like
3 that.

4 MR. BREWSTER: I just wanted to give you the basis
5 for my objection.

6 THE COURT: Okay. Thank you.

7 (Bench conference concluded)

8 MR. DAN SMOLEN: 147.

9 Q. (BY MR. DAN SMOLEN) And, Ms. Keith, it will pull up on
10 the screen in front of you, if it's easier that way to view it.

11 MR. DAN SMOLEN: Oh, I'm sorry. It's the Wyrick
12 e-mail. One minute, Your Honor, please.

13 (Discussion held off the record)

14 MR. BREWSTER: I'm sorry, Your Honor. Which --

15 A. Is it 157 or 147?

16 Q. (BY MR. DAN SMOLEN) Let me get it for you, Ms. Keith.
17 Give me one second.

18 (Discussion held off the record)

19 Q. (BY MR. DAN SMOLEN) Ma'am, do you have 179 in that book?

20 A. No, sir. Yes, I do. Yep, yep.

21 Q. Andrea Wyrick, do you know Ms. Wyrick?

22 A. I remember her, yes.

23 Q. Okay. And she was an assistant district attorney in the
24 civil division; correct?

25 A. Yes, sir.

1 Q. And that's -- when you keep saying that you rely on legal
2 counsel, you rely on legal counsel, you're referring to people
3 like Ms. Wyrick; correct?

4 A. Uh-huh.

5 MR. BREWSTER: Your Honor, unless he can lay
6 foundation that she has any role in this memo, I would object
7 to any question about it.

8 THE COURT: That's what we're looking for. So
9 overruled.

10 Q. (BY MR. DAN SMOLEN) Ma'am, is that correct, someone like
11 Ms. Wyrick -- when you tell the jury that you rely on legal
12 counsel, it would be someone like Ms. Wyrick; correct?

13 A. Yes.

14 Q. Okay. And in this October 28th, 2010, e-mail, Ms. Wyrick
15 is sending this to the sheriff's office risk manager, Josh
16 Turley. Do you know Mr. Turley?

17 A. Yes.

18 Q. And how do you know Mr. Turley?

19 A. He's the risk manager at the jail.

20 Q. Okay. And he ran against you recently for county
21 commissioner; correct?

22 A. He did.

23 Q. Okay. He receives this e-mail in 2010, and it says,
24 "This is very serious, especially in light of the three cases
25 we have now - what else will be coming? It is one thing to say

1 we have a contract with CHMO to cover medical services . . . it
2 is another issue to ignore any and all signs we receive of
3 possible issues or violations of our agreement with them for
4 services in the jail. The bottom line is, the Sheriff is
5 statutorily (or the Trust Authority) obligated to provide
6 medical services"; correct?

7 A. Yes.

8 Q. Okay. And so you would rely on what Ms. Wyrick's stating
9 in this e-mail?

10 A. Yes. That the sheriff is statutorily required to provide
11 medical care.

12 Q. Okay. It's his responsibility; correct?

13 A. Yes.

14 Q. Okay. But what about the idea of ignoring any and all
15 signs of possible issues or violations of the agreement; is it
16 also the sheriff's responsibility to deal with that?

17 MR. BREWSTER: Your Honor, I think that calls for --

18 A. I don't know what --

19 MR. BREWSTER: I'll object. This is outside the
20 scope of --

21 THE COURT: Overruled. If you know.

22 A. I don't -- this is -- I don't know anything about this
23 document. It's not to me; it's to Josh Turley.

24 Q. (BY MR. DAN SMOLEN) I didn't know if Ms. Wyrick told you
25 also the same thing as a county commissioner, hey, Ms. Keith,

1 we can't just ignore all of these issues and hope that things
2 get better --

3 A. That did not happen.

4 Q. You never -- you don't recall having that conversation.

5 A. No, sir.

6 Q. Okay. Do you think that would have been an important
7 conversation to have maybe back in 2010 before Mr. Williams'
8 death?

9 MR. BREWSTER: Objection; calls for speculation.

10 THE COURT: Sustained.

11 Q. (BY MR. DAN SMOLEN) I mean, as a county commissioner,
12 would you think it appropriate for the sheriff to ignore any
13 and all signs of violations as it pertained to inmate
14 healthcare?

15 MR. BREWSTER: Your Honor, calls for a legal
16 conclusion. Also, it misstates the evidence and outside the
17 scope of this lady's foundation.

18 THE COURT: If you know.

19 A. Restate the question.

20 Q. (BY MR. DAN SMOLEN) Sure. Just Ms. Wyrick as the DA,
21 the same people that you rely on for your statutory
22 obligations, is saying, look, Sheriff, we can't ignore any and
23 all possible signs of issues and violations with the private
24 medical provider as it pertains to inmate healthcare.

25 My question is simply, do you agree with her that it's

1 inappropriate for the sheriff to disregard any and all
2 violations as it pertains to CHC?

3 MR. BREWSTER: Objection, foundation, misstates the
4 evidence in the case. But clearly foundation.

5 THE COURT: Overruled. If you know.

6 A. I mean, I just wouldn't want to weigh in on a
7 conversation or try to judge somebody else's response to this.

8 Q. (BY MR. DAN SMOLEN) Irrespective of -- I'm not asking
9 you to really weigh in on anyone's conversation, but just do
10 you think as a county commissioner, who has a statutory
11 obligation as it pertains to the jail, that it would be
12 inappropriate for you as a county commissioner to ignore any
13 and all signs of violations as it pertained to the private
14 medical provider and not do anything about it?

15 A. Can you restate the question? I'm not sure where you're
16 wanting me to go with --

17 Q. Sure. Oh, I just want you to just -- you know, and I'm
18 happy to rephrase however many times I need to.

19 But knowing what your statutory obligation is, as it
20 pertains to inmate healthcare, okay? Following me so far? We
21 understand that you've got a statutory obligation and the
22 sheriff has a statutory and constitutional obligation; correct?

23 A. Yes.

24 Q. Okay. Knowing what your obligation is and what the
25 sheriff's obligation is, do you think that it's appropriate to

1 ignore any and all possible violations with the private medical
2 provider, okay, as it pertains to inmate healthcare?

3 MR. BREWSTER: Objection; foundation. "Appropriate"
4 is not a legal term.

5 THE COURT: Overruled.

6 MR. DAN SMOLEN: I'm not asking about a legal term.

7 THE COURT: Overruled. You may answer.

8 A. Can you restate the question and make it succinct for --
9 I just don't know how to respond to weighing in --

10 Q. (BY MR. DAN SMOLEN) I'm not -- I'm not asking you to
11 weigh in on this e-mail. I'm just asking you as a county
12 commissioner, who's been in that capacity since 2008, do you
13 think it's appropriate for the sheriff to ignore any and all
14 violations that they find with the private medical provider as
15 it pertains to inmate healthcare?

16 MR. BREWSTER: Objection; calls for a legal
17 conclusion, and also there's no foundation for it.

18 THE COURT: Overruled.

19 A. I'm just not sure how to respond, Mr. Smolen.

20 Q. (BY MR. DAN SMOLEN) Just truthfully. Just truthfully.

21 A. I mean, I'm just not sure how to respond to that. I
22 don't want to speculate on what the sheriff was doing or not
23 doing. I don't think --

24 Q. But do you think it would be appropriate for him to
25 ignore any and all signs --

1 MR. BREWSTER: Object.

2 Q. (BY MR. DAN SMOLEN) -- of violations with the private
3 medical provider?

4 MR. BREWSTER: Object to the foundation, and also
5 calls for a legal conclusion. She's now responded twice.

6 THE COURT: Sustained. Let's move on.

7 Q. (BY MR. DAN SMOLEN) Okay.

8 A. Sorry.

9 Q. Do you know if this e-mail that Ms. Wyrick sent to Josh
10 Turley was maybe in that stack of papers in 2010 that you
11 didn't have an opportunity to review?

12 MR. BREWSTER: Objection.

13 THE COURT: Overruled.

14 A. No. Those are simply who is in the jail, what -- their
15 description of who they are, their age, that type of thing.
16 This would not have been in there, no, sir.

17 Q. (BY MR. DAN SMOLEN) Whose job is it to monitor a private
18 medical provider?

19 A. It's the sheriff's responsibility.

20 Q. Okay. And in knowing that it's the sheriff's
21 responsibility to monitor the private medical provider, what
22 steps as a county commissioner have you taken to ensure that
23 that happens?

24 MR. BREWSTER: Relevancy objection.

25 THE COURT: Overruled.

1 A. The sheriff is singularly elected, as am I, and it is his
2 job to oversee the medical provider so we rely on the sheriff
3 to do that, and we also rely on legal counsel to help keep an
4 equilibrium.

5 Q. (BY MR. DAN SMOLEN) Right. And that's why I was
6 concerned because we've got legal counsel saying in 2010, it's
7 one thing to ignore all these violations, we're statutorily
8 responsible.

9 I just -- as far as your job goes, do you know anything
10 that the county commissioners have put in place to make sure
11 that the sheriff is actually monitoring the contract with the
12 county -- with the private medical provider?

13 MR. BREWSTER: Your Honor, that states his own
14 personal opinion and also is a compound, circuitous question.

15 MR. DAN SMOLEN: Let me do it this way.

16 THE COURT: Overruled.

17 Q. (BY MR. DAN SMOLEN) Okay. You can answer.

18 A. No.

19 Q. Okay. Let me look at Plaintiff's Exhibit 34.

20 (Discussion held off the record)

21 Q. (BY MR. DAN SMOLEN) I mean, this is an agreement between
22 the Board of County Commissioners -- which you're part of;
23 correct?

24 A. Yes.

25 Q. -- it's between the Board of County Commissioners, the

1 Tulsa County Sheriff, and CHC; correct?

2 A. Yes.

3 Q. And what was your and the sheriff's contractual
4 obligation in the very first paragraph of the contract?

5 MR. BREWSTER: Your Honor, calls for a legal
6 conclusion. Since we're just going to read the document, I
7 object to the form.

8 THE COURT: Overruled.

9 A. Again, contracts are worked through with our purchasing
10 department and the sheriff or the other department heads and
11 they come to the Board of County Commissioners to sign off.

12 Q. (BY MR. DAN SMOLEN) Right. But, I mean, it's a contract
13 still; correct?

14 A. It is.

15 Q. And you're one of three parties to that contract;
16 correct?

17 A. Yes.

18 Q. The BOCC, the Tulsa County Sheriff, and the medical
19 provider; correct?

20 A. Yes.

21 Q. And I was just curious if you knew, as a person who is a
22 party to the contract and ultimately in charge for signing off
23 on it, if you're familiar with anything that the Tulsa County
24 Sheriff's Office does or did that pertained to administering,
25 managing, and supervising the healthcare delivery system at

1 David L. Moss?

2 MR. BREWSTER: Object to the form. Once again, his
3 curiosity is not at issue.

4 THE COURT: Overruled.

5 A. Again, we rely on the sheriff to carry out their
6 contracts. That's our job.

7 Q. (BY MR. DAN SMOLEN) And so I guess the answer is, no,
8 you're not aware of anything?

9 MR. BREWSTER: Object to the form.

10 THE COURT: Overruled.

11 A. Restate your question.

12 Q. (BY MR. DAN SMOLEN) Sure. The very first paragraph of
13 the contract that you entered into, signed, the sheriff signed
14 with the private medical provider states, "The" Tulsa County
15 Sheriff's Office "is charged with the responsibility for
16 administering, managing and supervising the healthcare delivery
17 system of the David L. Moss Criminal Justice Center."

18 And I was just curious, as a party to this contract, if
19 you're aware of any steps that were taken to ensure that this
20 contractual obligation was actually happening?

21 A. Again, we rely on the sheriff. So aside from reports
22 that we would get through the trust authority, I mean, that's
23 how we would stay informed.

24 Q. So if the sheriff's not doing it, then you're not doing
25 it either; is that your testimony?

1 MR. BREWSTER: Object to the form. We don't know
2 what "doing it" means.

3 THE COURT: Overruled.

4 A. Restate your question.

5 Q. (BY MR. DAN SMOLEN) Sure. You're just saying that you
6 rely on the sheriff to administer, manage, and supervise the
7 healthcare delivery system; correct?

8 A. Yes.

9 Q. But you don't know any steps that he's done to do that;
10 correct?

11 A. We rely on him to do his job.

12 Q. But do you know any specific things that he did in
13 performing that function --

14 A. No.

15 Q. -- that -- okay. You don't know of anything; correct?

16 A. I -- we rely simply on the sheriff to do his job.

17 Q. And if he's not doing it, then nobody is; correct?

18 MR. BREWSTER: Object to the form.

19 THE COURT: Overruled.

20 MR. BREWSTER: That's just --

21 THE COURT: Overruled.

22 Q. (BY MR. DAN SMOLEN) Correct?

23 A. Restate your question, please.

24 Q. Sure. Because you rely on the sheriff to administer,
25 manage, and supervise the healthcare delivery system, as the

1 contract requires, you're not aware of anything that he has in
2 place to ensure that that's happening; correct?

3 A. Nothing specific.

4 Q. Okay. And you're not aware of anything that you, as the
5 other party to the contract, has in place to make sure that's
6 happening; correct?

7 A. We rely on the sheriff.

8 Q. Okay. So if the sheriff's not doing it, then nobody is
9 doing it as far as administering, managing, and supervising the
10 healthcare delivery system?

11 MR. BREWSTER: Object to the form of the question;
12 conclusory, and it's not capable of being answered by a witness
13 without the foundation.

14 THE COURT: Overruled. If you know.

15 A. Would you restate the question?

16 Q. (BY MR. DAN SMOLEN) Sure. You're not -- because you
17 don't have anything specific that you do, if the sheriff's not
18 doing it, then there really is nobody out there enforcing your
19 own contract; correct?

20 A. You're asking me -- I just don't even know how to respond
21 to that. I'm sorry.

22 Q. Just truthfully. If you can tell the jury if you know
23 one way or the other.

24 A. I trust that the sheriff is doing his job.

25 Q. Okay. But it's based on trust; right?

1 A. I believe that the sheriff is doing his job.

2 Q. And did you believe the sheriff was doing his job until
3 he was removed from office?

4 MR. BREWSTER: Object to the form of the question,
5 Your Honor. It absolutely is improper.

6 THE COURT: Overruled.

7 MR. BREWSTER: Subject to the overruling Your
8 Honor's made.

9 Q. (BY MR. DAN SMOLEN) Can you answer, please?

10 A. Would you -- I don't know where we are. I'm sorry.

11 Q. Did you believe that Mr. Glanz was doing his job through
12 his duration as the Tulsa County Sheriff?

13 A. I think that he -- here's what I know about the sheriff.
14 He has been honored nationally for the work that he's done. He
15 helped create a very good jail, helped design it. He's been
16 honored -- given so many honors throughout his career. I don't
17 know if people understand that. So there's a degree of trust
18 as a member of the Board of County Commissioners.

19 Q. Okay. When you say he's created a very good jail --
20 that's your testimony; right?

21 A. Yes. I believe we have --

22 Q. Can you tell the jury what the basis is, the evidentiary
23 basis, for that statement?

24 A. Well, I don't know if any of you were ever in the old
25 jail. I remember I only went there once, and I know that there

1 are jails like that across the country, but some 15 years ago
2 under this sheriff we got a new jail. He was always on the
3 cutting-edge, whether it was trying to -- the Rape Elimination
4 Act in the jail. He was honored for all sorts of things, doing
5 progressive work, and very active in the national organization.

6 So, you know, I've always been proud of our jail.
7 Obviously, you know, there have been some issues of late. But
8 in general, this sheriff has been recognized and honored
9 nationally for his work.

10 Q. So you're just relying on the fact that he's received
11 some national awards to -- I'm just curious, when you say that
12 we have a very good jail, what the basis is for that? Because
13 you haven't done anything but tour it for a couple hours a
14 year, you've not read of the reports that come out of it, and I
15 just want to know, and I want the jury to know, what you're
16 basing that statement on?

17 MR. BREWSTER: Once again, Your Honor, I'll object
18 to his curiosity. It --

19 THE COURT: Overruled.

20 A. That is my statement.

21 Q. (BY MR. DAN SMOLEN) Okay. The sheriff's also been
22 honored with the removal from office; correct?

23 MR. BREWSTER: Objection; relevancy, subject to an
24 order that Your Honor issued. Has nothing to do with this jail
25 and you've ruled on it explicitly.

1 THE COURT: Come up.

2 (Bench conference)

3 THE COURT: I ruled on what?

4 MR. BREWSTER: You said in our application to a
5 motion in limine that none of this will come in because it
6 cannot be possibly relevant to 2011. This happened in 2015 and
7 it dealt with a car allowance and the charges. To ask this
8 county commissioner that she should throw out all of her trust
9 in this jail is really -- you've ruled on it.

10 MR. DAN SMOLEN: My understanding of the previous
11 ruling is simply that I couldn't get into the indictment
12 information, but there is no question that he was removed from
13 office for a number of reasons. I'm just curious if she
14 thought that he was doing a good job up until that point. I
15 mean, she's just relying on what she hears about him. If
16 that's the extent that she's done as a county commissioner to
17 ensure that her statutory obligations are being met, then I
18 think the jury has a right to hear that.

19 MR. BREWSTER: First of all, it's five years after
20 the fact, has nothing to do with the jail, he resigned and was
21 not removed from office, and it dealt with a car allowance.
22 How could that -- that is so prejudicial. And to question her
23 over and over again about that -- she's talking about the jail.
24 Judge, we're going to be here for --

25 THE COURT: I want to be consistent with this case.

1 I think that the issue that I ordered out was the Grand Jury
2 issues. And so --

3 MR. BREWSTER: But, Judge, he's questioning about
4 the jail, what she knows about the jail. That's the whole
5 issue.

6 THE COURT: Right.

7 MR. BREWSTER: The fact that five years later he
8 resigned for a misdemeanor charge, how does that pertain to the
9 jail?

10 THE COURT: It's already in and --

11 MR. BREWSTER: It's remote and it's irrelevant.

12 MR. DAN SMOLEN: It pertains to it because she's
13 relying on him to do all of her statutory obligations.

14 MR. BREWSTER: That's not true. Judge, I just --
15 this is truly outside -- five years later?

16 THE COURT: I'm going to overrule it. You can go.

17 (Bench conference concluded)

18 Q. (BY MR. DAN SMOLEN) Ma'am, you had mentioned hearing
19 about some national awards that Mr. Glanz received when he was
20 the sheriff of Tulsa County; correct? Yes?

21 A. Yes.

22 Q. Okay. And is that the extent of your knowledge regarding
23 how good a jail he has maintained for Tulsa County?

24 A. It's just part of -- of how I viewed the sheriff and the
25 jail.

1 Q. Okay. And are there -- is there another part of it with
2 actually like substantive data that you've looked at?

3 A. I can't -- nothing specific.

4 Q. Okay. And you understand that Mr. Glanz, while he might
5 have received some honors while he was in office, he was also
6 honored with being removed from office?

7 MR. BREWSTER: Objection; false statement.

8 Q. (BY MR. DAN SMOLEN) What is your understanding --

9 THE COURT: Overruled. Rephrase.

10 MR. DAN SMOLEN: I'll rephrase it.

11 Q. (BY MR. DAN SMOLEN) What's your understanding of why
12 Mr. Glanz had to end his period as the Tulsa County Sheriff
13 early?

14 MR. BREWSTER: Objection; relevancy, five years
15 after the events at the jail, nothing to do with the jail, Your
16 Honor. I object.

17 THE COURT: Overruled. You can answer.

18 A. Restate your question, please.

19 Q. (BY MR. DAN SMOLEN) What's your understanding of why the
20 sheriff had to end his term early, Mr. Glanz?

21 A. There were numerous issues that had evolved in the
22 running of his -- some of his sheriff's deputies.

23 Q. Okay. And you said that those had evolved. I'm taking
24 it they evolved over time; is that correct?

25 A. I would -- you're asking me to speculate but I would

1 speculate that's the case.

2 Q. Okay. I'm just asking you. You had used the term
3 "evolved," and I didn't know if it was your understanding that
4 those issues that led to him having to end his term early were
5 issues that evolved over time?

6 MR. BREWSTER: Relevancy.

7 A. That's my statement.

8 Q. (BY MR. DAN SMOLEN) Okay. Ma'am, are you -- you
9 mentioned something about Prison Rape Elimination, he's been
10 very progressive in that regard; is that correct?

11 A. Yes.

12 Q. You do realize, don't you, that the sheriff was found to
13 have been unconstitutional in his treatment of a 17-year-old
14 female who has repeated --

15 MR. BREWSTER: Your Honor, this is totally improper.

16 MR. DAN SMOLEN: She opened the door on it.

17 MR. BREWSTER: No. This is totally --

18 THE COURT: Come up. Come up. Come up.

19 (Bench conference)

20 MR. BREWSTER: This is -- this is truly, truly
21 outrageous.

22 THE COURT: One second.

23 MR. BREWSTER: It truly is. The reason is, we're
24 talking about the operation of the jail in 2011, and now he
25 talks about a case that occurred in 2016, a 25,000 -- are we

1 going to litigate that with this witness? What do I get to do
2 if he asks her about that? Do I go back in and start talking
3 about the credibility of the witnesses or the likelihood of
4 reversal or -- what in the world are we doing here?

5 MR. DAN SMOLEN: Can I respond, Your Honor?

6 THE COURT: Yeah. One, let me say I want you to
7 stay away -- you're kind of getting close to Bates and you know
8 that's out; right?

9 MR. DAN SMOLEN: Right.

10 THE COURT: And all of that.

11 MR. DAN SMOLEN: I just want -- she -- I felt
12 like she --

13 THE COURT: What was that -- she opened --

14 MR. DAN SMOLEN: She said that he's been very
15 involved in Prison Rape Elimination and that he's very
16 progressive. And my question simply was --

17 THE COURT: Hold it. Hold it. And you're talking
18 about Mr. Glanz or --

19 MR. DAN SMOLEN: Mr. Glanz. No, Mr. Glanz.

20 THE COURT: Okay. Tell me about the 17 --

21 MR. DAN SMOLEN: It was Ladona Poore. I was just
22 going to ask her if she's aware that a jury found him to be
23 constitutionally indifferent to the female juveniles housed in
24 the jail. I mean, she's talking about how progressive he is.
25 I'm not going to get into the details of it, but you can't deny

1 the fact that it was a jury finding and it's a case that they
2 took to trial, they chose to take to trial, and the jury found
3 against them.

4 MR. BREWSTER: Judge, he has asked her about what
5 she did in inspecting the jail and what she relied upon with
6 regard to the sheriff at that time. How do we get into a
7 decision in 2016? And then what is opened up on cross? I
8 mean, where do I go? Do I go back in and retry that? This is
9 403 all over -- I mean, the fact that he --

10 MR. DAN SMOLEN: I only have a few questions about
11 it. It's just since she opened the door on it.

12 MR. BREWSTER: She didn't open the door.

13 MR. DAN SMOLEN: When she says that he's very --

14 MR. BREWSTER: Will you be a little less loud?

15 Judge, this is truly -- it should not --

16 THE COURT: Okay. I'm going to sustain -- hold
17 it -- sustain your objection. It's just -- it's too
18 prejudicial. I'm not going to allow it.

19 MR. DAN SMOLEN: Okay. Sure.

20 (Bench conference concluded)

21 THE COURT: Mr. Smolen, first let me tell the jury,
22 that you should disregard the last question and answer, all
23 right?

24 Q. (BY MR. DAN SMOLEN) Ma'am, do you understand from time
25 to time you've approved third parties to come in and audit the

1 jail?

2 A. I -- yes, there have been -- yes.

3 Q. Okay. Can you tell the jury what the purpose of those
4 audits were?

5 A. I don't recall specifically.

6 Q. well, can you tell the jury generally why, as a county
7 commissioner, you would find it appropriate to approve third
8 parties to come in and audit the Tulsa County Sheriff's Office
9 and the jail specifically?

10 A. I don't recall exactly what those were for, sir.

11 Q. well, just generally why would you want those to be
12 happening?

13 A. Verifying numbers for what it costs. If those were
14 relevant to the Jail Trust Authority, we -- we had some third
15 parties looking at what it cost to have our inmates in -- or
16 even the city's inmates in there. Those are the ones that
17 you're referring to.

18 Q. well, I'm referring to the ones that specifically pertain
19 to the health delivery services that you contracted to have
20 evaluated.

21 A. well, again, since I'm not an expert in medical care, I,
22 you know --

23 Q. Let's look at 147. Maybe this will refresh your memory
24 about some of the -- we won't spend a lot of time with it.

25 MR. DAN SMOLEN: Ms. Gondles' report.

1 Q. (BY MR. DAN SMOLEN) Do you recall an individual by the
2 name of Betty Gondles?

3 A. No.

4 Q. Okay. Before I get into -- and I'm not going to spend a
5 lot of time with it, but you keep reiterating the same
6 statement that you're an expert in medical care; correct?

7 A. That is correct.

8 Q. Okay. Can you tell the jury who at the Tulsa County
9 Sheriff's Office is an expert in medical care?

10 A. No, sir.

11 Q. I mean, is anybody --

12 A. The medical provider that they hire.

13 Q. Right. And so who, if you know, is monitoring that
14 contract that you've signed to make sure that it's actually
15 being fulfilled?

16 A. You know, the -- I don't know how to respond to that.

17 Q. Just truthfully, if you know.

18 A. I don't know, no.

19 Q. Did you know that it had been recommended as early as
20 2009 that it was absolutely critical to have a person who is a
21 medical expert reviewing and monitoring the contract that
22 worked for the Tulsa County Sheriff's Office?

23 MR. BREWSTER: Object; misstates the evidence in
24 this case so far and it's an assumption, improper question,
25 foundation.

1 THE COURT: Overruled.

2 A. I don't recall.

3 Q. (BY MR. DAN SMOLEN) Okay. Well, let me see if this
4 refreshes your memory.

5 This was an audit that the Board of County
6 Commissioners signed off on being conducted in 2009. You were
7 a commissioner at the time; correct?

8 A. Yes.

9 Q. Okay. And if we go to --

10 MR. BREWSTER: Your Honor, could she be shown it
11 before she's questioned about it to see if she remembers ever
12 reading it or has knowledge of it before --

13 MR. DAN SMOLEN: That's kind of the point.

14 MR. BREWSTER: -- before we -- I'm sorry -- before
15 it's published and he --

16 MR. DAN SMOLEN: It's already been published.

17 MR. BREWSTER: -- reads again from it?

18 THE COURT: All right.

19 MR. BREWSTER: I think the familiarity of the
20 witness is important.

21 THE COURT: Overruled.

22 Q. (BY MR. DAN SMOLEN) Do you have 147 in front of you,
23 ma'am?

24 A. Yep. Yes.

25 Q. Okay. And this was another third party that was hired

1 and paid to come in and audit the medical delivery system at
2 the jail. Are you aware of that? And take a minute, if you
3 want to just flip through it, to get familiar with it.

4 A. I mean -- I mean, this is -- this is good. I mean, I
5 think it's a good document.

6 Q. I agree. And I'm just curious if you ever read it and
7 followed the recommendations?

8 A. I mean, I don't recall. This was in '09. I just don't
9 recall.

10 Q. Okay. Do you recall -- well, let me ask you: what do
11 you think is good about the document?

12 A. Well, I always think it's good to have a third set of
13 eyes looking at operations.

14 Q. And for what purpose?

15 A. I think it's good to have a third set of eyes looking at
16 operations.

17 Q. Okay. But you would agree with me it's not only good to
18 have them -- a third set of eyes reviewing the operations, but
19 it would be really good if that third set of eyes made
20 recommendations and people actually read them and followed
21 them; right?

22 A. I think that would be good.

23 Q. Okay. Because why else pay to have it done; right? why
24 pay to have the audit if you're not even going to read it or
25 follow the recommendations; right?

1 A. Sure.

2 Q. Okay. And did you ever read this?

3 A. I don't recall.

4 Q. Is there any reason why you wouldn't have read it?

5 A. No.

6 Q. So we can assume that you probably read it then in 2009
7 after you'd paid to have it conducted?

8 A. I just don't recall.

9 Q. But is there any reason why you wouldn't have read a
10 report that you paid for?

11 A. No.

12 Q. I'm sorry?

13 A. No. I just -- and I don't recall.

14 Q. Okay. But we can assume then that if it's something you
15 paid for, you would have read it back in 2009, you just don't
16 remember the details; right?

17 MR. BREWSTER: Your Honor, that's the fourth time
18 he's asked the same question. Object; cumulative. She's
19 responded.

20 THE COURT: Overruled.

21 Q. (BY MR. DAN SMOLEN) It's fair that I can assume and the
22 jury can assume that you read it then?

23 A. I mean, I just -- I just don't recall. I assume that I
24 was aware of what was in it.

25 Q. Okay. I mean, that's why you would pay to have it done;

1 right? It's good to have this information; right?

2 A. Again, this was done through the sheriff's department.

3 Q. Right. And signed off and approved by you as a county
4 commissioner; correct?

5 A. Again, yes.

6 Q. Okay.

7 A. As part of the process.

8 Q. Okay. And as part of that process, and what we can both
9 agree on is a good document, Ms. Gondles recommended that David
10 L. Moss should put a system in place to monitor the vendor's
11 performance in a continuous and ongoing effort to ensure
12 compliance with the requirements of the health services
13 contract; correct?

14 A. I believe that's correct.

15 Q. And, to your knowledge, did the sheriff's office ever do
16 that?

17 A. I -- again, we rely on the sheriff to do his job, and I
18 believe he put some staff individual in that position.

19 Q. Do you know who that person was?

20 A. I can't recall. It might have been Weigel. I'm not
21 sure.

22 Q. Okay.

23 MR. DAN SMOLEN: Let's look, Simon, just real quick
24 at page 19 -- or I'm sorry.

25 A. In this report?

1 Q. (BY MR. DAN SMOLEN) Yes, ma'am. It's page 22 under the
2 conclusion. Starts with "based on my findings."

3 A. Uh-huh.

4 Q. Are you there?

5 A. Uh-huh. Yeah.

6 Q. And I have it on the screen in front of you. Does this
7 refresh your memory as to one of the strong recommendations
8 that Ms. Gondles made?

9 A. I don't recall this but I see what she -- her
10 recommendation was. As I stated earlier, I just don't recall.

11 Q. Okay. But this -- certainly this will refresh your
12 memory; right?

13 A. I see what it says, yes.

14 Q. Okay. And, to your knowledge, following the
15 recommendations of Ms. Gondles, was this ever done?

16 A. I'm not sure. Like I said earlier, I thought at some
17 point Chief Weigel was performing that role.

18 Q. Right. But this says, "Based on my findings, I would
19 strongly suggest that the jail administrator establish a
20 Central Office Bureau of Health Services. This Bureau of
21 Health Services should be staffed by a Director of Health
22 Services who is employed by David L. Moss. At a minimum, this
23 person should be a Registered Nurse with administrative
24 experience"; correct?

25 A. That is what it says, yes.

1 Q. Okay. And that's the recommendation that the county paid
2 for; right?

3 A. Yes.

4 Q. And, to your knowledge, was that recommendation ever
5 followed?

6 A. Like I said, as I recall, Chief weigel performed that
7 role --

8 Q. But he's not a registered nurse, is he?

9 A. Clearly not.

10 Q. So my question just simply is whether this specific
11 recommendation was followed?

12 A. To my knowledge, Chief weigel performed this role.

13 Q. Okay. But we can agree he's not a nurse; correct?

14 MR. BREWSTER: Asked and answered.

15 A. Yes, we can.

16 Q. (BY MR. DAN SMOLEN) Okay. So my knowledge --

17 THE COURT: Sustained.

18 Q. (BY MR. DAN SMOLEN) -- my question is specifically, the
19 recommendation that a person who is a registered nurse with
20 administrative experience, whether they were ever employed by
21 the Tulsa County Sheriff's Office to monitor the contract?

22 A. I -- you know, I don't recall. The sheriff runs the
23 jail. That's his responsibility.

24 Q. So you don't know if it was followed or not?

25 A. I don't.

1 Q. Okay. why would you not want to ensure that the
2 recommendations are being followed?

3 MR. BREWSTER: Cumulative, Your Honor. He's asked
4 her numerous times.

5 THE COURT: Overruled.

6 Q. (BY MR. DAN SMOLEN) As a county commissioner, just why
7 would you not want to ensure that these recommendations that
8 you've paid so much money for are actually being implemented?

9 A. I mean, I would want to get the best end result. But,
10 again, I rely on the sheriff as a county commissioner to
11 perform his job.

12 Q. well, the sheriff said that you didn't put money in the
13 budget for him to do this.

14 MR. BREWSTER: Object; foundation.

15 Q. (BY MR. DAN SMOLEN) Do you dispute that?

16 A. I don't recall.

17 THE COURT: Overruled.

18 (Discussion held off the record)

19 THE COURT: Another question.

20 Q. (BY MR. DAN SMOLEN) Okay. The sheriff testified that he
21 was not provided money in his budget to hire this position
22 which he estimated would cost \$50,000 a year. Is that based --
23 is that similar with your memory of how it went down?

24 A. I don't recall.

25 Q. Okay. Do you dispute that you would have denied the

1 \$50,000 in the \$40 million budget to provide for this person?

2 A. I just don't recall.

3 MR. BREWSTER: Objection. Objection, Your Honor.

4 This has been asked and answered.

5 THE COURT: Sustained.

6 MR. BREWSTER: It's argumentation at this point.

7 Q. (BY MR. DAN SMOLEN) You mentioned that as of late,
8 there's -- it's obvious there's been some issues with the jail;
9 correct?

10 MR. BREWSTER: Objection; relevancy, time frame.

11 MR. DAN SMOLEN: That was her statement.

12 MR. BREWSTER: Objection; relevancy, time frame.

13 THE COURT: Time frame.

14 Q. (BY MR. DAN SMOLEN) Recently you have indicated that
15 there's been some issues that have come to surface as it
16 pertains to the jail; correct?

17 A. I might have misstated. The sheriff's office -- if
18 you're referring to Sheriff Glanz, there were issues with the
19 deputies followed by issues --

20 Q. Yeah. I was just talking about the jail. Is it your
21 testimony that there have also been issues that have arisen as
22 it pertains to the quality of healthcare delivery at the Tulsa
23 County Jail?

24 A. I'm not a medical provider so I'm not qualified to weigh
25 in on that.

1 Q. But you're not even aware of that as a county
2 commissioner who has a statutory obligation to ensure
3 healthcare at the jail?

4 A. Again, we rely on the sheriff to run the jail, to run his
5 department.

6 Q. Do you recall, in your capacity as a county commissioner,
7 having any involvement whatsoever in putting in place a monitor
8 to monitor the continuous and ongoing performance of the
9 private medical provider?

10 A. As I stated earlier, I just don't recall any specifics
11 about that. And, again, we rely on the sheriff to run the
12 jail.

13 Q. Ma'am, I understand that you rely on the sheriff to run
14 the jail, but it's your statutory obligation to make sure that
15 it's actually happening; correct?

16 MR. BREWSTER: Object; argumentative, and it states
17 legal positions. She's responded several times --

18 THE COURT: Overruled.

19 Q. (BY MR. DAN SMOLEN) Correct?

20 A. Restate your question.

21 Q. I understand that you're telling the jury over and over
22 and over that you rely on the sheriff to run the jail; right?

23 A. Yes, sir.

24 Q. Okay. But do you do anything as a county commissioner
25 with the statutory obligation pertaining to the jail to make

1 sure that the sheriff's actually doing that?

2 A. We tour the jail every year, sir, and we get updates
3 through the Jail Trust Authority.

4 Q. And one of those updates was that the sheriff was using
5 the Jail Trust account like a candy store; correct?

6 MR. BREWSTER: Objection, Your Honor; no relevancy,
7 misstates, it's --

8 THE COURT: Overruled.

9 A. Please restate that question.

10 Q. (BY MR. DAN SMOLEN) Sure. While you rely on the
11 Criminal Trust Authority, some of those members -- four of
12 those members, the four noncounty commissioner members,
13 identified in a letter that Mr. Glanz was using the Jail Trust
14 like it was a candy store --

15 MR. BREWSTER: Objection, Your Honor.

16 Q. (BY MR. DAN SMOLEN) -- correct?

17 MR. BREWSTER: May we -- we must approach on this
18 kind of statement.

19 THE COURT: Come up.

20 (Bench conference)

21 THE COURT: Let me start.

22 MR. BREWSTER: Okay.

23 THE COURT: Mr. Smolen, is this a letter that I
24 previously kept out?

25 MR. DAN SMOLEN: You've kept the letter out but as

1 an exhibit because of time frame. But if she's saying we rely
2 on the trust to do this --

3 MR. BREWSTER: He's not talking --

4 MR. DAN SMOLEN: -- she's opened the door for me
5 discussing that. I'm not --

6 MR. BREWSTER: The jury --

7 MR. DAN SMOLEN: She was on the letter. She's --
8 three Tulsa County commissioners and the four mayors are people
9 who make up that board. She's got knowledge of it. She can
10 deny it or not. But to say we rely on the trust that she's a
11 part of and not be able to inquire -- and she just passing the
12 buck along to essentially herself because she's on the board.

13 MR. BREWSTER: Judge, may I -- you made this ruling
14 very clearly. This is a letter written by, I think, Mayor
15 Bartlett when the city and the county got into a fight over the
16 jail expenses. This is written, I think, in 2015 or '16. It's
17 a sensational letter. You've ruled on it. I can't even
18 imagine if you excluded a piece of evidence that I would get up
19 there and ask questions about it. This needs to be --

20 THE COURT: All right. Let's move on. I'm going to
21 -- let's move on.

22 MR. DAN SMOLEN: Okay.

23 (Bench conference concluded)

24 Q. (BY MR. DAN SMOLEN) Ma'am --

25 MR. DAN SMOLEN: Pull up Exhibit 182.

1 Q. (BY MR. DAN SMOLEN) Another one of the audits that the
2 county commissioners paid to have was a CSI report recently in
3 2015. Do you recall that?

4 A. Yes.

5 Q. And tell the jury what the purpose of that report was.

6 MR. BREWSTER: Your Honor, may we approach? This is
7 another ruling directly on point. May we approach?

8 MR. DAN SMOLEN: This exhibit's in. Right. The two
9 pages of this report are in.

10 THE COURT: Come up.

11 (Bench conference)

12 THE COURT: Okay.

13 MR. BREWSTER: So far what he's done, it's one page
14 and I think it's the cover and one page.

15 MR. DAN SMOLEN: Two pages.

16 MR. BREWSTER: Yeah. How would she be questioned
17 about 182?

18 THE COURT: Okay.

19 MR. DAN SMOLEN: Your Honor, she has a statutory
20 obligation to ensure that these things are happening. They're
21 nondelegable duties. They're statutory. She's hired all of
22 these auditors to come in and evaluate the jail with the idea
23 that it's going to make it a better jail. But then to not read
24 it or not to be able to ask her questions about her job, I
25 mean, I'm essentially being limited from asking her questions

1 about what her job is.

2 THE COURT: Okay. I'm going to allow it. Stay in
3 the two pages, okay?

4 MR. DAN SMOLEN: Yeah, right.

5 MR. BREWSTER: She's not a defendant. He's trying
6 to impugn the county commissioners. I guess we're going to sue
7 her?

8 MR. DAN SMOLEN: Well, I have recently.

9 THE COURT: I've ruled.

10 (Bench conference concluded)

11 Q. (BY MR. DAN SMOLEN) Did you have an understanding of
12 what the purpose of the CSI audit was in its totality?

13 A. Yes.

14 Q. And tell the jury what your understanding of the --

15 A. Can you pull the document up to give me --

16 Q. Sure.

17 MR. DAN SMOLEN: Yeah, 182. It's just the second
18 page under the executive summary. That second paragraph,
19 Simon.

20 Q. (BY MR. DAN SMOLEN) I mean, do you have an independent
21 knowledge of what the purpose of the audit was for?

22 (Discussion held off the record)

23 Q. (BY MR. DAN SMOLEN) Beyond just what you read here,
24 ma'am, did you have an independent basis for what the audit was
25 for?

1 A. I know we were -- this is coming through the trust
2 authority.

3 Q. Uh-huh.

4 A. We were looking -- we had questions coming from some of
5 the members about how some of our dollars were being spent, and
6 this was one of the studies done to look at that.

7 Q. Okay. And what -- what were those questions and who were
8 the members questioning that?

9 A. Well, one of them was former Mayor Bartlett. But beyond
10 that, I don't recall specifics.

11 Q. And just so the jury's aware, I mean, the Criminal
12 Justice Authority, I mean, you're on that as well? You're not
13 just a county commissioner, you're actually on the Criminal
14 Justice Authority?

15 A. That authority oversees the sales tax dollars. So that x
16 amount goes to the jail for spending, and then we run out
17 rather quickly and then it goes to the county to pick up the
18 rest of the tab.

19 Q. So is it like a bottomless amount -- I mean, is it a
20 limitless amount of money or do we have to operate the jail
21 within the trust amount?

22 MR. BREWSTER: Objection; relevancy.

23 THE COURT: Overruled. You can answer.

24 A. Okay. Well, it would be -- we would love for it to be
25 enough funds that we could operate it with the -- the funds

1 from the Jail Trust Authority but it's not enough, no.

2 Q. (BY MR. DAN SMOLEN) Okay. But do you do anything to
3 evaluate how the funds are being used?

4 A. Oh, at budget time every year, everybody presents their
5 budget, how they're spending it, and so on. That happens every
6 year.

7 Q. Okay. So you know that there's like millions of dollars
8 in vacation being spent out of it -- I'm sorry -- travel
9 training, travel training?

10 MR. BREWSTER: Totally improper question.

11 THE COURT: Sustained.

12 MR. BREWSTER: Foundationally false.

13 THE COURT: Sustained, sustained.

14 Q. (BY MR. DAN SMOLEN) Do you know, if you know, how much
15 of the Jail Trust budget was being used for travel training
16 between 2005 and 2015?

17 A. I don't specifically.

18 Q. Do you know how much of the Jail Trust account was being
19 used to pay for private lawyers for Mr. Glanz?

20 A. I don't.

21 Q. Okay. Do you know if those two costs depleted the Jail
22 Trust to force it to operate a negative, below what you
23 budgeted for?

24 MR. BREWSTER: No foundation for the conclusion
25 since she does not know.

1 MR. DAN SMOLEN: She's on the Trust --

2 MR. BREWSTER: And the statements of him is not
3 evidence.

4 THE COURT: Overruled.

5 Q. (BY MR. DAN SMOLEN) Do you know that if the sheriff
6 office -- one way or the other, whether the travel training and
7 the use of private counsel has depleted the Jail Trust to force
8 it to operate in a negative?

9 A. I do not know what you're talking about. Because the
10 medical alone and the personnel consumes the vast majority of
11 the funds in that sales tax.

12 Q. Ma'am, are you aware that actually the cost to hire a
13 medical contractor to oversee and monitor the contract is
14 one-tenth of one penny of the entire budget that the sheriff
15 has?

16 MR. BREWSTER: Objection. He's now just testifying,
17 Your Honor. Object to the foundation.

18 MR. DAN SMOLEN: It's --

19 THE COURT: Overruled.

20 Q. (BY MR. DAN SMOLEN) Are you aware of that? That it was
21 only going to cost \$50,000 to hire someone to monitor the
22 contract between the sheriff's office and the private medical
23 provider, and that 50,000 is one-tenth of one percent of his
24 total annual budget, like one-tenth of a penny is what it would
25 have cost. Are you aware of that?

1 MR. BREWSTER: Relevant.

2 A. I would have to take your word for.

3 Q. (BY MR. DAN SMOLEN) Okay. You don't have any
4 independent knowledge of that?

5 A. No.

6 Q. Okay. Well, you know that his annual budget is around
7 40 million; correct?

8 A. Yes.

9 Q. Okay. And Mr. Glanz testified that it would have cost
10 \$50,000 to hire an RN to monitor the contract; correct?

11 MR. BREWSTER: Your Honor, relevancy. How would she
12 know what Mr. Glanz testified to?

13 THE COURT: Overruled, overruled.

14 Q. (BY MR. DAN SMOLEN) And that 50,000 is one-tenth of one
15 percent of Mr. Glanz's overall budget?

16 A. Well said.

17 Q. Thank you. Were you aware of that?

18 A. I mean, specifically, I'm not sure, no.

19 Q. And do you have any specific knowledge to actually how
20 the Jail Trust funds were used by the sheriff's office?

21 A. Well, after these examinations, we got a better look.

22 Q. And do you -- is it your opinion that the money was being
23 used appropriately?

24 A. There were some questions raised and --

25 Q. And --

1 A. -- and it was appropriate to look at it.

2 Q. And were the questions answered?

3 A. Yes.

4 Q. Okay. And how were they answered?

5 MR. BREWSTER: Relevancy, Judge. Outside the scope.

6 THE COURT: Overruled.

7 MR. BREWSTER: We're years later.

8 A. I don't know. I'm sorry. I don't know how to respond to
9 that.

10 Q. (BY MR. DAN SMOLEN) Just if you know, like honestly
11 how --

12 A. How were they answered?

13 Q. Right.

14 A. Be more specific.

15 Q. Well, you said there were some questions raised. Let me
16 ask you: what specific questions were raised about --

17 A. I can't -- I don't know specifically.

18 Q. Okay. Do you know generally?

19 A. No.

20 Q. And so if you don't know generally or specifically what
21 questions were raised about improper use of jail money, you
22 don't know how those questions were answered; fair enough?

23 A. Sure.

24 Q. Okay. Back to the CSI report. Did you read it?

25 A. I -- at the time, yes.

1 Q. Okay. And did you at least read the first page of the
2 executive summary?

3 A. If you would like to pull it back up and refresh my
4 memory, that would be helpful.

5 Q. Okay. And it's 182.

6 MR. DAN SMOLEN: Can I approach, Your Honor, so she
7 can --

8 THE COURT: You may.

9 (Discussion held off the record)

10 Q. (BY MR. DAN SMOLEN) And, Ms. Keith, just take one minute
11 real quick to read that one page.

12 THE COURT: The witness is ready, Mr. Smolen.

13 Q. (BY MR. DAN SMOLEN) Okay. Ms. Keith, does this refresh
14 your memory about the CSI report?

15 A. Uh-huh.

16 Q. And when you read the report, did you learn anything from
17 it?

18 A. Yes.

19 Q. Okay. And tell the jury, if you could, what you learned
20 from the CSI report.

21 A. It pointed out some issues that -- the way dollars were
22 being spent and issues with communications at the jail, things
23 like that.

24 Q. Okay. And I want to look just real quick at the second
25 paragraph. The CSI assessors found that operationally the

1 agency has been in a perceptible decline for over a decade,
2 during which time there developed a systematic and
3 institutionalized practice of disregarding organizational
4 policies and procedures.

5 were you -- during your tenure as a board of county
6 commissioner, did you perceive this perceptible decline over
7 the last decade?

8 A. I did not.

9 Q. Okay. Do you think that you would have, had you actually
10 fulfilled your statutory obligations, instead of just relying
11 on the sheriff to do?

12 A. I don't know how to respond to that.

13 Q. Just, if you could, honestly just tell the jury what you
14 think about that.

15 A. Restate your question.

16 Q. Sure. Do you think that if you'd actually been
17 monitoring the sheriff and not trying to delegate your
18 statutory obligations, that you would have picked up on what
19 the auditors did with this perceptible decline for over a year?

20 MR. BREWSTER: Your Honor, this is in 2016. I
21 object to the relevancy of this case in 2011.

22 MR. DAN SMOLEN: Pattern --

23 THE COURT: Overruled.

24 MR. DAN SMOLEN: Yeah.

25 THE COURT: Pattern and practice.

1 A. Restate your question, please.

2 Q. (BY MR. DAN SMOLEN) Sure. Do you believe that if you
3 had actually been fulfilling your statutory obligations as a
4 county commissioner, that you, too, would have picked up on
5 this perceptible decline that had been taking place for over a
6 decade?

7 A. I believe that we were fulfilling our statutory
8 obligation.

9 Q. Okay. And then if you were fulfilling your statutory
10 obligation, why is it that you did not pick up on this
11 perceptible decline?

12 A. Because we rely on the sheriff to run his jail.

13 Q. Right. But we're talking about how the sheriff and his
14 office was in a perceptible decline for over a decade; correct?

15 A. That's what this report concluded.

16 Q. Okay. You had been here every day since 2008 as a county
17 commissioner with a statutory obligation; correct?

18 A. That is correct.

19 Q. Okay. You did not pick up on this perceptible decline?

20 A. I did not.

21 Q. Do you think you could have done things differently that
22 would have allowed you to pick up on this perceptible decline?

23 A. You're asking me to speculate.

24 Q. I'm just asking you if you could have done something
25 different.

1 A. I don't know. You're asking me to speculate.

2 Q. During your annual tours, you said that you thought they
3 were very, very informative and you'd encourage the jury to do
4 that; correct?

5 A. Yes.

6 Q. But despite the information that you gathered from these
7 two-to-three-hour, once-a-year tours, you would agree with me
8 that you didn't inspect and find that there was a substantive
9 lack of proper documentation?

10 A. Again, we rely on the sheriff to run the jail,
11 Mr. Smolen, and we would do the annual tour of the jail and
12 that was what I perceived as our obligation.

13 Q. Right. And my question is, just during that -- whether
14 that was the full extent of what the statute required or not --

15 A. I believe it was.

16 Q. Okay. And I appreciate that. But if I understand your
17 testimony correctly, that in doing so, you never for yourself
18 discovered during that tour that there was an utter lack of
19 proper documentation; correct?

20 MR. BREWSTER: Object to the foundation.

21 THE COURT: Overruled.

22 A. No.

23 Q. (BY MR. DAN SMOLEN) You never discovered that there was
24 an utter lack of training and oversight; correct?

25 MR. BREWSTER: Objection to the foundation.

1 THE COURT: Overruled.

2 A. No.

3 Q. (BY MR. DAN SMOLEN) You never discovered that
4 individuals in leadership positions were making unpredictable
5 decisions and enforced punitive measures against individuals
6 who disagreed with them?

7 A. No.

8 Q. And you never were able to discover that there was an
9 atmosphere of distrust and low morale among employees?

10 A. That is not what I saw or experienced on the -- if you're
11 talking specifically about the jail, that is not what I saw in
12 the jail.

13 Q. Okay.

14 MR. BREWSTER: Could he point out the jail part,
15 Your Honor, so that she could comment on that?

16 THE COURT: Overruled.

17 Q. (BY MR. DAN SMOLEN) The report went on to say that the
18 reserve program with its disregard for proper policies,
19 procedures, supervisions, and administrative controls was
20 simply the most visible manifestation of a system-wide failure
21 of leadership and supervision.

22 MR. BREWSTER: Relevancy to the reserve program. No
23 relevance to the jail, Your Honor, five years after the fact.
24 Foundation, relevancy.

25 THE COURT: Overruled.

1 MR. DAN SMOLEN: Thank you.

2 Q. (BY MR. DAN SMOLEN) The point of it, ma'am, is it's
3 saying that the reserve program was just the most visible
4 manifestation of a system-wide failure.

5 Did you ever see any visible manifestations of a
6 system-wide failure as it pertained to the detention division?

7 A. I did not.

8 Q. Do you think that you would have had you been actually
9 making yourself fully aware in examining all of the reports
10 that were coming out of the jail between 2008 and 2015?

11 A. Again, I believe we were fulfilling our statutory
12 obligation.

13 Q. Have you ever seen the video of Elliott Williams' last 51
14 hours alive?

15 A. I've seen a small portion of it.

16 Q. Okay.

17 MR. DAN SMOLEN: Your Honor, may I approach with her
18 deposition to impeach her?

19 MR. BREWSTER: Your Honor, this is -- I would object
20 to this.

21 THE COURT: Approach. Oh, hold on.

22 (Bench conference)

23 THE COURT: Okay. Your objection?

24 MR. BREWSTER: My position is to try everything in
25 the case with every single witness -- she has very limited

1 knowledge. She visits the jail once a year. Asking her to
2 view the video is completely a waste of time and more
3 prejudicial than probative. And plus, the video in its edited
4 context does not represent 51 hours. You'll see that when you
5 see it that your -- I would object. This is really a witness
6 that we wouldn't be covering these points with.

7 MR. DAN SMOLEN: This is critical information. I
8 asked her in her deposition if she'd seen it, and she said she
9 had; here, she's saying she's only seen a small snippet of it.

10 MR. BREWSTER: Nobody -- when you listen to
11 Mr. Herron or Mr. Miller, you'll understand there's no way.

12 MR. DAN SMOLEN: Clark, you understand that this is
13 the first time this is coming up in six years about the video
14 issues?

15 MR. BREWSTER: No, I do not understand that. But
16 this witness --

17 MR. DAN SMOLEN: I think I need to be able to
18 inquire about it.

19 MR. BREWSTER: No.

20 THE COURT: What version, what length --

21 MR. DAN SMOLEN: I'm not going to play the video.

22 THE COURT: Okay.

23 MR. DAN SMOLEN: No. I'm just going to ask her
24 about it, like she's a county commissioner, she's got a
25 statutory obligation to --

1 THE COURT: All right. So it's about your
2 deposition?

3 MR. DAN SMOLEN: It's all about the deposition,
4 yeah.

5 MR. BREWSTER: That's it.

6 (Bench conference concluded)

7 THE COURT: Why don't we break at this time for the
8 jury.

9 MR. DAN SMOLEN: Okay.

10 THE COURT: And, ladies and gentlemen, you're not to
11 discuss this case with anyone or with each other, as you know,
12 you must not investigate any aspect of the case on your own,
13 you're not to reach any conclusion until the case has been
14 fully presented, and you should keep an open mind until it is
15 time to deliberate at the conclusion of the case.

16 And please stand as the jury exits.

17 (Jury exits the courtroom)

18 THE COURT: We'll be in recess.

19 (Short break)

20 THE COURT: Please stand as the jury comes in.

21 (Jury enters the courtroom)

22 THE COURT: Please be seated. Ladies and gentlemen
23 of the jury are in the box.

24 Mr. Smolen, you may proceed. And, Ms. Keith, you're
25 still under oath.

1 MR. DAN SMOLEN: Thank you, Your Honor. I'm getting
2 a little bit of feedback. I don't know if it's from that mic
3 or not. Thank you, Ms. Keith.

4 Q. (BY MR. DAN SMOLEN) Ma'am, I took your deposition on or
5 around July 23rd of 2015. Do you recall that?

6 A. Yes.

7 Q. Okay. And it was pertaining, while not in this case, in
8 another case pertaining to inmate healthcare at the jail;
9 correct?

10 MR. BREWSTER: Object to this injection.

11 THE COURT: Sustained. Just re --

12 Q. (BY MR. DAN SMOLEN) The deposition involved inmate
13 healthcare; correct?

14 A. It involved a specific incident.

15 Q. Okay. And your involvement as it pertained to inmate
16 healthcare, your statutory obligations; correct?

17 MR. BREWSTER: Object to the injection into the
18 question each time.

19 MR. DAN SMOLEN: I'll just go right to it, Your
20 Honor.

21 THE COURT: All right. Sustained.

22 Q. (BY MR. DAN SMOLEN) The deposition was in 2015; correct?

23 A. Correct.

24 Q. And I asked you in that deposition, at page 107, to 108,
25 lines 25 to line 2 on the next page, "Have you ever seen the

1 Elliott williams' video?"

2 And what was your answer at line 2 on page 108?

3 A. As I recall --

4 Q. Just read the -- read the answer.

5 MR. BREWSTER: Could she just respond, Your Honor?

6 A. Page 108?

7 Q. (BY MR. DAN SMOLEN) Yes, ma'am. 108, line 1 was your
8 answer.

9 MR. BREWSTER: That's improper impeachment. She
10 should be asked the question.

11 THE COURT: Overruled.

12 MR. DAN SMOLEN: I'll re-ask the question.

13 THE COURT: He did. He did.

14 Q. (BY MR. DAN SMOLEN) "Have you ever seen the Elliott
15 williams' video?"

16 And what was your answer?

17 A. Yes.

18 Q. Okay. When you viewed the Elliott williams video, what
19 was your opinion of the healthcare delivery given to him
20 specifically?

21 A. I don't feel that I'm qualified to comment on the medical
22 care because I'm not a medical provider. But I did feel like
23 it -- you know, it's terrible anytime somebody loses their life
24 and I -- it was difficult to watch.

25 Q. Ma'am, if you would look at page 110 to 111 when I asked

1 specifically at line 23, "When you viewed the Elliott Williams'
2 video, what was your opinion of the healthcare delivery given
3 to him?"

4 what was your answer at line 1 on page 111?

5 MR. BREWSTER: Object to the foundation, healthcare
6 delivery.

7 THE COURT: Overruled.

8 MR. BREWSTER: I mean, how would she have a
9 foundation to be able to give an opinion on that, Your Honor?

10 THE COURT: Overruled.

11 MR. DAN SMOLEN: Your Honor, I'd just ask if we
12 could do something with the speaking objections?

13 MR. BREWSTER: Still requires a foundation. Object
14 to the foundation.

15 THE COURT: Overruled.

16 A. What I said was, I'm really not qualified in terms of
17 what his medical care was but certainly it was a terrible thing
18 that happened.

19 Q. (BY MR. DAN SMOLEN) Ma'am, I'm reading at page 109 --

20 A. Oh, you said 111.

21 Q. I'm sorry. 109. What was your answer at line 1? I
22 asked you specifically -- let me just rephrase it so we're on
23 the same page.

24 A. Uh-huh. I've got it.

25 Q. "What was your opinion of the healthcare delivery given

1 to Mr. Williams?"

2 And your answer?

3 MR. BREWSTER: Hold. Object to the foundation.

4 Q. (BY MR. DAN SMOLEN) And what was your answer?

5 MR. BREWSTER: I object to the foundation on medical
6 care. She's not a doctor or a medical person that's been
7 established. Object to the foundation.

8 THE COURT: Overruled.

9 A. What I said was, "I had questions like everyone else."

10 Q. (BY MR. DAN SMOLEN) Okay. And did you think that the
11 fact that they allowed him to lay on the floor unable to drink
12 water and feed himself on a blanket covered with feces and
13 urine for six days was appropriate? What was your answer?

14 MR. BREWSTER: Object to the improper foundation. A
15 hypothetical that doesn't bear any resemblance to the facts.

16 THE COURT: Overruled.

17 Q. (BY MR. DAN SMOLEN) What was your answer at line 6?

18 A. I said that I was not going to respond to that.

19 Q. Okay. So let me just ask you now: Can you tell the
20 jury, please, what your opinion was, as far as the healthcare
21 delivery given to Mr. Williams, when he was videotaped on the
22 floor of cell 1 for 51 hours unable to feed himself or drink
23 water while he had a broken neck lying in a blanket that was
24 soiled in his feces and urine?

25 MR. BREWSTER: False premise to the question.

1 object to the foundation.

2 THE COURT: Overruled. You may answer.

3 A. I saw a small clip of the 52 -- of the time that he was
4 in there.

5 Q. (BY MR. DAN SMOLEN) Okay.

6 A. So I just want to establish that so I haven't seen
7 everything. And, again, I'm not a medical provider, but it
8 was -- as I stated before, it was -- it was disturbing.

9 Q. But, ma'am, you're legally required to inspect the jail
10 for health conditions; correct?

11 MR. BREWSTER: Objection; cumulative.

12 THE COURT: Overruled.

13 Q. (BY MR. DAN SMOLEN) Correct?

14 A. It is part of our tour. It is part of --

15 Q. It's not just part of your tour. It's part of your
16 job --

17 THE COURT: Hold on, hold on.

18 Q. (BY MR. DAN SMOLEN) -- pursuant to statute.

19 THE COURT: Mr. Smolen, let her answer.

20 MR. BREWSTER: Cumulative.

21 THE COURT: And you can pose another question.

22 Q. (BY MR. DAN SMOLEN) It's part of your statutory
23 obligation to identify and report illegal acts and acts of
24 neglect as it pertains to inmates; yes?

25 MR. BREWSTER: Objection, Your Honor. He's covered

1 this so many times, cumulative.

2 THE COURT: Overruled.

3 MR. BREWSTER: Asked and answered.

4 THE COURT: Overruled.

5 A. Rephrase your question.

6 Q. (BY MR. DAN SMOLEN) It is part of your statutory
7 obligation to identify legal violations and neglect of inmates
8 on an annual basis as a county commissioner; correct?

9 A. Those are your words, not the words of the statute.

10 Q. Ma'am, read the statute then to the jury.

11 MR. BREWSTER: Objection, Your Honor. This has been
12 asked and answered.

13 THE COURT: Overruled.

14 Q. (BY MR. DAN SMOLEN) Please read the single paragraph
15 that requires what your statutory obligation is as it pertains
16 to inmates.

17 A. "You shall inspect the respective county at least once a
18 year, inspect their jails, shall fully examine the health,
19 cleanliness, and discipline conditions of the jail."

20 Q. Go on.

21 A. "The person responsible for the administration of such
22 jail shall provide the county commissioner with the name, age,
23 and basis for incarceration of each prisoner. If it appears to
24 the commissioners that any provision of law have been violated
25 or neglected, they shall give notice to the district attorney

1 of the county. This inspection shall be in addition to that
2 performed by the state Department of Health."

3 Q. Okay. You watched the video, the jury's watched the
4 video; correct?

5 A. Yes.

6 MR. BREWSTER: Objection. How would she know, Your
7 Honor?

8 THE COURT: Sustained.

9 Q. (BY MR. DAN SMOLEN) Did you report anything that you
10 witnessed in that video to the D.A.'s office?

11 MR. BREWSTER: Relevancy. That's --

12 THE COURT: Overruled.

13 A. At the time there was an ongoing investigation.

14 Q. (BY MR. DAN SMOLEN) So your answer is no?

15 A. It was already under investigation.

16 Q. Ma'am --

17 A. So no is the answer to that.

18 Q. Okay. Despite it being your statutory obligation to do
19 so; correct?

20 MR. BREWSTER: Argumentation, Your Honor.
21 objection.

22 THE COURT: Overruled.

23 A. Rephrase your question, please.

24 Q. (BY MR. DAN SMOLEN) Okay. Can we assume that you did
25 not believe that video to depict any neglect or unlawful

1 conduct by TCSO staff as it pertained to the care and
2 treatments of Mr. Williams since you did not report that to the
3 Tulsa County District Attorney's Office?

4 A. You cannot assume that.

5 Q. Okay. So did you think that it depicted neglect and
6 unlawful acts?

7 A. As I've said before, I'm not a medical provider, I did
8 not see the entirety of that videotape, and --

9 Q. Well, let's focus on the fact that he had his three trays
10 of food thrown at him over a 51-hour period. We can leave the
11 medical aside. Do you think that that was appropriate?

12 MR. BREWSTER: Objection, Your Honor. She has no
13 foundation to give opinions here. It's way outside the scope.

14 THE COURT: Overruled.

15 A. As I said before, it was absolutely disturbing.

16 Q. (BY MR. DAN SMOLEN) Okay. And why was it absolutely
17 disturbing?

18 A. It was disturbing to see.

19 Q. Why was it disturbing for you to see as a county
20 commissioner?

21 A. I think you've probably had a similar reaction, as I'm
22 sure the jurors did.

23 Q. Okay. And what did you do after you saw -- being in a
24 position of power to stop something like that from happening
25 again, what did you do after you saw the video to make sure

1 that that never happened again?

2 MR. BREWSTER: Judge, this has been asked and
3 answered.

4 THE COURT: Overruled.

5 A. It was already under investigation.

6 Q. (BY MR. DAN SMOLEN) What did you do as a county
7 commissioner with the power to make sure it never happened
8 again? What did you do?

9 A. It was already under investigation.

10 Q. Ma'am, did you do anything to make sure that that never
11 happened again, what you saw that disturbs you so much?

12 A. I did nothing specific.

13 Q. Okay. Even though you're one of three people who could
14 have made sure it never happened again?

15 A. It was already under investigation.

16 Q. By OSBI, who Mr. Glanz has testified, or at least stated
17 publicly, that he controls; correct?

18 MR. BREWSTER: Objection, Your Honor. Saying what
19 somebody says that he says is not a proper foundation for a
20 question.

21 Q. (BY MR. DAN SMOLEN) Ma'am, are you --

22 THE COURT: Sustained.

23 MR. DAN SMOLEN: I'll rephrase.

24 THE COURT: Another question.

25 Q. (BY MR. DAN SMOLEN) Are you aware that Mr. Glanz in 2015

1 stated publicly that he controls OSBI investigations and that
2 they are someone that he has direct control and influence over?

3 A. No, sir.

4 Q. Okay. Even though he made that in a press conference,
5 you're not aware of that?

6 A. No, sir.

7 Q. Okay. Are you aware that there are minutes -- thirteen
8 and a half minutes missing from an interview that was conducted
9 with a TCSO employee --

10 MR. BREWSTER: Judge --

11 Q. (BY MR. DAN SMOLEN) -- as part of that investigation?

12 MR. BREWSTER: Judge, that's just improper. That is
13 not true. How would she --

14 THE COURT: Sustained.

15 Q. (BY MR. DAN SMOLEN) Okay. You just think that because
16 someone was investigating it, that meant you didn't have to do
17 anything, even though the statute requires you to do it?

18 MR. BREWSTER: Judge, asked and answered.

19 Q. (BY MR. DAN SMOLEN) I'm just trying to understand your
20 testimony.

21 MR. BREWSTER: Asked and answered.

22 THE COURT: Sustain -- or overruled.

23 A. Restate your question.

24 Q. (BY MR. DAN SMOLEN) When you saw the video and it was
25 very disturbing to you and you're in a position of power to

1 make sure it never happens again, you did nothing; correct?

2 MR. BREWSTER: Asked and answered.

3 A. It was under --

4 MR. BREWSTER: He's hectoring the witness.

5 THE COURT: Overruled.

6 A. It was under investigation.

7 Q. (BY MR. DAN SMOLEN) But you -- you did nothing --

8 MR. BREWSTER: Relevance.

9 Q. (BY MR. DAN SMOLEN) -- correct?

10 MR. BREWSTER: Asked and answered, relevancy.

11 THE COURT: Overruled.

12 A. It was already under investigation.

13 Q. (BY MR. DAN SMOLEN) By you?

14 A. I mean, I asked a few questions of staff.

15 Q. What did you ask?

16 A. I talked with Michelle Robinette.

17 Q. And what did she tell you?

18 A. We had -- I think everybody was upset. But it was under
19 investigation.

20 Q. What did you ask her?

21 A. I can't recall specifically.

22 Q. And everybody was upset?

23 A. I do not know where you're going -- what are you wanting
24 out of me? It was under investigation.

25 Q. I want to know what my elected officials do when they

1 received information in a videotape such as this, what they do
2 to take action.

3 MR. BREWSTER: Judge --

4 Q. (BY MR. DAN SMOLEN) That's what I want to know.

5 MR. BREWSTER: Judge, this is browbeating and asked
6 and answered now probably maybe more than a dozen times.
7 Objection.

8 THE COURT: Overruled.

9 MR. DAN SMOLEN: Judge, the question has not been
10 answered.

11 THE COURT: Overruled.

12 MR. DAN SMOLEN: That's why I have to keep asking
13 Ms. Keith.

14 Q. (BY MR. DAN SMOLEN) what did you do specifically as a
15 person who had power to stop it and the statutory obligation to
16 ensure healthcare? what did you do?

17 A. I talked with some of the staff.

18 Q. And what did you tell them?

19 A. I asked questions about what happened and that --

20 Q. And what did they tell you?

21 A. I also had a conversation with the sheriff.

22 Q. And what did they tell you?

23 A. I mean, they told me -- they showed me small portion of
24 the video and I think everybody was upset. That's all I
25 recall.

1 Q. What were they upset about?

2 A. What happened to the gentleman.

3 Q. If they were upset, can you explain to the jury why
4 they've maintained a position that no one at the sheriff's
5 office did anything wrong?

6 MR. BREWSTER: Objection; improper question. It
7 calls for foundation.

8 A. They were leaning on their medical --

9 MR. BREWSTER: Object to that question. How could
10 she possibly give a narrative to that response?

11 THE COURT: Overruled.

12 A. They were leaning on their medical provider to provide
13 the care to take care of this gentleman.

14 Q. (BY MR. DAN SMOLEN) But, ma'am, both they and you had
15 been told year after year after year that they weren't doing
16 their job --

17 MR. BREWSTER: Objection.

18 Q. (BY MR. DAN SMOLEN) -- correct?

19 MR. BREWSTER: Objection, Your Honor.

20 THE COURT: Overruled.

21 MR. BREWSTER: It's not true.

22 A. That is not true.

23 Q. (BY MR. DAN SMOLEN) Okay. How would you know if you've
24 not even read the reports?

25 A. Look, to say I hadn't read every single word of the

1 report, that's not accurate.

2 Q. Okay. So you did read the reports? The reports that the
3 jury has seen day after day in this case, you did read those?

4 MR. BREWSTER: Vagueness objection.

5 Q. (BY MR. DAN SMOLEN) The ACA audits, the NCCHC audits --

6 THE COURT: Overruled.

7 Q. (BY MR. DAN SMOLEN) -- the Gondles report, the Roemer
8 report, you read those, maybe not every word, but you read
9 them?

10 A. I was absolutely aware of them. You know, the sheriff
11 ordered the CSI report because he wanted to know what he could
12 do better.

13 Q. Uh-huh.

14 A. And we appreciated that.

15 Q. Well, and they -- all these people who have been paid to
16 tell you where there were deficiencies, they lay it all out
17 year after year; correct?

18 MR. BREWSTER: Objection; foundation.

19 THE COURT: Sustained.

20 Q. (BY MR. DAN SMOLEN) Ma'am, you understand that the
21 sheriff is constitutionally and statutorily obligated to ensure
22 adequate healthcare delivery; yes?

23 A. Yes. And he hires a medical provider to do that.

24 Q. And the contract requires that he monitor, supervise, and
25 ensure that it's happening; yes?

1 A. Yes.

2 Q. You have no idea whether he was doing that or not, do
3 you?

4 MR. BREWSTER: Your Honor, could counsel not yell at
5 the witness? I don't think it's appropriate.

6 MR. DAN SMOLEN: I'm just trying to get a --

7 MR. BREWSTER: I'm just asking about
8 professionalism.

9 THE COURT: Overruled. Proceed.

10 Q. (BY MR. DAN SMOLEN) Ma'am, you can't sit here and tell
11 the jury one single thing that either you did or Mr. Glanz did
12 to ensure that that medical was being adequately delivered;
13 correct?

14 A. We rely on the sheriff to have adequate medical care in
15 that jail facility, sir.

16 Q. And you can't rely -- or state to the jury a single thing
17 that you had in place or he had in place to ensure that that
18 was happening, can you?

19 A. We hired a contractor to do the job.

20 Q. And who was there to make sure the contractor was doing
21 the job that he's statutory obligated do?

22 A. He had staff.

23 Q. Tell the jury what you found so disturbing about the
24 video.

25 MR. BREWSTER: This has been asked and answered,

1 Judge.

2 THE COURT: Sustained.

3 MR. DAN SMOLEN: I'm asking -- she said she was
4 disturbed by it. And I'm asking her now, which has not been
5 asked, why she was disturbed specifically about it.

6 MR. BREWSTER: Your Honor, sustained. He's asked
7 and answered that -- she's been asked and she's answered that.
8 You've sustained the objection.

9 THE COURT: Yeah. Right.

10 MR. DAN SMOLEN: I'll rephrase. I'm just looking
11 for what -- what was it about if that she found disturbing.

12 THE COURT: I'm going to sustain it. You can go
13 another way.

14 Q. (BY MR. DAN SMOLEN) Okay. Ma'am, you indicated that
15 when you watched the video it was disturbing; correct?

16 A. Yes.

17 Q. Okay. How so?

18 A. I'm sure you saw the video, so I'm sure we were all
19 impacted by what we saw in that video.

20 Q. I know. But I want to know how you were impacted. I'm
21 not in power to stop it.

22 A. I was disturbed by what I saw. I'm sure all of you were
23 disturbed likewise when you saw the video.

24 Q. And is there anything specifically in the video that you
25 recall finding to be particularly disturbing?

1 A. It was the totality of the video that I saw.

2 Q. And what things in the video that you're referring to in
3 the totality struck you?

4 THE WITNESS: Judge, do I need to respond to that?

5 THE COURT: Yes.

6 A. It -- just seeing anybody lie as he was lying, it was
7 just absolutely difficult to see.

8 Q. (BY MR. DAN SMOLEN) Did you have a problem with the way
9 he was deprived of water?

10 MR. BREWSTER: Objection; assumes facts that are not
11 in evidence, Your Honor.

12 THE COURT: Overruled.

13 Q. (BY MR. DAN SMOLEN) Did that stand out to you, the fact
14 that he was deprived of water?

15 MR. BREWSTER: Objection; assumes facts that are
16 just not in evidence or contrary to the record.

17 THE COURT: Overruled.

18 A. I mean, I did not see the totality -- the whole video,
19 the whole 52 hours, I did not see all of that. But in the time
20 frame that I saw, it was disturbing that there was just a, you
21 know -- his access to the water, that was disturbing.

22 Q. (BY MR. DAN SMOLEN) How about the food trays kept piling
23 up?

24 MR. BREWSTER: Objection; assumes facts not in
25 evidence.

1 THE COURT: Overruled.

2 A. Again, it is the totality of everything -- I don't think
3 we need to tell everybody what was in the video.

4 Q. (BY MR. DAN SMOLEN) I do think we do.

5 MR. BREWSTER: Judge, that's improper.

6 THE COURT: Mr. Smolen, you need to --

7 MR. BREWSTER: You need to admonish counsel not to
8 be yelling.

9 THE COURT: I'll do it, Mr. Brewster. Take it down.

10 Q. (BY MR. DAN SMOLEN) I think it's important that we need
11 to talk about it to make sure that it never happens again,
12 don't you?

13 THE COURT: One second. Mr. Regalado.

14 MR. REGALADO: Yes, sir.

15 THE COURT: Stop that.

16 MR. REGALADO: What, Your Honor?

17 THE COURT: Laughing.

18 MR. REGALADO: I'm sorry. I wasn't laughing. But
19 my apologies.

20 THE COURT: Let's go.

21 Q. (BY MR. DAN SMOLEN) Do you think it's funny like the new
22 sheriff does?

23 A. Please.

24 Q. You don't, do you?

25 A. Hardly.

1 THE COURT: Move on. Move on.

2 Q. (BY MR. DAN SMOLEN) You said it's a terrible thing that
3 happened to him; correct?

4 A. I did.

5 Q. Okay. Are you aware that the counsel who you've approved
6 for private funds to be paid to --

7 MR. BREWSTER: Judge, I'm going to object to any --

8 Q. (BY MR. DAN SMOLEN) -- have indicated that there's
9 nothing wrong with it at all, there was nothing that anyone did
10 wrong?

11 MR. BREWSTER: Judge, that's contrary to any
12 statement, and my statements are not relevant foundation to ask
13 this witness.

14 MR. DAN SMOLEN: He's an agent of the county.

15 THE COURT: Wait. Rephrase. Sustained.

16 Q. (BY MR. DAN SMOLEN) Ma'am, everybody was upset; correct?

17 MR. BREWSTER: Objection; asked and answered now
18 several times.

19 MR. DAN SMOLEN: I'm trying to get the foundation?

20 THE COURT: I understand. Overruled.

21 Q. (BY MR. DAN SMOLEN) Everyone was upset about what they
22 saw; correct?

23 A. Yes.

24 Q. Okay. Did everyone sit around in a room and tell each
25 other, hey, we didn't have anything to do with this, no one did

1 anything wrong? Did that ever happen?

2 A. No.

3 Q. Can you explain why it's happening in front of a jury?

4 MR. BREWSTER: Judge, this is improper questioning,
5 it really is. He's impugning counsel's representation.

6 THE COURT: Overruled. Speaking objections need to
7 be stopped.

8 MR. BREWSTER: I'm sorry. Then foundation. I don't
9 mean to speak but this --

10 THE COURT: Sustained -- or overruled. Thank you.

11 Q. (BY THE COURT) Was that the sentiment in a room when you
12 guys weren't in front of the jury, that no one did anything
13 wrong?

14 A. When you say everyone or --

15 Q. I wasn't there.

16 A. I had individual --

17 THE COURT: Ms. Keith -- all right. What room?

18 Q. (BY MR. DAN SMOLEN) Ma'am, I thought you said you were
19 in a room with Ms. Robinette and there were other staff members
20 that were there and everybody was upset when they showed you
21 the video. Do I understand your testimony correctly?

22 A. That is not correct.

23 Q. Okay. Tell me about how --

24 A. It was individual conversations.

25 Q. And in those individual conversations with Michelle

1 Robinette and Mr. Glanz -- those were two of the individuals;
2 correct?

3 A. Yes.

4 Q. -- did they take the position, hey, nobody at the
5 sheriff's office did anything wrong?

6 MR. BREWSTER: Objection.

7 THE COURT: Overruled.

8 MR. BREWSTER: It's improper foundation.

9 THE COURT: Overruled.

10 A. I wouldn't characterize it that way.

11 Q. (BY MR. DAN SMOLEN) Okay. Can you explain to the jury
12 then why that's the position that the county is maintaining in
13 front of the jury?

14 MR. BREWSTER: Object to the foundation for the
15 question, Your Honor.

16 THE COURT: Sustained.

17 Q. (BY MR. DAN SMOLEN) What did you do, aside from watching
18 the video, to investigate what happened to Mr. Williams?

19 MR. BREWSTER: Objection, Your Honor. This has been
20 asked and answered.

21 THE COURT: Overruled.

22 A. I'll repeat what I said before, and that is I had
23 conversations with the sheriff as well as Michelle Robinette.

24 Q. (BY MR. DAN SMOLEN) You said the video was jarring to
25 anybody that had seen it; correct?

1 A. Are those my exact words?

2 Q. Yes. At line 18, on page --

3 A. Yeah.

4 Q. -- 109. I'm sorry. I apologize. It's at page 111 at
5 line 18.

6 A. I mean --

7 Q. Your testimony --

8 A. Certainly it is -- it was. I mean --

9 Q. And I asked you, "Did you make inquiry of the sheriff's
10 department of any audits that might have been done by medical
11 personnel that you could read to determine whether or not the
12 healthcare system had been evaluated as adequate?"

13 what was your answer at line 25?

14 A. "I did not."

15 Q. You didn't read the audits is what your testimony was in
16 deposition, correct, at line 25?

17 A. The question you're asking, "Did you inquire of the
18 sheriff's department of any audits that might have been done by
19 medical personnel" --

20 Q. -- "that you could read to determine whether or not the
21 healthcare system" --

22 A. So did I ask that specific question? No.

23 Q. This question was, did you read the audits pertaining to
24 the healthcare delivery system, and you said you had not read
25 them in 2015 when I took your deposition, ma'am.

1 A. "Did you make inquiry of the sheriff's department of any
2 audits that might have been done by medical personnel that you
3 could read to determine whether or not the healthcare system
4 had been evaluated as adequate?" That was your question.

5 Q. And what was your answer?

6 A. And at that time I did not make -- I did not at that
7 time -- you're asking at that time, "Did you make inquiry," and
8 I said, "I did not."

9 Q. Right. So you're telling the jury now, only after July
10 of 2015, have you gone back and read the audits?

11 A. No. What you asked -- the question you asked in here is,
12 at the time -- at this time "did you make inquiry of the
13 sheriff's department of any audits," and I said at that time --
14 at the time that I had not.

15 Q. Ma'am, let me just -- this is the question: "Did you
16 make inquiry of the sheriff's department of any audits that
17 might have been done by medical personnel that you could read
18 to determine whether or not the healthcare system has been
19 evaluated as adequate?"

20 And your answer was simply, "I did not."

21 A. That is -- that's the response at that time, yes, sir.

22 Q. Okay. I don't see "at that time" anywhere in that
23 question and answer. Do you?

24 A. I'll --

25 Q. Do you see "at that time" anywhere in the question and

1 answer on --

2 A. I'm referring to the time frame of when you asked that
3 question.

4 Q. You hadn't read any of them?

5 A. That's --

6 Q. That was your answer.

7 A. Okay.

8 Q. Yes?

9 A. That's the answer --

10 Q. Okay.

11 A. -- I gave in here, yes.

12 Q. Under oath, that's the answer you gave; yes?

13 A. When you -- I'm sorry, Mr. Smolen.

14 Q. Ma'am, the Tulsa County --

15 MR. BREWSTER: Your Honor, may she respond before he
16 interrupts?

17 THE COURT: She may.

18 MR. DAN SMOLEN: I thought she was done.

19 Q. (BY MR. DAN SMOLEN) It's at page 111. You got time. If
20 you want to read the whole page, you can. I don't see anywhere
21 where you limit it in time or where the question is limited in
22 time; but if you do, I'm happy to rephrase it or come back to
23 it.

24 A. You're -- you're specifically referring to the Elliott
25 Williams videotape and then you -- I respond, look, "I'm not

1 qualified. I'm not a medical expert. It was jarring to
2 anybody that seen it. It was difficult."

3 And then you say, "Did you make inquiry of the
4 sheriff's department of any audits that might have been done by
5 medical personnel that you could read to determine whether or
6 not the healthcare system had been evaluated as adequate?"

7 And so at the time that we were having -- you were
8 asking this question of me, I said no, I had not. At that
9 moment when we were having this conversation, I had not asked
10 for that.

11 Q. You did not ask for it?

12 A. That's what I said.

13 Q. Yeah. You've described the Tulsa County Sheriff's Office
14 as, quote, the gift that keeps on giving. What did you mean by
15 that?

16 A. Well, I -- as things started to -- we had the Bates
17 incident --

18 Q. I don't want to go -- I don't want to talk about that
19 incident. But did you mean anything other than that with
20 respect to the comment that TCSO is the gift that keeps on
21 giving?

22 A. I was trying to respond.

23 Q. I know. And I was just trying to direct you away from
24 some issues that have come up in this case previously, okay?

25 MR. BREWSTER: Your Honor, I'm going to object to

1 any kind of --

2 MR. DAN SMOLEN: But she can answer.

3 MR. BREWSTER: -- discussion after 2011. It
4 invites, you know, issues that you've ruled upon.

5 MR. DAN SMOLEN: This is a case about systemic
6 failures --

7 THE COURT: well, I understand, I understand. And I
8 think you can -- you can continue.

9 MR. DAN SMOLEN: Okay.

10 THE COURT: But be diligent about it.

11 Q. (BY MR. DAN SMOLEN) Will you please tell the jury what
12 you meant by the Tulsa County Sheriff's Office is the gift that
13 keeps on giving?

14 A. When did I -- when was that statement made; do you
15 recall? Do you have the --

16 Q. Yes.

17 A. The --

18 Q. I can play the news report, if you want me to.

19 MR. BREWSTER: Your Honor, may we approach briefly?

20 A. No.

21 Q. (BY MR. DAN SMOLEN) It was from 2015.

22 A. It was in '15?

23 MR. BREWSTER: Could we approach?

24 A. I mean, there have been -- sorry. Thank you.

25 THE COURT: Hold on, hold on. Come up.

1 (Bench conference)

2 MR. BREWSTER: Judge, as you know, 2015 would have
3 been a very active time that things were unraveling there, had
4 nothing to do with the jail.

5 THE COURT: I understand.

6 MR. BREWSTER: What I'm concerned about is, how many
7 issues are we going to get into that I have to put extra
8 witnesses on? I mean, right now we've got maybe four or five
9 defense witnesses. If I've got come back in here and try to
10 nail down everything that happened in '12, '13, '14, '15, I
11 don't think that's what you're intending. You've ruled that
12 none of this is relevant. Even though she doesn't know you're
13 rulings, counsel does. He has -- she said what she knows about
14 the incident and the audits. Let's move on.

15 MR. DAN SMOLEN: The statement was made in response
16 to the fact that the jail had not paid the water utility bill
17 and the showers were going to get cut off and the utilities
18 were getting ready to get cut off. It had nothing to do with
19 Bates or the Grand Jury or anything. It had to do with the
20 jail paying the utility bills so that there would be running
21 water.

22 THE COURT: What year?

23 MR. DAN SMOLEN: It was like in 2015 or 2016. And
24 my question is simply what she meant when she said Tulsa County
25 Sheriff's Office is the gift that keeps on giving.

1 MR. BREWSTER: Judge, it's outside the scope of time
2 and it's certainly 403 kind of stuff. It's going to --

3 THE COURT: Let me ask you: How much more -- I'm
4 not limiting you --

5 MR. DAN SMOLEN: No, no. Five or ten minutes.

6 MR. BREWSTER: That has no relevance in '15, it
7 really doesn't.

8 THE COURT: It's pretty far out there.

9 MR. DAN SMOLEN: I don't know if she's going to come
10 in and say, look, we really felt like they were a gift and they
11 were doing a great job and they did keep on giving; or she can
12 say, I was saying it sarcastic because they've had repeated
13 failures with the jail. I mean --

14 THE COURT: Have you -- have you placed her in your
15 deposition?

16 MR. DAN SMOLEN: It was never asked in the
17 deposition.

18 THE COURT: Okay.

19 MR. BREWSTER: What I'm concerned -- here's the
20 real -- we all know this but the jury wouldn't know it.

21 Sometime beginning at about '12 and '13, Mr. Smolen's
22 firm started filing lawsuits. I think it might have been maybe
23 '12 or '14.

24 MR. DAN SMOLEN: It was before that.

25 MR. BREWSTER: All right. Somewhere in that range.

1 So what he's talking about is this series of lawsuits, many of
2 which were dismissed or ruled on by the Tenth.

3 So how do I come back in and say, all of these he's
4 wafted through with this witness, I've got to go call and show
5 those? This is not the place for that trial. So we're trying
6 this case about the adequate medical care or response to the
7 medical care in the jail in 2011 and asking her in '15 -- I can
8 pull up a docket sheet. There probably were --

9 THE COURT: Oh, I know.

10 MR. BREWSTER: All these lawsuits you know more than
11 anyone. So why would the jury have to get into that?

12 MR. DAN SMOLEN: I'm going to show you this. It's
13 very brief. Here, Your Honor, this is the --

14 (Video played for the court)

15 THE COURT: Wait a minute. But let me just ask you:
16 So we're talking '15?

17 MR. DAN SMOLEN: Uh-huh. When she says that it's
18 the gift that keeps on giving.

19 THE COURT: I understand.

20 MR. DAN SMOLEN: And I can move past that.

21 THE COURT: I understand. Listen, listen, listen.
22 It's more prejudice than --

23 MR. DAN SMOLEN: Okay. Sure.

24 THE COURT: -- probative. Thank you.

25 (Bench conference concluded)

1 Q. (BY MR. DAN SMOLEN) Ma'am, in July of 2013, the county
2 commissioners sent out an RFP to try to bring in a new medical
3 provider. Do you recall being part of that process?

4 A. Yes.

5 Q. Okay. And can you tell the jury why that happened?

6 A. Oh, I think the idea was that we should see if there were
7 other medical providers out there.

8 Q. And did it have anything to do with the lawsuits that had
9 been brought against the sheriff's office pertaining to
10 inadequate healthcare in the jail?

11 MR. BREWSTER: I object to this. Lawsuits brought
12 by him.

13 THE COURT: Yeah. Sustained. Rephrase, rephrase.

14 Q. (BY MR. DAN SMOLEN) Ma'am, did it have anything to do
15 with allegations of inadequacy of inmate healthcare?

16 A. We -- I mean, we periodically asked -- tried to look at
17 bringing in different contractors over time just to make sure
18 we are doing the best that we can. And in this particular
19 case, I think we wanted to see if there were any other options
20 out there.

21 MR. DAN SMOLEN: Your Honor, may I approach?

22 THE COURT: You may.

23 Q. (BY MR. DAN SMOLEN) Ms. Keith, isn't it true that on
24 July 9th of 2013, in a statement to the Tulsa World,
25 Ms. Dorrell, the purchasing director, said --

1 MR. BREWSTER: Object to the hearsay, injection of
2 another person.

3 THE COURT: Hold on, hold on.

4 MR. BREWSTER: How -- if she's on the witness list,
5 Judge --

6 THE COURT: I --

7 MR. DAN SMOLEN: She's who Ms. Keith --

8 MR. BREWSTER: Judge, this is improper. May we
9 approach? I don't even know what he's referring to, some Tulsa
10 world article.

11 (Bench conference)

12 MR. BREWSTER: Your Honor, this is what's happening,
13 it truly is. He gives media feeds to the media every night.
14 We've witnessed this. He stirs the media up, he holds press
15 conferences at his office, they report this stuff he wants
16 reported, and then he reads it back to a witness. How in the
17 world could I respond to somebody making --

18 THE COURT: I don't know what we're --

19 MR. BREWSTER: He's asked about Ms. Dorrell. She's
20 not a witness in the case.

21 THE COURT: Who is?

22 MR. DAN SMOLEN: She's who Ms. Keith keeps referring
23 to as the purchasing director.

24 THE COURT: Hold it. What's her name?

25 MR. DAN SMOLEN: Linda Dorrell.

1 THE COURT: Dorrell?

2 MR. DAN SMOLEN: Yeah.

3 THE COURT: And she is?

4 MR. DAN SMOLEN: The count purchasing director who
5 Ms. Keith referenced in her testimony, that her and the
6 sheriff's office would be in charge of the RFP process as it
7 pertained to private medical providers, and that testimony has
8 been consistent throughout the trial.

9 And in this article, Ms. Dorrell states, "The decision
10 to go out to bid had nothing to do with ongoing litigation."

11 THE COURT: Okay. Take it down just a little.

12 MR. DAN SMOLEN: "It's just time to look at it
13 again. We want to make sure we're getting the best deal."

14 MR. BREWSTER: Judge, how in the world would you be
15 able to read a comment from a nonwitness --

16 THE COURT: What year?

17 MR. DAN SMOLEN: 2013.

18 MR. BREWSTER: A nonwitness.

19 MR. DAN SMOLEN: And this is directly in result of
20 all the CHC deaths. But they're saying no, we wanted to get a
21 better deal, it had nothing to do with their failures.

22 THE COURT: So you're going to --

23 MR. DAN SMOLEN: Yeah. Because she was -- she
24 already admitted to being involved in that process with
25 Ms. Dorrell.

1 THE COURT: No, no.

2 MR. DAN SMOLEN: No?

3 THE COURT: Okay.

4 (Bench conference concluded)

5 Q. (BY MR. DAN SMOLEN) Did you understand that in 2013 the
6 county was trying to bring in a new medical provider to
7 basically get the best deal they could?

8 MR. BREWSTER: Relevancy to any issue in 2011.

9 THE COURT: Overruled.

10 A. Are you speaking about Linda's language that she used in
11 this press release?

12 Q. (BY MR. DAN SMOLEN) I'm not even in the press release.

13 MR. BREWSTER: Objection.

14 Q. (BY MR. DAN SMOLEN) But based on your knowledge of the
15 conversations with Ms. Dorrell during this process that you
16 were involved in, if it was also your understanding that the
17 county was just looking to bring in another provider to get a
18 better deal?

19 A. I would never use those -- that language, but I think the
20 county's always looking to make sure the taxpayer's getting the
21 best provider and -- I mean, that's why you send these things
22 out and see, you know, if you can get multiple people to
23 respond.

24 Q. But you don't recall that decision having anything to do
25 with the failures that were identified with respect to CHC's

1 medical care delivery?

2 MR. BREWSTER: Objection; asked and answered.

3 THE COURT: Overruled.

4 A. I mean, again, it seems like it would have been prudent
5 at the time to see if there were any other options out there
6 for us. I think that's what happened.

7 Q. (BY MR. DAN SMOLEN) why? why, if the contract wasn't up
8 yet? why were you doing this?

9 A. I think everyone just -- well, let me just speak for
10 myself. I think that we felt like it was time to see -- check
11 out other options.

12 Q. And why is that? why was it time? why did you feel like
13 it was time?

14 A. We do that periodically anyway, but there were issues
15 going on that we -- that I think was wise to just check out
16 other options. We do that all the time.

17 Q. What types of issues were going on specifically with
18 private medical care being provided by CHC in the jail in 2013
19 that led you to this belief?

20 A. I think that there were just -- as you know, there were a
21 lot of things going on at the time. We thought it was prudent
22 to seek an RFP to find out if there are any other medical
23 providers interested in doing our jail care.

24 Q. I know what was going on, you know what was going on, but
25 what I'm trying to do is educate the jury about what was going

1 on and they can't read our minds.

2 So I'm just asking you to describe to the jury what
3 those issues were that were going on in 2013 that led you
4 specifically to going out and seeking an RFP before the
5 contract was up with CHC?

6 MR. BREWSTER: Judge, assumes facts not in evidence.
7 She didn't seek an RFP first. And I don't mean to speak, but
8 it's foundational and it's irrelevant in '13.

9 THE COURT: Come up.

10 (Bench conference)

11 MR. DAN SMOLEN: If they're maintaining that the
12 medical provider did nothing wrong and that that had absolutely
13 nothing to do with them terminating the contract --

14 THE COURT: Let me just tell you what my concern is.
15 You know, I just don't want to get close to something that I
16 think we're getting pretty close to.

17 MR. DAN SMOLEN: Okay.

18 THE COURT: And as to the issue with Mr. Dorrell on
19 the last, you know, I said no. And to be clear, it's a hearsay
20 issue. So where we going now?

21 MR. DAN SMOLEN: Couple more questions and we'll be
22 done. I was just going to try to get into why they're
23 maintaining the position that CHC wasn't failing even though
24 all the documentation says that they were.

25 MR. BREWSTER: Judge, can I --

1 THE COURT: I mean, it goes to an honesty thing of
2 our public officials that have been elected and have a sexual
3 allegation --

4 THE COURT: I hear you.

5 MR. BREWSTER: Let me respond. 2013 has -- she says
6 that it was time to check. But here's -- he keeps saying that
7 we've maintained that they've done nothing wrong. I said in my
8 opening statement I thought they committed malpractice; and
9 when Dr. Allen was on the stand, I said, I agree with you.
10 That's our position. There's no question that they committed
11 malpractice and he settled for that.

12 He's getting more and more into this, we don't think
13 they did anything wrong, where you're going to be pressed
14 clearly to make a decision on an instruction. But he keeps
15 saying that. That's contrary to what I told the jury in
16 opening statement -- you can look at my remarks -- contrary to
17 what I asked Dr. Allen about, and even contrary to what I asked
18 Dr. Hoge about. We concede that malpractice occurred, it does
19 occur, and we're not pleased at all about the way they
20 responded to this guy. But there are circumstances that have
21 nothing to do with the conduct.

22 MR. DAN SMOLEN: And I guess what I'm getting at is,
23 if she's saying that they had no problem with the way that he
24 was responded to and then had anything to do with why they went
25 out to get a new contract, that's the position they've

1 maintained up until this point.

2 MR. BREWSTER: No, no. What she said is, I don't
3 have a medical background, I don't know, I leave it to others.
4 I don't think this kind of questioning in '13 has any bearing.
5 She's already said it was time that we -- we solicited other
6 bids. Can he move on? Let's finish this witness up.

7 MR. DAN SMOLEN: The only issue I'm having is when
8 she says, Mr. Smolen, you know what was going on, I know what
9 was going on, but she's not telling the jury what's going on.

10 THE COURT: I understand.

11 MR. BREWSTER: Right. Because he's made rulings.

12 THE COURT: Right. So be careful.

13 MR. DAN SMOLEN: I'm almost done.

14 THE COURT: Okay.

15 (Bench conference concluded)

16 Q. (BY MR. DAN SMOLEN) Ma'am, I just want to know just if
17 there's anything specific that you can tell the jury was an
18 issue that you found important in 2013 that caused you to make
19 a decision to vote on sending an RFP out for a new medical
20 provider?

21 A. Well, it was requested from the -- we had requests to do
22 an RFP, which we complied with, and I think the sheriff was
23 maybe seeking a new medical provider.

24 MR. DAN SMOLEN: Simon, would you pull up Exhibit 3,
25 Plaintiff's Exhibit 3?

1 Q. (BY MR. DAN SMOLEN) Ma'am, I just have a few more
2 questions for you, okay?

3 A. Thank you.

4 MR. DAN SMOLEN: Can we zoom in on just the top half
5 of this page, please? The whole -- I mean, all the written
6 text.

7 Q. (BY MR. DAN SMOLEN) Ma'am, you see this was a July 12th,
8 2012, meeting with David Miller, Dr. Herr, Chris Rogers, Howard
9 Roemer, Doug Wilson, and Tim Albin and Josh Turley; correct?

10 A. Yes, I see that.

11 Q. Okay. And Doug Wilson is an ADA; correct?

12 A. Yes.

13 Q. And those are the people that you say you rely upon to
14 advise you on how to conduct yourself as a county commissioner;
15 correct?

16 A. We lean on if we have questions.

17 Q. Right. That's why he's at this meeting; right?

18 A. Well, I wouldn't say that's specifically why he was at
19 that meeting.

20 Q. Okay. But he at least has this knowledge that took place
21 in this meeting, and if you needed to, you could rely upon the
22 knowledge that he gained; correct?

23 MR. BREWSTER: Speculation, your Honor. She wasn't
24 present. How --

25 THE COURT: Are you talking about Josh Turley?

1 MR. DAN SMOLEN: No. I'm talking about Doug Wilson,
2 the ADA, that she's testified repeatedly that she relies upon.

3 THE COURT: All right. All right. Sustained.

4 Q. (BY MR. DAN SMOLEN) Ma'am, did anyone tell you --

5 MR. DAN SMOLEN: Take the top down, please, Simon.

6 Q. (BY MR. DAN SMOLEN) Did anyone tell you from the
7 sheriff's office or did you read in any reports during your
8 review, your annual tour, that TCSO felt like a class-action
9 suit was possible?

10 A. Actually, no, I've not heard that a class-action suit was
11 possible.

12 Q. Okay. So no one told you -- either Mr. Turley or
13 Mr. Wilson didn't advise you of that?

14 A. No.

15 MR. BREWSTER: Your Honor, she has no knowledge of
16 this memo, she said that. Why would she be questioned about
17 it?

18 MR. DAN SMOLEN: I'm just asking her if she was
19 advised of the findings.

20 THE COURT: All right.

21 MR. BREWSTER: The memo shouldn't be used to
22 question this witness. She has no knowledge of it.

23 MR. DAN SMOLEN: She might.

24 THE COURT: Overruled, yeah.

25 A. Let me read it.

1 Q. (BY MR. DAN SMOLEN) Sure. Yeah, sure.

2 THE COURT: Right.

3 A. Who wrote this?

4 Q. (BY MR. DAN SMOLEN) Mr. Turley wrote this based on the
5 minutes from -- these are the minutes from the July 12th --

6 A. Some of this is like sticcato.

7 Q. I don't know what that is but it sounds interesting.

8 A. It's choppy.

9 Q. Sticcato?

10 A. I have no knowledge of this. Obviously, this is the
11 first time I've seen this. So --

12 Q. Well, I mean, did -- irrespective of whether you've seen
13 this or not, what I'm more interested in is whether or not the
14 ADA or the sheriff's office, as you've testified as being the
15 sources of your information as a county commissioner, if either
16 somebody from TCSO or the D.A.'s office told you that in a
17 July 12th, 2012, meeting it was decided that a class-action
18 suit was possible?

19 A. I don't recall that specifically.

20 Q. Okay. Did anyone ever tell you after that July 12th
21 meeting that they felt like Williams was not acceptable,
22 meaning what happened to Mr. Williams was not acceptable?

23 A. Not using those exact words, no.

24 Q. What words did they use?

25 A. I don't know. I don't recall.

1 Q. Okay. Did anyone tell you about that TCSO is the face of
2 an event and that they will not have CHC failing in medical
3 care?

4 MR. BREWSTER: Your Honor, he's just reading off the
5 document she's never read. I object to the foundation.

6 MR. DAN SMOLEN: Well, let me just ask it this way.

7 THE COURT: Sustained.

8 Q. (BY MR. DAN SMOLEN) Any of the information in 1 through
9 14, was any of that information conveyed to you by either the
10 D.A.'s office or the sheriff's office on or around 2012?

11 A. Nothing directly, no, sir.

12 Q. How about indirectly?

13 A. I mean, there's even language in here that -- I don't
14 know. I mean, really no. This is -- this is -- this sounds
15 like a document internal to a conversation that I wasn't privy
16 to and I just -- I don't even -- you know, it's very choppy.
17 It looks like somebody's just --

18 THE COURT: That's fine. Next question.

19 Q. (BY MR. DAN SMOLEN) Do you have an opinion as the county
20 commissioner as to whether you believe the sheriff's office
21 fulfilled its contractual obligations based on the contractual
22 obligations found in the health services agreement between TCSO
23 and CHC?

24 MR. BREWSTER: Object to the foundation; calls for a
25 conclusion and a legal conclusion.

1 THE COURT: Sustained.

2 MR. DAN SMOLEN: I'm asking her opinion as a county
3 commissioner who has a statutory obligation, I'm not asking for
4 a legal opinion.

5 Q. (BY MR. DAN SMOLEN) But do you have an opinion as a
6 county commissioner, with a statutory obligation to ensure
7 healthcare, as to whether or not the sheriff's office fulfilled
8 that obstacle?

9 MR. BREWSTER: Object to the form, Your Honor. It
10 doesn't pertain to specific instances.

11 THE COURT: Overruled.

12 A. Again, we rely on the sheriff's office to do his job,
13 take care of the medical, have a medical provider in place to
14 do that job.

15 MR. DAN SMOLEN: Your Honor, I'll pass the witness.

16 THE COURT: All right.

17 MR. BREWSTER: I don't really have that many
18 questions and I'll be very efficient, I think. But it's up to
19 Your Honor, I'll defer to you on lunch.

20 THE COURT: Yeah. We'll have -- why don't we get to
21 12:15 and get started. Is that all right?

22 MR. BREWSTER: Okay.

23 CROSS-EXAMINATION

24 BY MR. BREWSTER:

25 Q. Ms. Keith, counsel had asked you about this --

1 THE COURT: You can take some time, if you want to
2 get situated, Mr. Brewster.

3 MR. BREWSTER: I'm fine. Thank you very much.

4 Q. (BY MR. BREWSTER) Counsel had asked you about Exhibit
5 182, Plaintiff's 182.

6 MR. BREWSTER: Trace, could you just display that
7 briefly?

8 Q. (BY MR. BREWSTER) And it was dated February 2016. Do
9 you see that, Ms. Keith?

10 A. Yes.

11 Q. Do you know who actually requested and ordered this
12 independent review?

13 A. I believe Sheriff Glanz did that because he wanted -- he
14 had gone through some staff changes and I think he wanted to
15 have somebody look at what was going on in his operation.

16 Q. Sheriff Glanz himself asked, let's look at us A to Z by
17 an outside agency, didn't he?

18 A. As I recall, yes.

19 Q. Yeah. Let's look at the page counsel asked you about,
20 which is page 182.4. Okay. And it talks about --

21 MR. BREWSTER: If I could, could you just blow up
22 the first paragraph, Tracy?

23 Q. (BY MR. BREWSTER) It says -- would you read the last
24 line of what the mission or the summary is in the first
25 paragraph?

1 A. "One of the primary goals of this management review is to
2 enhance efficiency, improve performance, and enable agency
3 accountability."

4 Q. Okay. And I know you've read the first page and counsel
5 talked about a decade of decline. Is there any criticisms
6 whatsoever on this page about the medical unit at the jail?
7 Take your time and read through the page.

8 A. Can you shrink it?

9 Q. Okay. Yeah. I'm sorry. Would you like to see the
10 actual -- is there any reference at all about the medical unit
11 at the jail?

12 A. I can't see this. But no, it does not appear to have
13 anything on medical.

14 Q. If I could just briefly --

15 MR. BREWSTER: Trace, could you give us the third
16 full paragraph?

17 Q. (BY MR. BREWSTER) It says, does it not -- this document
18 counsel had shown you ordered by Mr. Glanz or asked for it --
19 "A focus of this analysis was to identify strategic
20 opportunities, improve efficiencies, and demonstrate" --

21 A. "Transparency."

22 Q. During your time working with Sheriff Glanz -- and I know
23 you've been a commissioner since '08, and let's talk about
24 '08 -- have you found him to be a man that wanted transparency?

25 A. Yes.

1 Q. Have you found him to be to you directly truthful and
2 respectful and forthcoming on anything you've ever asked him?

3 A. Yes.

4 Q. Any question whatsoever?

5 A. Yeah. We had a working relationship. We worked together
6 to pass the Family Justice Center as well as getting the mental
7 health pods because we were both very concerned about the
8 number of mentally ill coming into our jail.

9 Q. I want you to talk about -- a little bit about the man
10 you were working with regard to that. You said you worked
11 together on both the juvenile and the mental health pods;
12 right?

13 A. That's correct.

14 Q. Tell the ladies and gentlemen of the jury your
15 interaction with the sheriff and each of your concerns about
16 the number of people coming into the jail with mental health
17 issues?

18 MR. DAN SMOLEN: Your Honor, I just have an
19 objection to time frame.

20 MR. BREWSTER: Okay. We'll confine it.

21 THE COURT: Sustained.

22 MR. BREWSTER: We'll confine it from -- oh, thank
23 you. He's been asking questions all along through '15 and '16.

24 Q. (BY MR. BREWSTER) Let's confine it from '08 through,
25 let's say, '12, those four years.

1 A. Well, I mean, we had all become acutely aware that our
2 county jails had become the de facto mental health providers,
3 and really that's -- that's true across the country. A lot of
4 -- and particularly here in the state, we closed down all those
5 mental health facilities, and the sheriff early on recognized
6 that that is not the best way for us to take care of our
7 mentally ill. They come in off the street and we put them in a
8 jail cell, that's not -- that's not the best thing we can do
9 for them.

10 So in an effort, we decided we wanted to do something
11 that was pretty cutting-edge. I say "we." This is the sheriff
12 and some of his staff who thought these mental health pods
13 would be a good thing for us to do. And we really are -- and I
14 believe in passage of this, we have a lot of jails across the
15 country looking at what we're doing and I'm really grateful
16 that they'll be opening soon.

17 But it was a team effort to go out and pass -- we had
18 to speak to people all over the community to talk -- talking
19 about what the issues were, and certainly the Family Justice
20 Center was something that I was absolutely passionate about.

21 MR. DAN SMOLEN: Your Honor, I'm just going to
22 object to the extent that I don't believe it was responsive to
23 the time frame that Mr. Brewster was asking about. The mental
24 health pods are something that they tried to do within the last
25 year.

1 THE COURT: All right. You can deal with that with
2 redirect.

3 Q. (BY MR. BREWSTER) You didn't see it -- well, let me just
4 you ask this.

5 You didn't see his heart and his mind-set for helping
6 others change at any time from '08 to the present-day in this
7 man, Stanley Glanz, trying to help others, did you?

8 A. No, sir.

9 Q. And was he the one -- and you just tell me because I've
10 not asked you these questions -- was he the one that worked
11 with you very closely to try to help the people that were
12 coming into the jail with mental health issues?

13 A. Yes.

14 Q. And with regard to juveniles, I know that was -- I know
15 -- juveniles, too, people that were encountering the criminal
16 justice system, did he work with you on that to try to help and
17 solve that problem?

18 MR. DAN SMOLEN: Relevance.

19 MR. BREWSTER: He's called him indifferent and I
20 know who he is.

21 THE COURT: Whoa.

22 MR. BREWSTER: I'm sorry, Your Honor.

23 Q. (BY MR. BREWSTER) Go ahead.

24 MR. DAN SMOLEN: I just want to be able to redirect
25 on this if he opens the door to it. That's all.

1 THE COURT: All right. Sustained.

2 MR. BREWSTER: Sustained?

3 THE COURT: Yes.

4 Q. (BY MR. BREWSTER) Okay. All right. With regard -- and
5 I just want to know a little bit about what you do as a
6 commissioner -- but with regard to your understanding when the
7 sheriff's office took the jail back from the correctional
8 company that was running it before -- do you understand what
9 I'm saying?

10 A. Yes.

11 Q. -- there was a decision to have a private medical clinic
12 staffed by somebody other than sheriff staff; right?

13 A. You know, that all happened before I got there.

14 Q. Oh, did it? Okay. You didn't get there until '08;
15 right?

16 A. Yeah.

17 Q. In '08, though, you became aware of that; right?

18 A. Yes.

19 Q. All right. And were you aware that the sheriff and his
20 staff had regular oversight through audits of the jail medical
21 unit by outside national agencies?

22 A. Yes, I know he sought out those audits.

23 Q. And were you aware that, for example, in 2011 that the
24 Tulsa jail, David L. Moss, is really one of the few in the
25 nation that had Triple Crown compliance of accreditation with

1 three agencies?

2 A. Yeah. Specific to that one, I don't recall exactly, but
3 I know that's --

4 Q. That's what occurred.

5 A. I mean --

6 Q. And who was -- who was asking outside agencies, such as
7 the American Correctional Association, to come in and review
8 the jail? who was doing that?

9 A. The sheriff.

10 Q. And who was asking the outside agency of the NCCHC, that
11 looks specifically at medical units and jails and prisons, to
12 come in and review?

13 A. The sheriff.

14 Q. And who was asking CALEA, the law-enforcement agency, to
15 come in and review operations and give insight and input?

16 A. The sheriff.

17 Q. And who was asking outside consultants, like Betty
18 Gondles, to come in and take a look and tell us what we can do
19 better and how we hold them accountable?

20 A. The sheriff.

21 Q. And who asked for this CSI review for transparency to see
22 whether we can improve and get better?

23 A. That was the sheriff.

24 Q. And who asked in the fall of '11, and actually at the
25 time that Mr. Williams was in the jail, for a local doctor to

1 come in and review any mortality and morbidity review, what was
2 going on in the unit? That man's name was Dr. Roemer. Do you
3 know who asked him?

4 A. I'm going to assume that the answer to that is the
5 sheriff.

6 Q. Or the undersheriff?

7 A. Or the undersheriff. I don't know on that one. So --

8 Q. Okay. As a matter of fact, it came to be that in -- you
9 mentioned the RFP process and that's where you -- the county
10 can't operate and do everything with its own employees; right?
11 You know that?

12 MR. DAN SMOLEN: Objection.

13 MR. BREWSTER: All right. I'll draw it out.

14 THE COURT: All right. Sustained.

15 MR. BREWSTER: It might be a little conclusory. I'm
16 just trying to do it quickly.

17 Q. (BY MR. BREWSTER) Is it true that, for example, with
18 road construction the county has contractors?

19 A. Yes.

20 Q. And you know, as a matter of fact, the county has a lot
21 of private contractors that operate for the benefit of the
22 county through contracts; right?

23 A. Correct.

24 Q. And for that process to occur, there are conditions set
25 forth, what you have to do, and that's let out, then people are

1 called --

2 A. Respond.

3 Q. -- to respond, and you have options sometimes; right?

4 A. Yes.

5 Q. And when somebody responds to that RFP and says, this is
6 who we are and this is what we can do, that's reviewed
7 carefully; right?

8 A. Yes. Our purchasing -- head of purchasing goes through
9 all of that, and we have somebody in the D.A.'s office who also
10 looks at all of that.

11 Q. And in addition, for example, like the Criminal Justice
12 Authority, they have their own private counsel that reviews it
13 too; right?

14 A. Yes.

15 Q. All right. So there's more than a set of eyes on these
16 contracts to see whether they can comply; right?

17 A. Yes, sir.

18 Q. And we've talked a lot about CHC and whether they would
19 have been a good choice. I know this is slightly before your
20 time but I want to talk about during your time, okay?

21 A. Yes.

22 Q. They say, this is where we're operating around the
23 country, different jails; right?

24 A. Correct.

25 Q. And this is who's accepted us, these are our references?

1 MR. DAN SMOLEN: Objection; foundation. It's all
2 leading. If he wants to ask her if she has knowledge about, my
3 understanding was that she didn't.

4 MR. BREWSTER: I can go differently and I think it
5 was leading.

6 THE COURT: Sustained.

7 MR. BREWSTER: I'm trying to be efficient and
8 respectful of the time being spent by everybody in this
9 courtroom, but I'll be less leading, Your Honor. I apologize.

10 THE COURT: All right.

11 Q. (BY MR. BREWSTER) In an RFP, if an applicant makes an
12 application to try to get that contract, is there a history of
13 performance or experiential listing as where they're operating?

14 A. That's always part of the process.

15 Q. Right. And do you know, as part of the process -- maybe
16 you don't personally do it -- but do you know, as part of the
17 process, the people that review that, check, call, verify, or
18 not?

19 A. Absolutely.

20 Q. Okay. And as a matter of fact, do you know that CHC had
21 been operating in a number of other jails and prisons as the
22 medical provider?

23 A. I know that they do that. I mean, at the time, yeah.

24 Q. All right. Have you ever visited the jail when they told
25 you you couldn't as a commissioner?

1 A. No.

2 Q. Have you and others ever gone over and did a tour where
3 you felt that somebody was trying to conceal something from you
4 or lie to you in some way?

5 A. No.

6 Q. Specifically, I know you said at least annually you would
7 go over. You wouldn't go by yourself; right?

8 A. No.

9 Q. Who would you go with?

10 A. My chief deputy would generally go. I mean, sometimes
11 there would be other staff. And I was always encouraging all
12 of the members of the trust authority to go tour the jail.

13 Q. And did they as well?

14 A. Most of them did but not everyone.

15 Q. Okay. What about your other two commissioners?

16 A. They annually do the tour.

17 Q. And would you do it separately?

18 A. Yes.

19 Q. Okay. So there would be -- because of open meeting laws,
20 right you couldn't go together? Right? Is that right?

21 A. Well, I mean, the trust authority actually has enough
22 members; I suppose it could. But because some of it crosses
23 into -- we just try to be careful.

24 Q. Okay. That's fair enough. And so when you went over,
25 did you look at the medical unit?

1 A. We did.

2 Q. And I know you don't have medical training, but did you
3 see anything that caused you concern that would -- that would
4 cause you to ask questions?

5 A. I mean, no. Nothing specific, no, sir.

6 Q. Were -- okay. And I understand it's a duty to inspect.
7 Do you know how many bookings there were at the -- he asked you
8 about knowing all the prisoners -- but how many booking there
9 is a year at Tulsa County David L. Moss?

10 A. 35,000.

11 Q. How about 29,000?

12 A. Twenty-nine.

13 MR. DAN SMOLEN: Your Honor, he's just asking
14 questions and giving the answer. She either does know or she
15 doesn't know. Object.

16 THE COURT: Sustained.

17 Q. (BY MR. DAN SMOLEN) You said thirty-some thousand. I
18 think they went up.

19 A. Yeah.

20 Q. So if there's a list of everybody that's been through the
21 jail that they gave you --

22 A. Yeah.

23 Q. -- let's say 29,000 people --

24 A. Yeah. I like that number better.

25 Q. But you didn't look at every name?

1 A. That's correct.

2 Q. Okay. Counsel asked you about this report from
3 Mrs. Gondles. I know it's in '09 and I think he actually drew
4 out an exhibit. It's Exhibit No 147. If that's before you, I
5 would just like to ask a couple of questions. Do you have it?

6 A. Do you want me to pull it out?

7 Q. Yeah, if you don't mind. It's 147. And if I could get
8 you to look at that front page, you see it's a letter?

9 A. Yes.

10 MR. BREWSTER: Could you pull it up, Trace, for us
11 just so we can lay any issues to rest here?

12 Q. (BY MR. BREWSTER) This is the cover letter to
13 Ms. Gondles' report. Are you familiar with that, Ms. Keith?

14 A. Yes.

15 Q. Okay. And this would have been, just so we know, a
16 report that Mr. Glanz or his staff asked an independent
17 consultant to provide?

18 A. Say that again. I'm sorry.

19 Q. Yeah. I'm saying, Mr. Glanz or his staff asked for this
20 lady to come in, this Ph.D, and look at the medical unit in
21 2009?

22 A. Yes.

23 MR. DAN SMOLEN: Objection; leading. She's already
24 testified she didn't know they -- how they were brought in or
25 why.

1 THE COURT: I'll allow it.

2 Q. (BY MR. BREWSTER) Okay. My question to you is this:
3 Did you know that, notwithstanding this letter and this report,
4 Ms. Gondles continued to consult over a number of years dealing
5 with her recommendations and how we could better make our
6 medical unit?

7 A. I did not know that was ongoing.

8 Q. Okay. Counsel asked you some questions about the video.

9 A. Yes, sir.

10 Q. And was it about ten minutes that you saw?

11 A. Something like that.

12 Q. And this is the ten-minute video counsel uploaded for the
13 media on his web site. Is that where you saw it or did you see
14 it independent of that?

15 MR. DAN SMOLEN: Your Honor, I'm going to object to
16 that. It was actually a court exhibit in the summary judgment
17 that was released and the Tulsa world obtained it through the
18 court record.

19 MR. BREWSTER: Yeah. It was uploaded on his web
20 site.

21 THE COURT: Sustained.

22 MR. DAN SMOLEN: Your Honor, this has got to -- this
23 needs to stop, and I ask that he be admonished or that it be
24 stricken from the record.

25 THE COURT: No speaking objections and no speaking

1 to counsel, speak to the judge.

2 MR. BREWSTER: I think that's well taken and I'll do
3 better, Your Honor. I apologize.

4 Q. (BY MR. BREWSTER) But the ten minutes, do you think that
5 -- did you have an opportunity to interview any nurses or
6 doctors or detention officers that were there?

7 A. No, sir.

8 Q. All right. And did you understand that when this
9 gentleman died that a thorough investigation was requested by
10 the sheriff?

11 MR. DAN SMOLEN: Your Honor, it's all leading. This
12 is all leading.

13 THE COURT: Sustained.

14 Q. (BY MR. BREWSTER) What do you understand with regard to
15 the sheriff's response to Mr. Williams dying?

16 A. That an investigation was underway.

17 Q. All right. Literally the next day; right?

18 A. Yes.

19 Q. Okay. And so I want to -- I know you saw this ten
20 minutes. Do you know that that ten minutes was edited?

21 MR. DAN SMOLEN: Your Honor, I mean, I think that
22 the jury can infer that it was edited because we haven't sat
23 here for hours and watched --

24 MR. BREWSTER: Judge, this is -- I thought I heard
25 you say no speaking objections. Maybe I didn't hear that.

1 MR. DAN SMOLEN: I would just object to the
2 insinuation that it's somehow been edited to reflect something
3 that didn't happen. We can't watch the 51-hour time over and
4 over and over.

5 THE COURT: Overruled, overruled.

6 Q. (BY MR. BREWSTER) All right. Just so that I -- I don't
7 want to insinuate it was edited. I want to express to you that
8 it was edited, okay? Is that what you saw?

9 A. Yes, sir.

10 Q. All right. Counsel asked you about this memo from Andrea
11 Wyrick. Do you see that?

12 A. Yes.

13 Q. I know that you weren't part of it, but did you feel it
14 demonstrated the kind of thought process -- thought processes
15 and consciousness of people trying to figure out what went
16 wrong and to do the right thing?

17 A. Yes.

18 Q. Thank you for your time.

19 MR. BREWSTER: That's all, Your Honor.

20 THE COURT: All right.

21 MR. DAN SMOLEN: A few more quick ones.

22 REDIRECT EXAMINATION

23 BY MR. DAN SMOLEN:

24 Q. Ms. Keith, Mr. Brewster asked you if you could look at
25 Exhibit 182.

1 (Discussion held off the record)

2 Q. (BY MR. DAN SMOLEN) You said that you didn't see
3 anything in there that indicated that there was a problem with
4 the detention division.

5 MR. BREWSTER: Said medical unit, Your Honor.

6 Q. (BY MR. DAN SMOLEN) The medical unit within the
7 detention division.

8 THE COURT: One second. That will be stricken. And
9 you may proceed.

10 Q. (BY MR. DAN SMOLEN) Ma'am, you were asked about whether
11 or not you saw anything specifically in 182 that referenced the
12 medical unit; correct?

13 A. Correct.

14 Q. And you understand that that is in the detention division
15 of the Tulsa County Sheriff's Office; correct?

16 A. It's in the medical unit.

17 Q. Right. Which is part of the detention division of the
18 sheriff's office; correct?

19 A. Well, we refer to it as the medical unit.

20 Q. I know. But you understand it's part of the detention
21 division because it's in the jail; correct?

22 A. Well --

23 Q. Which is why the sheriff has the statutory obligation to
24 make sure that it's happening right.

25 A. When it's referenced it's the medical unit.

1 Q. Okay. Ma'am --

2 A. That's -- to the best of my knowledge, that's how it's
3 referred to.

4 MR. DAN SMOLEN: It's above that, Simon. It's the
5 paragraph above that.

6 Q. (BY MR. DAN SMOLEN) It actually says here at the bottom
7 where it says, "The reserve program with its disregard for
8 proper policies, procedures, supervision, and administrative
9 controls was simply the most visible manifestation of a
10 system-wide failure of leadership and supervision"; correct?

11 A. This -- you're referring to the reserve program?

12 Q. No. I'm referring to --

13 A. That says "the reserve program."

14 Q. Yeah. And that's saying that that was simply the most
15 visible manifestation of the system-wide failure; correct?

16 A. Yes.

17 Q. So it is addressing things like the medical unit when it
18 says "system-wide failure"; correct?

19 A. Well, it's not specific but --

20 Q. Wouldn't it encompass that?

21 A. Well, it could.

22 Q. Okay. So why did you tell the jury that it didn't?

23 A. I read that differently than you did.

24 Q. Well, do we read it the same now?

25 A. I'm just -- it could be -- you could interpret any

1 couple --

2 Q. So a juror -- a juror, if they chose to, it would be
3 reasonable for them to interpret this to be system-wide failure
4 which would include the medical unit; yes?

5 A. You could read it that way.

6 Q. Okay. Mr. Brewster asked you about the 30,000 or 29,000
7 people that were booked in and booked out of the jail every
8 year, and you guys kind of went, no, of course not, we didn't
9 look at those names; right? That was your answer?

10 A. Earlier we were talking about --

11 Q. Yeah. When Mr. Brewster was asking you about --

12 THE COURT: Let her answer. You may go ahead.

13 A. Thank you. Earlier we were talking about the stack that
14 looks like this that comes in and it has everybody listed. And
15 to just simply read every single one of those, I'm not sure how
16 much you're going to derive from their care.

17 Q. (BY MR. DAN SMOLEN) Well, exactly. But did you ever
18 say, hey, sheriff's office, could you please show me the dozen
19 or so inmates who have died preventible deaths this year so I
20 could at least review those?

21 MR. BREWSTER: Your Honor, that's a false statement.
22 I object to the foundation on that.

23 THE COURT: Overruled.

24 A. In the Jail Trust Authority meetings, anytime there is an
25 incident in the jail, they would bring that information to us.

1 Q. (BY MR. DAN SMOLEN) Okay. And my question is, and you
2 were aware, were you not, of the numerous preventible deaths
3 that were occurring in the jail between 2008 and 2014?

4 A. Well, I never heard them referred to as just preventible
5 -- the "numerous preventible deaths," not in that language, no,
6 sir.

7 Q. Okay. Well, you know Mr. Roemer, who Mr. Brewster asked
8 you about, that's what he called them? Did you know that?

9 A. No.

10 Q. Okay. I mean, I'm not saying, hey, review all 30,000 of
11 the bookings, but at least the people who died; right? At
12 least the 30-plus people that died over there, maybe review
13 those files; right?

14 MR. BREWSTER: Your Honor, this is a complete false
15 premise for the question. I object to it.

16 THE COURT: Overruled.

17 Q. (BY MR. DAN SMOLEN) As a county commissioner, do you
18 know --

19 THE COURT: Overruled.

20 Q. (BY MR. DAN SMOLEN) Can you answer, ma'am?

21 A. Say it -- repeat your question.

22 Q. Sure. Maybe you don't go through every inmate's file
23 that was booked in over there, but it's not that hard to look
24 at the 30 or so people who have died there to see what
25 happened, is it?

1 MR. BREWSTER: Object to the premise, Your Honor.
2 It's false.

3 THE COURT: Overruled. Go ahead.

4 A. Again -- thank you. Again, when an incident happens in
5 the jail, we are informed of what happened.

6 Q. (BY MR. DAN SMOLEN) So you've been informed all along
7 about all of this stuff; is that your testimony?

8 MR. BREWSTER: Object to the foundation of the
9 question, all of this stuff.

10 THE COURT: Overruled.

11 A. I mean, if you look overall at the rate of deaths in our
12 jail, it's very low compared to other jails across the country.

13 Q. (BY MR. DAN SMOLEN) Okay. What evidence do you have of
14 that? That's what I want to know. You say that as if it's --
15 it's absolutely the truth, but what have you looked at to
16 determine that?

17 A. Well, it is my understanding that that is the case.

18 Q. Based on what?

19 A. Just what I've been told.

20 Q. By who?

21 A. Sheriff, sheriff staff.

22 Q. Okay. So the sheriff said, look, we're one of the best
23 jails in the country, Ms. Keith, don't you know that? And you
24 say, okay, sheriff, we're one of the best in the country.

25 That's the extent of the review that you've done?

1 A. That's just one incident.

2 Q. Well, what are the other -- what's the data -- when you
3 say to a jury, we're one of the safest, best model jails in the
4 United States of America, I want to know everything that you're
5 basing that statement on other than the fact that the sheriff
6 just told you so?

7 MR. BREWSTER: This is outside the scope, Your
8 Honor.

9 THE COURT: Overruled.

10 A. I don't even know how to respond to that, sir.

11 Q. (BY MR. DAN SMOLEN) Truthfully. That's how you respond
12 to it.

13 A. Well, I mean, it's my understanding we are like -- oh, I
14 can't -- I'm not very great with numbers, as you know so -- but
15 our percentage is far, far lower than other jails across the
16 country and --

17 Q. Who -- what information are you basing that on? That's
18 all I'm asking you.

19 MR. BREWSTER: Please allow her to respond, Your
20 Honor, before he interrupts her.

21 THE COURT: Overruled.

22 A. I think I finished --

23 Q. (BY MR. DAN SMOLEN) Just --

24 A. -- my response.

25 Q. -- the sheriff telling you that?

1 A. Yes, sir.

2 Q. You don't know what the percentage is compared to other
3 jails, do you?

4 A. well, I read -- you know, I read a lot but it's --
5 there's --

6 Q. what's the percentage difference between -- how much
7 better is our jail than the other jails that you're talking
8 about?

9 A. Oh, I think -- well, I can't be sure of the numbers, but
10 it's like we're at 8 percent low, we're in the low end,
11 something like that, of deaths in jails. And I could be wrong
12 about that but --

13 Q. Then why are you telling the jury that? That's my point.

14 A. You're asking me what I recall and that is what I convey.
15 I'm not saying it's fact. I'm just saying it's what I believe.

16 Q. Because it's convenient to believe that, isn't it?

17 MR. BREWSTER: Your Honor, this is cumulative and
18 argumentative.

19 THE COURT: Sustained. Another question.

20 Q. (BY MR. DAN SMOLEN) why not take the steps to actually
21 find out?

22 MR. BREWSTER: We've got the statistics, if he wants
23 to see them.

24 Q. (BY MR. DAN SMOLEN) why not actually take steps to find
25 out if what the sheriff is telling you is true? Isn't that

1 what you get paid to do?

2 MR. BREWSTER: Objection; argumentative.

3 THE COURT: Overruled.

4 A. Again, we rely on the sheriff to do his job at the jail.

5 Q. (BY MR. DAN SMOLEN) You understand that Mr. Brewster
6 when he's asking you about all of these audits and the sheriff
7 and how great a heart he had, asking these people to come in
8 and do these audits, do you recall that line of questioning?

9 A. Yes.

10 Q. Okay. Whose job was it to read the reports once they
11 were paid for?

12 A. Well, I'm certain -- quite certain the sheriff read every
13 word and they -- the reports, we would get summaries in the
14 Jail Trust Authority.

15 Q. And whose job was it to take action? Beyond just asking
16 to identify problems, don't you agree that the other end of
17 that is actually doing something to address the problems that
18 have been identified?

19 MR. BREWSTER: Your Honor, this is outside the scope
20 and argumentative.

21 THE COURT: Overruled.

22 A. I think that would have been advisable.

23 Q. (BY MR. DAN SMOLEN) Then why didn't it happen?

24 MR. BREWSTER: Objection; assumes facts not in
25 evidence.

1 THE COURT: Overruled.

2 A. I'm -- I don't think that you could say in every instance
3 it didn't happen.

4 Q. (BY MR. DAN SMOLEN) I actually can because I've reviewed
5 all the reports, saw the deficiencies identified year after
6 year after year.

7 MR. BREWSTER: Your Honor, that's personal testimony
8 from counsel.

9 THE COURT: I understand. But -- sustained,
10 sustained.

11 Q. (BY MR. DAN SMOLEN) Okay. Can you, as a county
12 commissioner, identify anything that was remedied that had been
13 identified in all of these reports that Mr. Glanz had
14 conducted?

15 A. Not specifically.

16 Q. Okay. And that's your job to know that; right? It's not
17 my job, it's your job; right?

18 MR. BREWSTER: This is argumentative, Your Honor.

19 THE COURT: Overruled.

20 A. We rely on the sheriff to run the jail, sir.

21 MR. DAN SMOLEN: One minute, Your Honor.

22 THE COURT: Mr. Smolen, is this a good time for a --

23 MR. DAN SMOLEN: I only have a couple more.

24 THE COURT: All right.

25 MR. DAN SMOLEN: I know I've said that before. I

1 promise this time.

2 (Discussion held off the record)

3 THE COURT: well, I'm sort of inclined to let you
4 guys get situated --

5 MR. DAN SMOLEN: Okay.

6 THE COURT: -- and so we'll let the jury go out.

7 MR. BREWSTER: Can we just get her out of here and
8 not make her come back after lunch?

9 THE COURT: well --

10 MR. DAN SMOLEN: I've got five minutes. I promise,
11 Your Honor.

12 (Discussion held off the record)

13 THE COURT: All right. If you want to, let's get
14 five minutes and then the bell tolls, okay?

15 THE WITNESS: For whom?

16 Q. (BY MR. DAN SMOLEN) Ma'am, if you would, look at
17 Plaintiff's Exhibit 33.

18 MR. BREWSTER: Judge, no reference was made in cross
19 on that. I was very short in my cross --

20 THE COURT: well, hold it.

21 MR. BREWSTER: I would object to questions being
22 asked on this.

23 THE COURT: All right. I have to see it.

24 Q. (BY MR. DAN SMOLEN) Ma'am, you understand that CHC is an
25 agent of the county, correct --

1 MR. BREWSTER: Object.

2 Q. (BY MR. DAN SMOLEN) -- contractually?

3 MR. BREWSTER: Legal conclusion.

4 Q. (BY MR. DAN SMOLEN) Contractually?

5 MR. BREWSTER: Object to the legal conclusion of --

6 THE COURT: Sustained.

7 Q. (BY MR. DAN SMOLEN) Ma'am, look at page 12 of Exhibit
8 33.

9 MR. BREWSTER: Your Honor, we need to approach
10 briefly on -- I don't want to make a statement that's
11 elaborated on the record without making -- to interpose my
12 objection.

13 THE COURT: All right.

14 (Bench conference)

15 MR. DAN SMOLEN: This is the last question I'm going
16 to ask her about.

17 THE COURT: What is -- this is 33?

18 MR. DAN SMOLEN: Yeah. And it's the 2010 contract.

19 THE COURT: Oh, I see. Okay. All right.

20 MR. BREWSTER: This is what he's saying doing. He
21 has honestly no expert that testified that we were deliberately
22 indifferent to the medical-care provider, so he's going to try
23 to slide in some respondeat superior agency theory. He's
24 saying that throughout to the jury. They also say the word
25 "ensure," you needed to ensure that, you needed to ensure that.

1 This is the agency respondeat superior. That's an improper
2 standard.

3 Your instruction will say there's no respondent,
4 there's no agency. You have to show constitutional
5 deprivation. So this is just an attempt to get into irrelevant
6 material, especially outside the scope of any cross. I did not
7 ask any questions about that and it is improper. Agency is not
8 relevant.

9 MR. DAN SMOLEN: He did ask questions. He said,
10 ma'am, is it your understanding that the sheriff brought in a
11 private medical provider to do these things so that he's not
12 doing them? And they can't -- they can't argue that when both
13 contractually they have a contractual obligation and
14 acknowledge that it's an agency relationship. Additionally,
15 they have a statutory obligation and constitutional obligation.

16 THE COURT: All right. I'm going to allow it.

17 MR. BREWSTER: But you see how it confuses the
18 issues? You're just going to have to be good in your
19 instructions.

20 THE COURT: I will.

21 (Bench conference concluded)

22 Q. (BY MR. DAN SMOLEN) Mr. Brewster asked you about what
23 the sheriff did about bringing in private medical providers;
24 right?

25 A. Yes.

1 Q. Okay. And your name literally is about an inch below
2 this paragraph signed off on; correct?

3 A. Yes.

4 Q. So you were aware, were you not, that CHMO/CHC was acting
5 on behalf of and as an agent for the Tulsa County Sheriff's
6 office and the Board of County Commissioners?

7 MR. BREWSTER: Objection; relevancy to this case.
8 Has no relevancy whatsoever and confuses the issues.

9 THE COURT: Overruled.

10 A. It is as it's stated on this document.

11 Q. (BY MR. DAN SMOLEN) And you understood that to be the
12 contractual arrangement at the time you signed the document;
13 yes?

14 A. I read it as it is on this document.

15 Q. And so you understand --

16 A. I'm not a lawyer. So exactly, you know -- but I just --
17 I read it as it is on this document.

18 Q. And you're not telling the jury something different than
19 this, are you?

20 A. No.

21 Q. Okay. Is what happened to Elliott Williams something
22 that other jails should look for as a model example of inmate
23 healthcare?

24 MR. BREWSTER: Your Honor, I didn't ask any
25 questions along these lines on cross.

1 MR. DAN SMOLEN: He asked about our jail being a
2 model jail.

3 MR. BREWSTER: No, I didn't ask any questions about
4 Elliott Williams or the video. It's outside the cross.

5 THE COURT: Sustained.

6 Q. (BY MR. DAN SMOLEN) What about the Elliott Williams
7 video did you find to be cutting-edge?

8 A. That's a terrible question.

9 Q. Right. You said that our sheriff has been looked at as a
10 sheriff who was cutting-edge with respect to mental health and
11 inmate care; correct?

12 A. I don't know how you could equate that with the video --

13 Q. That's why I'm asking you. Why did you believe -- why
14 are you telling the jury that our sheriff was cutting-edge when
15 it came to inmate care, healthcare, mental health, when, in
16 fact, the video depicts quite the opposite?

17 A. Because it's my -- I believe he always thought -- had the
18 best standards possible.

19 Q. You can have the best standards possible, but you'd agree
20 with me that you actually have to follow the standards that you
21 have before it actually works; right?

22 A. Would you --

23 Q. Sure. I can have book after book after book of policies
24 and standards and accreditation, but if I don't follow them,
25 they're worthless; agreed?

1 MR. BREWSTER: Your Honor, this is argumentation.

2 THE COURT: Overruled.

3 Q. (BY MR. DAN SMOLEN) Would you agree with that?

4 A. I certainly hope to follow them, yes.

5 Q. I mean, that's why you have them; right?

6 A. Sure.

7 Q. Were you aware that the sheriff was ordering the
8 falsification of medical charts --

9 MR. BREWSTER: Judge --

10 Q. (BY MR. DAN SMOLEN) -- so that they could pass audits?

11 MR. BREWSTER: -- this is truly outrageous.
12 Objection; outside the scope and the foundation.

13 MR. DAN SMOLEN: He asked her about the audits and
14 why he was doing it and it was a good heart.

15 THE COURT: Overruled.

16 Q. (BY MR. DAN SMOLEN) Were you also aware that the sheriff
17 was directing the falsification of medical charts and the
18 manipulation of the auditing process so they could receive the
19 Triple Crown accreditation?

20 MR. BREWSTER: False premise for the question.
21 Nobody's testified to --

22 THE COURT: Overruled.

23 A. No.

24 Q. (BY MR. DAN SMOLEN) Would that change your opinion about
25 how the sheriff was doing this because he had a good heart and

1 cared about the inmates?

2 A. I don't have any evidence --

3 Q. You would have if you had read the depositions in the
4 lawsuits.

5 MR. BREWSTER: Judge, I object to that.

6 THE COURT: Sustained.

7 MR. DAN SMOLEN: I'll pass the witness.

8 THE COURT: All right.

9 RE CROSS-EXAMINATION

10 BY MR. BREWSTER:

11 Q. Ma'am, just one question. Counsel had asked you about
12 some provision about your signature on Exhibit 31. Do you
13 remember he asked that?

14 A. Yes.

15 Q. And it cites a statutory authority dealing with custodial
16 costs of inmates, Title 19, Section 746, agent for custodial
17 costs. Do you know anything about the statutory authority of
18 that provision?

19 A. No, sir.

20 Q. All right. And as a matter of fact, doesn't the contract
21 -- and if you don't know, it's okay -- expressly state --

22 MR. DAN SMOLEN: Where are you, Mr. Brewster, in the
23 contract, please?

24 Q. (BY MR. BREWSTER) If you're aware, Ms. Keith, let me ask
25 you: Are you aware the contract expressly states that CHC

1 would not be an agent of the Board of County Commissioners?

2 MR. DAN SMOLEN: Where are we at in the contract?

3 Q. (BY MR. BREWSTER) Are you aware of that?

4 MR. DAN SMOLEN: I just want to know where he is in
5 the contract.

6 THE COURT: Right.

7 A. I don't recall.

8 Q. (BY MR. BREWSTER) You don't know one way or the other?

9 A. I don't recall.

10 Q. That's okay. That's fine. Thank you very much.

11 MR. DAN SMOLEN: I'd ask that -- I'm going to object
12 to that statement as opposed to a question.

13 MR. BREWSTER: I'll show it to Your Honor, if you'd
14 like. I'm done.

15 THE COURT: Yeah. I want you to provide -- let's
16 come up. I want to know what that was, what page.

17 (Bench conference)

18 MR. BREWSTER: Very specifically it states that they
19 are not the agent of the county commissioners.

20 MR. DAN SMOLEN: Where are we at.

21 MR. BREWSTER: 11.1.

22 MR. DAN SMOLEN: What --

23 THE COURT: This is what exhibit?

24 MR. BREWSTER: This is Exhibit 32.

25 MR. DAN SMOLEN: Thirty-three?

1 MR. BREWSTER: Thirty-two, yeah. 11.1. Very clear.

2 And then the agency question -- and you permitted him
3 to ask this and I don't think it's relevant and I think it's
4 confusing -- only for getting residential costs back in a
5 medical care setting.

6 THE COURT: Stay on this for a second.

7 MR. BREWSTER: Okay.

8 THE COURT: What is OCSO?

9 MR. BREWSTER: This is a standard guide for jail
10 standards.

11 MR. DAN SMOLEN: It's actually the Oklahoma County
12 Sheriff's Office but they were too lazy to change the contract
13 to TCSO.

14 MR. BREWSTER: Might be correct. And it refers to
15 the jail. And then the only time there's an agency is when it
16 relates to the recovery of inmate costs that are recoverable
17 from the provider, and they have a right to be the agent to get
18 that money back from an insurance provider.

19 THE COURT: All right.

20 MR. BREWSTER: He let the jury think that suddenly
21 this contract made them respondeat superior in a vicarious
22 liability situation which was totally prejudicial and actually
23 inaccurate.

24 THE COURT: Okay. Response?

25 MR. DAN SMOLEN: Well, I think that the contract

1 clearly defines what the relationship is, what the obligations
2 are in the contract. And, again, I think that it says that you
3 have the -- it should say TCSO policies; it's referring to
4 Oklahoma County.

5 But the fact of the matter is, she doesn't know the
6 answer to the question anyway. What's improper is to insinuate
7 something that she doesn't know is true so that the jury is
8 left with this idea that what Mr. Brewster said is an accurate
9 statement.

10 MR. BREWSTER: No, Judge. He's missing the point.
11 He read from the contract suggesting they were agents. The
12 agency refers to a statute that allows them to recover medical
13 expenses from insurers. I can show you the statute. It has
14 nothing to do with an agency relationship with the sheriff's
15 office. He read that in as if it were, I objected, you
16 permitted it, and all I wanted to do was show the provision
17 that says expressly we're not their agent. That's it.

18 MR. DAN SMOLEN: But that's not what it says, Clark.
19 It says that nothing shall be construed to allow BOCC to
20 exercise control or direction over the manner or methods by
21 which CHMO or its contractors perform hereunder. It just says
22 that they're not expressly given the option to exercise control
23 over them.

24 MR. BREWSTER: This is a can of worms that was
25 opened. I don't -- I regret that it happened, but he read above

1 her signature suggesting that they were agents --

2 THE COURT: Okay.

3 MR. BREWSTER: -- for the sheriff's office.

4 So I'll just leave it to you, Your Honor. But the
5 agency only deals with recovery and it's a specific statute.

6 THE COURT: Well, I wish you identified the page at
7 the time. It might have resolved all of this. So --

8 MR. BREWSTER: You're talking to Mr. Smolen?

9 THE COURT: No. He was asking --

10 MR. BREWSTER: I said 11.1.

11 THE COURT: All right. All right. So what say you?

12 MR. DAN SMOLEN: I didn't hear him identify it.

13 MR. BREWSTER: I said 11.1.

14 MR. DAN SMOLEN: But if he would justify it so the
15 jury can at least have that.

16 MR. BREWSTER: Why would we be litigating with a
17 county commissioner in front of a jury about agency in a
18 constitutional deprivation case? Judge, we're so far afield
19 from anything that's relevant today.

20 THE COURT: Well, I don't think it makes -- it's not
21 going to make a big difference in this but --

22 MR. BREWSTER: You're going to instruct them?

23 THE COURT: Yeah. Well, I don't know. We'll see.

24 MR. BREWSTER: All right. I think we're done with
25 her. I just want to --

1 MR. DAN SMOLEN: I'll just defer to what the court
2 thinks is best. I mean, I just -- I didn't know where he was
3 reading from. I was just asking for him to identify --

4 THE COURT: Yeah. Let's leave it where it is.

5 MR. DAN SMOLEN: Okay.

6 THE COURT: Okay.

7 (Bench conference concluded)

8 THE COURT: Ladies and gentleman of the jury, you
9 recall that you are not to discuss this case with anyone or
10 with each other, you must not investigate any aspect of the
11 case on your own, you're not to reach any conclusion until the
12 case has been fully presented, and you should keep an open mind
13 until it is time to deliberate at the conclusion of the case.

14 And please stand as the jury exits.

15 (Jury exits the courtroom)

16 THE COURT: We'll be in recess.

17 (The proceedings were recessed)

C E R T I F I C A T E

I, Brian P. Neil, a Certified Court Reporter for the Northern District of Oklahoma, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes and is a true record of the proceedings held in above-captioned case.

I further certify that I am not employed by or related to any party to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand this 13th day of March 2017.

s/ Brian P. Neil

Brian P. Neil, RMR-CRR
United States Court Reporter

<p>BY MR. BREWSTER: [2] 118/23 150/9 BY MR. DAN SMOLEN: [1] 134/22 DEPUTY COURT CLERK: [1] 4/11 MR. BREWSTER: [279]</p> <p>MR. DAN SMOLEN: [148] 4/9 4/20 6/13 7/22 18/7 18/9 22/12 27/21 28/21 29/7 29/10 34/5 36/14 43/9 44/11 45/9 46/15 47/4 47/8 47/10 47/13 47/18 47/20 48/9 48/12 48/18 49/24 51/12 51/15 54/22 58/10 60/24 61/3 61/6 61/21 61/24 62/7 62/14 62/18 63/3 63/7 63/16 65/25 66/17 69/5 70/21 70/23 73/25 74/16 75/6 75/11 75/16 75/20 75/22 76/2 76/8 76/25 77/18 78/11 79/10 85/22 88/8 88/11 91/5 92/2 92/9 95/13 95/18 100/17 102/1 102/4 102/8 103/14 103/22 104/4 104/8 104/15 104/23 105/11 105/16 105/19 105/22 106/20 107/6 107/21 107/24 108/1 108/3 108/11 108/16 108/18 108/22 109/1 111/10 111/16 111/20 112/21 113/6 113/12 113/23 114/3 114/25 115/4 115/17 115/22 117/5 118/1 118/14 121/17 122/20 123/17 123/23 126/11 127/25 130/12 131/22 132/14 132/21 133/10 133/20 133/25 134/20 136/3 143/20 143/22 143/24 144/4 144/9 145/14 145/17 146/8 147/25 149/12 150/6 150/21 151/1 151/3 151/10 151/19 151/21 151/24 152/10 152/24 153/17 154/11 154/13 154/25 155/4 MR. REGALADO: [3] 94/13 94/15 94/17 THE COURT: [294] THE WITNESS: [3] 4/18 93/3 144/14</p> <p>\$</p> <p>\$40 [1] 58/1 \$40 million [1] 58/1 \$50,000 [4] 57/22 58/1 66/21 67/10</p> <p>'</p> <p>'08 [6] 120/23 120/24</p>	<p>121/24 123/6 124/14 124/17 '09 [2] 52/8 131/3 '11 [1] 125/24 '12 [4] 103/10 104/21 104/23 121/25 '13 [4] 103/10 104/21 111/8 113/4 '14 [2] 103/10 104/23 '15 [6] 102/22 103/10 104/6 105/7 105/16 121/23 '16 [2] 61/16 121/23</p> <p>-</p> <p>-vs [1] 1/7</p> <p>1</p> <p>107 [1] 77/24 108 [4] 77/24 78/2 78/6 78/7 109 [3] 79/19 79/21 98/4 11-CV-720-JED-PJC [1] 1/7 11.1 [4] 151/21 152/1 154/10 154/13 110 [2] 2/10 78/25 111 [5] 78/25 79/4 79/20 98/4 100/19 118 [1] 3/6 12 [1] 145/7 12:15 [1] 118/21 12th [4] 114/7 116/5 116/17 116/20 13 [2] 1/16 4/1 1331 [1] 2/7 134 [1] 3/7 13th [1] 156/15 14 [1] 117/9 147 [6] 29/8 29/15 49/23 51/22 131/4 131/7 15 [1] 42/1 150 [1] 3/7 157 [1] 29/15 17 [1] 47/20 17-year-old [1] 46/13 179 [1] 29/19 18 [2] 98/2 98/5 182 [8] 61/25 62/17 63/17 69/5 119/5 119/5 134/25 135/11 182.4 [1] 119/20 19 [2] 54/24 150/16 1910 [1] 7/6 1978 [1] 7/4 1st [1] 7/3</p> <p>2</p> <p>2005 [8] 10/10 11/25 12/17 20/20 21/7 21/17 24/2 65/16 2008 [7] 7/17 7/24 25/22 34/12 71/16 74/10 138/3 2009 [5] 50/20 51/6 53/6 53/15 131/21 2010 [6] 30/14 30/23 32/7 35/10 36/6 145/18 2011 [7] 43/6 46/24 70/21</p>	<p>102/3 105/7 109/8 124/23 2012 [3] 114/8 116/17 117/10 2013 [8] 106/1 106/24 108/17 109/5 110/18 111/3 112/5 113/18 2014 [1] 138/3 2015 [13] 43/6 61/16 62/3 65/16 74/10 77/5 77/22 85/25 98/25 99/10 102/21 103/2 103/23 2016 [5] 46/25 48/7 70/20 103/23 119/8 2017 [3] 1/16 4/1 156/15 21st [1] 2/18 22 [1] 55/1 23 [1] 79/1 25 [3] 77/25 98/13 98/16 25,000 [1] 46/25 2617 [1] 2/18 28th [1] 30/14 29,000 [3] 130/11 130/23 137/6</p> <p>3</p> <p>30 [1] 138/24 30,000 [2] 137/6 138/10 30-plus [1] 138/12 301 [1] 2/12 31 [1] 150/12 32 [1] 151/24 33 [3] 144/17 145/8 145/17 34 [1] 36/19 35,000 [1] 130/10</p> <p>4</p> <p>40 million [1] 67/7 403 [2] 48/9 104/2</p> <p>5</p> <p>50,000 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