

1 THE STATE OF NEW HAMPSHIRE  
 2 STRAFFORD, SS. SUPERIOR COURT  
 3 \*\*\*\*\* \*  
 4 DAVID K. TAYLOR, \*  
 5 Plaintiff, \*  
 6 vs. \* No. 219-2011-CV-00349  
 7 THE OYSTER RIVER \*  
 8 COOPERATIVE SCHOOL BOARD, \*  
 9 ET AL., \*  
 10 \*\*\*\*\* \*

13 DEPOSITION OF ANN WRIGHT

15 Deposition taken by agreement of  
 16 counsel at The Oyster River School  
 17 District, 36 Coe Drive, Durham,  
 18 New Hampshire, on Thursday, October 6,  
 2011, commencing at 11:54 a.m.

19 Court Reporter: Sonia E. Bishop, CCR

21 -----  
 22 DAVID R. JORDAN & ASSOCIATES  
 23 Certified Court Reporters

P.O. Box 303 603-778-7710  
 Exeter, NH 03833 NH 1-800-562-3945

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I N D E X

WITNESS:

Ann Wright

EXAMINATION:

Page

By Mr. Taylor

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By Mr. Ducharme

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EXHIBITS FOR IDENTIFICATION:

Wright

Description

Page

1, Notice of Deposition

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2, David K. Taylor's First Amended Petition

5

For Injunctive Relief Pursuant To RSA

91-A:7

3, School Board Response to the Community

57

4, Emails

73

5, Emails

96

6, Emails

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7, Emails

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8, Letter to the Board, dated May 20, 2011

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9, Nonpublic Minutes 6/15/11

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10, Nonpublic Minutes 6/15/11

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11, Emails

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12, Email dated September 12, 2011, from

122

David Taylor to Dennis Ducharme

DAVID R. JORDAN & ASSOCIATES

APPEARANCES

FOR THE PLAINTIFF:

David Taylor, Pro Se  
 16 Surrey Lane  
 Durham, NH 03824

FOR THE DEFENDANT:

WIGGIN & NOURIE, P.A.  
 BY: Dennis T. Ducharme, Esq.  
 670 North Commercial Street  
 Manchester, NH 03105

Also present: Henry Brackett

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1 (Whereupon, Exhibit 1, Notice of  
 2 Deposition, is marked for  
 3 identification.)  
 4 (Whereupon, Exhibit 2, David K. Taylor's  
 5 First Amended Petition For Injunctive  
 6 Relief Pursuant To RSA 91-A:7, is marked  
 7 for identification.)

**ANN WRIGHT**

8 having been duly sworn by  
 9 the court reporter, was deposed  
 10 and testified as follows:

**EXAMINATION**

11 MR. TAYLOR: Thanks everyone for coming.  
 12 I'd like to say first I'm David Taylor. Ann  
 13 Wright, Dennis Ducharme, counsel, and Sonia  
 14 Bishop, court reporter, are here.

15 Standard stipulations apply?

16 MR. DUCHARME: Sure. You're not  
 17 tape-recording are you?

18 MR. TAYLOR: No, I'm not.

19 MR. DUCHARME: Thank you.

20 BY MR. TAYLOR:

21 Q. Would you state your name, please?

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1 A. **Ann Wright.**  
 2 Q. And your address?  
 3 A. **10 Thornton Lane in Lee.**  
 4 Q. How long have you lived there?  
 5 A. **Since 2000.**  
 6 Q. Your phone number?  
 7 A. **603-659-9549.**  
 8 Q. Can you describe your education?  
 9 A. **I have achieved a Bachelor's of Art.**  
 10 Q. Where?  
 11 A. **At the State University of New York at Purchase.**  
 12 Q. Can you describe your career?  
 13 A. **I was -- I worked at Maine Public Television.**  
 14 **That was my last place of employ. Now I'm a**  
 15 **homemaker, and I work at the Oyster River School**  
 16 **Board.**  
 17 Q. How long have you been on the Oyster River  
 18 School Board?  
 19 A. **Since March of 2010. No. Yes.**  
 20 Q. Approximately two years; is that right?  
 21 A. **A year and a half.**  
 22 Q. And what role do you play on the school board?  
 23 A. **Currently I'm the vice chair.**

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1 Q. How long have you been vice chair?  
 2 A. **Since March of 2011.**  
 3 Q. Who was chair?  
 4 A. **Henry Brackett.**  
 5 Q. Would you look at Exhibit 1?  
 6 A. **Yes.**  
 7 Q. Can you describe what that is?  
 8 A. **A deposition for Megan Turnbull.**  
 9 Q. I put the wrong name on that.  
 10 A. **Oh, this is my deposition. Okay.**  
 11 Q. And can you describe it? Does it have a list of  
 12 meetings with it and documents required as well?  
 13 MR. DUCHARME: Requested.  
 14 BY MR. TAYLOR:  
 15 Q. Requested?  
 16 A. **Yes. That was what you sent?**  
 17 Q. Yes. Have any documents been provided?  
 18 A. **Have I provided any since this has been sent?**  
 19 Q. Yes.  
 20 A. **No.**  
 21 Q. Okay. Thank you.  
 22 Look at Exhibit 2. Can you describe that?  
 23 A. **This is your Petition For Injunctive Relief.**

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1 Q. Have you seen that before?  
 2 A. **It had been emailed to me.**  
 3 Q. Have you had a chance to read it?  
 4 A. **To the best of my ability.**  
 5 Q. Do you have a sense of what it's about?  
 6 A. **A sense.**  
 7 Q. Great. Thank you.  
 8 Are you aware of my right-to-know request of  
 9 June 20?  
 10 A. **(Nodding head.)**  
 11 Q. Yes?  
 12 A. **We receive many right-to-know requests. I do**  
 13 **recall yours.**  
 14 MR. DUCHARME: I'll turn to it on our copy,  
 15 David. It's 11, isn't it?  
 16 MR. TAYLOR: Yes.  
 17 THE WITNESS: Yes.  
 18 BY MR. TAYLOR:  
 19 Q. You remember that?  
 20 A. **I do.**  
 21 Q. Did you respond to that right-to-know request?  
 22 A. **I did.**  
 23 Q. How did you respond?

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1 **A. I went through my emails from January 1st as**  
 2 **requested, I pulled them out and put them in a**  
 3 **file, and I sent them to Wendy -- forwarded them**  
 4 **to Wendy.**  
 5 **Q.** Did you send them all at once, or did you send  
 6 them as you went through them?  
 7 **A. I put them in a final, and once they were all in**  
 8 **there, then I forwarded them all one by one**  
 9 **within a span of about ten minutes to Wendy.**  
 10 **Q.** Okay. About how many emails did you go through  
 11 as you were looking at them to put into that  
 12 file?  
 13 **A. At that point I may have had 25, 2800 emails**  
 14 **that I looked through. And I'm talking about**  
 15 **sent and received.**  
 16 **Q.** About how long did it take you to do that, to go  
 17 through them all?  
 18 **A. It took me about four hours.**  
 19 **Q.** Was there any discussion among board members  
 20 about the right-to-know request at that time?  
 21 MR. DUCHARME: To the extent there was  
 22 discussion among board members other than with  
 23 counsel, go ahead and answer.

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1 requests?  
 2 **A. Could you repeat that?**  
 3 **Q.** Was there discussion about what criteria to use?  
 4 **A. I think it maybe felt -- it was more a sense of**  
 5 **certain people in the community were trying to**  
 6 **harass board members. I think that was the**  
 7 **sense. Not so much what was being asked, but**  
 8 **more that it was being done for a political**  
 9 **reason.**  
 10 **Q.** And that wasn't quite the question I was asking.  
 11 So was there discussion about whether a  
 12 quorum was significant to whether an email  
 13 should be released or not?  
 14 **A. Those questions were asked, yes.**  
 15 **Q.** Was there significant discussion about that?  
 16 **A. I would not say significant. Henry asked those**  
 17 **questions. Others may have asked him, but I was**  
 18 **not privy to that.**  
 19 **Q.** Were there any issues besides quorum that were  
 20 discussed as criteria for selecting emails?  
 21 **A. Privilege. Other than that, I cannot recall.**  
 22 **Q.** What do you mean by privilege?  
 23 **A. A privileged email, an email that referred --**

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1 THE WITNESS: Specifically regarding yours  
 2 or regarding right-to-know requests in general?  
 3 BY MR. TAYLOR:  
 4 **Q.** In general.  
 5 **A. Yes.**  
 6 **Q.** Can you describe those discussions?  
 7 **A. There was frustration, there was -- I know that**  
 8 **I heard some things from Mr. Brackett during our**  
 9 **agenda setting and his frustration in finding**  
 10 **how he was going to accommodate these**  
 11 **right-to-know requests. I heard that.**  
 12 **And then there may have been emails as well**  
 13 **between some board members to the chair and the**  
 14 **vice chair.**  
 15 **Q.** Can you describe Mr. Brackett's frustration in  
 16 more detail?  
 17 **A. I can't recall, David. I can't recall at this**  
 18 **point other than there were many right-to-know**  
 19 **requests, and I think there just was a general**  
 20 **sense of frustration on how to respond, how to**  
 21 **gather this.**  
 22 **Q.** Do you remember discussions about what the  
 23 criteria should be for satisfying these

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1 **that came from or included a lawyer.**  
 2 **Q.** So attorney-client privilege?  
 3 **A. Exactly.**  
 4 **Q.** And how were questions about attorney-client  
 5 privilege answered?  
 6 **A. I can't answer that, David. I don't know how**  
 7 **that was answered. I know some of the questions**  
 8 **Howard took to Diane Gorrow and did get a**  
 9 **response. I'm not sure if that was one of them.**  
 10 **Q.** Okay. You talked about Henry's frustration and  
 11 the sense that there might be some political  
 12 motivation in these right-to-know requests.  
 13 MR. DUCHARME: I have a tendency to raise my  
 14 hand when I'm going to object. Don't let it  
 15 interrupt your question. But it usually means  
 16 I'm going to object at the end of the question.  
 17 So please restart. I apologize.  
 18 BY MR. TAYLOR:  
 19 **Q.** You said that Henry expressed frustration and  
 20 that he had a sense of political reasoning or  
 21 justification behind these requests.  
 22 Was there any discussion about hiring a  
 23 clerk, for example, to go through Henry's emails

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1 so that those fees could be charged to the  
2 people asking for the right-to-know requests?

3 MR. DUCHARME: I object to the form. Go  
4 ahead and answer.

5 THE WITNESS: There was discussion. Henry  
6 did ask that.

7 BY MR. TAYLOR:

8 **Q.** Can you describe that?

9 **A. As I recall, Henry felt there was -- it was an  
10 enormous burden to go through his emails and  
11 find, not just your right-to-know requests, but  
12 others as well. And he wanted to hire a clerk  
13 or somebody for an hourly rate to find them for  
14 him and charge you or the other people who had  
15 sent him right-to-know requests. And he  
16 proposed this to Howard. Howard sent this  
17 request to Diane Gorrow to get an opinion on  
18 this.**

19 **Q.** And was a clerk hired?

20 **A. No.**

21 **Q.** Have you provided all documents that you know of  
22 related to the right-to-know requests?

23 **A. To the best of my ability, I have. I found one  
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1 **that I put in the wrong file recently. But I  
2 know -- am I talking too much?**

3 MR. DUCHARME: No.

4 THE WITNESS: But I know somebody else had  
5 submitted it. But to the best of my ability at  
6 the time I had submitted.

7 BY MR. TAYLOR:

8 **Q.** I want to turn to the buy-out of Howard Colter,  
9 which was a major subject of these right-to-know  
10 requests.

11 Sort of starting the timeline, trying to  
12 identify when it first started so I can identify  
13 which meetings that I'm looking for.

14 Can you tell me when you first considered a  
15 change in the employment of Howard Colter?

16 **A. Could I have a moment with my attorney?**

17 MR. DUCHARME: Is it because you don't  
18 understand the question or -- we shouldn't  
19 consult while a question is pending. It  
20 generally should be after you've answered a  
21 question. So do the best you can, and then  
22 we'll take a break.

23 THE WITNESS: Okay. It was first discussed  
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1 in the previous board during the evaluation  
2 process.

3 BY MR. TAYLOR:

4 **Q.** Now, Henry, when he was deposed, he mentioned a  
5 letter that was in some sense an agreement  
6 between the board and Howard Colter of the  
7 previous board. Are you familiar with that?

8 **A. Am I familiar with what?**

9 **Q.** With the letter of agreement between Henry and  
10 the previous board?

11 MR. DUCHARME: Howard?

12 BY MR. TAYLOR:

13 **Q.** Howard, yes.

14 **A. Yes.**

15 **Q.** Was that letter mutually agreed to by Howard and  
16 the previous board?

17 **A. It was his evaluation letter.**

18 **Q.** Did that evaluation discuss termination?

19 **A. No. No, it did not.**

20 **Q.** Did it say that the board and the superintendent  
21 would try to work together?

22 **A. Yes, it did.**

23 **Q.** How many members changed between the previous  
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1 board and the current board?

2 **A. Two.**

3 **Q.** So five members of the board are the same?

4 **A. I'm sorry?**

5 **Q.** So five members of the current board are the  
6 same as who signed that letter?

7 **A. Yes.**

8 **Q.** Of the other two members, when was the first  
9 time that they started changing the employment  
10 of Howard Colter? That would be Megan Turnbull  
11 or Ann Lane.

12 **A. I'm sorry. I didn't hear you. When did I first  
13 hear them talk about it?**

14 **Q.** That's correct.

15 **A. Prior to them being on the board.**

16 **Q.** Can you describe that?

17 **A. I do not recollect specific times.**

18 **Q.** Any description you can give?

19 **A. I would hate to venture a guess.**

20 **Can we take a break?**

21 MR. DUCHARME: Sure.

22 (12:10 p.m., recess.)

23 (12:11 p.m., deposition resumes.)  
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1 BY MR. TAYLOR:

2 **Q.** Let the record show that Henry Brackett just  
3 entered the meeting.

4 **A. I would like to go on record as saying I object  
5 to having Henry Brackett present in the room.**

6 MR. DUCHARME: Mr. Brackett is a party to  
7 the case, he is the chair of the board which is  
8 a party to the case, and it's perfectly  
9 appropriate for him to be here.

10 MR. TAYLOR: Okay. Thank you.

11 BY MR. TAYLOR:

12 **Q.** So we were talking about discussions with Megan  
13 Turnbull or Ann Lane about the termination or  
14 change in employment of Howard Colter. And you  
15 said some of those discussions that you were  
16 aware of happened before those members were on  
17 the board.

18 MR. DUCHARME: Mr. Taylor, can you tell me  
19 how discussions that predate those ladies being  
20 on the board have any relevance to a  
21 right-to-know request for documents from this  
22 year and events surrounding board get-togethers  
23 that happened this year? Because I don't see

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1 how it could have any possible relevance to your  
2 right-to-know request or the petition that you  
3 filed.

4 And I'm willing to give you a little bit of  
5 leeway on background, but I'm not going to sit  
6 here for 7 or 8 hours like you did with  
7 Mr. Brackett.

8 BY MR. TAYLOR:

9 **Q.** My attempt is to identify meetings that occurred  
10 between the board members, two or more board  
11 members from January 1st on, which I've  
12 requested documents about. I'm trying to see  
13 where those meetings might have occurred. I  
14 think they might have occurred prior to that  
15 election between, potentially between some of  
16 these new board members and other board members.

17 MR. DUCHARME: If Ms. Turnbull and Ms. Lane  
18 met --

19 MR. TAYLOR: I wasn't asking about  
20 Ms. Turnbull and Ms. Lane.

21 MR. DUCHARME: Yeah, you were.

22 BY MR. TAYLOR:

23 **Q.** Do you understand the question?

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1 MR. DUCHARME: I don't know what question is  
2 pending.

3 BY MR. TAYLOR:

4 **Q.** You said that you were aware of some  
5 communications with Megan Turnbull or Ann Lane  
6 about the change in employment of Howard Colter  
7 prior to them being on the board.

8 Can you describe those communications?

9 MR. DUCHARME: Again. How --

10 MR. TAYLOR: Speaking objection.

11 MR. DUCHARME: You're right, it is. How  
12 could their conduct before they were on the  
13 board have anything to do with a right-to-know  
14 request pertaining to their conduct as board  
15 members? Explain that to me. Explain it to me,  
16 because I'm going to instruct her not to answer  
17 unless you can give me some plausible connection  
18 to this case.

19 MR. TAYLOR: On what basis?

20 MR. DUCHARME: Relevance.

21 MR. TAYLOR: Relevance is not an adequate  
22 basis to not answer.

23 MR. DUCHARME: It's not reasonably

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1 calculated to lead to the discovery of  
2 admissible evidence. That's the standard.

3 Tell me how it's reasonably calculated --

4 MR. TAYLOR: Yes, it is.

5 MR. DUCHARME: Tell me how.

6 MR. TAYLOR: I explained it to you.

7 MR. DUCHARME: Don't answer the question.

8 BY MR. TAYLOR:

9 **Q.** Did you have any discussions with Megan Turnbull  
10 or Ann Lane after they got on the board about  
11 the employment of Howard Colter?

12 **A. With Megan Turnbull, I believe.**

13 **Q.** Can you describe that?

14 **A. It would have been by phone after the principal  
15 search failed. I could not tell you a date. I  
16 don't know the date.**

17 **I know she was unhappy with Howard's -- with  
18 Howard, and I know she said to me that she could  
19 not work with him.**

20 **Q.** This was sometime after the April 11th meeting?

21 **A. It was after that.**

22 **Q.** Did you have any discussions with Megan Turnbull  
23 prior to the April 11th meeting about the

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- 1 principal candidates?
- 2 **A. Any discussions with Megan prior to?**
- 3 **Q.** April 11th.
- 4 **A. About?**
- 5 **Q.** About the high school principal candidates.
- 6 **A. Yes.**
- 7 **Q.** Can you describe those discussions?
- 8 **A. We had many discussions.**
- 9 **Q.** Can you give a general description of them? Can
- 10 you pick one and describe it in detail?
- 11 **A. Megan was unhappy with the way -- Megan wanted**
- 12 **to look at all of the applicants, all of the 40**
- 13 **applicants, other people who had applied for the**
- 14 **job. When we were down to a few candidates,**
- 15 **that became an issue.**
- 16 **Megan called often wanting to know what was**
- 17 **going on, wanting to know various information**
- 18 **about this candidate, where he grew up, went to**
- 19 **school, various information.**
- 20 **Q.** About all the candidates?
- 21 **A. No.**
- 22 **Q.** Just the finalists?
- 23 **A. Just when it came down to the finalists.**

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- 1 **board. And he asked us to get a general reading**
- 2 **from the board whether they would support his**
- 3 **nomination.**
- 4 **We did not have a specific nomination at**
- 5 **this point. We had two candidates.**
- 6 **Henry said that he would support his**
- 7 **nomination. Howard knew that I would support**
- 8 **his nomination. I made phone calls and talked**
- 9 **to Megan, Jocelyn. I felt Krista would support**
- 10 **it. I had a long email exchange with Jim, with**
- 11 **Jim Kach. And Ann Lane was on the search**
- 12 **committee and had already voted in favor, you**
- 13 **know.**
- 14 **Q.** So did you get a positive response from the
- 15 other board members?
- 16 **A. All of them.**
- 17 **Q.** All of them at that point said they would
- 18 support the nomination?
- 19 **A. (Nodding head.)**
- 20 **Q.** And at that point it was down to a single
- 21 finalist?
- 22 **A. No. We had two finalists, but they said they**
- 23 **would support Howard's nomination.**

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- 1 **Q.** So she was asking you about this prior to the
- 2 April 11th meeting?
- 3 **A. Prior to the April 11 meeting, absolutely.**
- 4 **Q.** So when was it clear who the finalist would be?
- 5 **A. I would need to look at a calendar. It became**
- 6 **clear the Thursday prior to the April 11th**
- 7 **meeting.**
- 8 **Q.** Can you describe --
- 9 **A. That was at the community night, the search**
- 10 **committee met that night after the community**
- 11 **night.**
- 12 **Q.** Was Megan on that committee?
- 13 **A. No, she's not.**
- 14 **Q.** Were you on that committee?
- 15 **A. I was.**
- 16 **Q.** Did you have any discussions with Megan Turnbull
- 17 about whether she could support the candidate as
- 18 it got closer to April 11th?
- 19 **A. When was down to two candidates, yes.**
- 20 **Q.** Can you describe those discussions?
- 21 **A. Howard Colter asked Henry and myself whether --**
- 22 **he said there's no sense in going any further**
- 23 **with this if we do not have the support of the**

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- 1 **Q.** So either one?
- 2 **A. (Nodding head.)**
- 3 **Q.** You're agreeing with me?
- 4 **A. Yes, sorry, speak, either one.**
- 5 **Q.** So you said this was the Thursday before?
- 6 **A. No. This was a Sunday, probably the Sunday**
- 7 **before. A week -- not the Sunday before the**
- 8 **vote, but a week and a Sunday before.**
- 9 **Q.** Okay.
- 10 **A. I don't have a calendar. I apologize.**
- 11 **Q.** That's fine. When the nomination occurred, can
- 12 you describe the results?
- 13 **A. It was a 4/3 vote. Four against, three for the**
- 14 **nomination.**
- 15 **Q.** And was there any indication why the four people
- 16 who said that they would vote in favor switched?
- 17 **MR. DUCHARME:** Was that nonpublic?
- 18 **THE WITNESS:** Mm-hmm.
- 19 **BY MR. TAYLOR:**
- 20 **Q.** Thank you. Did the board make any statement
- 21 following that decision on that night?
- 22 **A. I left the board meeting right after the**
- 23 **nonpublic, so I don't know what the statement**

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1 **was made in the public meeting that night.**

2 **Q.** So you don't know?

3 **A. No, I don't know.**

4 **Q.** Okay. Are you aware of any statements made by  
5 board members following that April 11th meeting?

6 MR. DUCHARME: Outside the context of the  
7 meeting?

8 MR. TAYLOR: Yes.

9 MR. DUCHARME: You understand just in  
10 general.

11 THE WITNESS: By individual board members  
12 you mean?

13 BY MR. TAYLOR:

14 **Q.** Yeah.

15 **A. Yeah, some.**

16 **Q.** Can you describe those?

17 **A. I know some through hearsay and some directly.**  
18 **Directly I know Megan Turnbull came to the next**  
19 **search committee meeting and was upset, she was**  
20 **in tears, indicating she might change her vote.**

21 **Q.** Was that on the 14th?

22 **A. I'm sorry, David, I don't know the date.**

23 **Q.** That's fine. But a few days later?

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1 **yes.**

2 **Q.** Did Ann Lane at that meeting express any -- her  
3 sense of the vote or her position or make any  
4 statements?

5 **A. She did not.**

6 **Q.** You said you also heard some others indirectly.  
7 Can you describe those?

8 **A. I know that that afternoon Megan's husband went**  
9 **to Julie Reece's house and said some things**  
10 **about the candidate that were untrue.**

11 **Q.** What things did he say?

12 **A. That the candidate was just trying to -- and**  
13 **Megan had told me this, actually, as well, that**  
14 **she had heard through her own research that he**  
15 **was trying to get a better position in Brunswick**  
16 **where he was also a candidate and may have been**  
17 **working with Howard to get him a better position**  
18 **in Brunswick.**

19 **Q.** And you said Megan had told this to you as well?

20 **A. Megan had told me that, and also that when she**  
21 **left the room after the interviews with the two**  
22 **candidates, the board interviewed both**  
23 **candidates, the candidate who Howard nominated**

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1 **A. It was, I'm thinking a Thursday, the Thursday**  
2 **following that vote. That's my recollection.**

3 **Q.** What did she say that would indicate that she  
4 would change her vote?

5 **A. I can't recall the specifics. However, it was**  
6 **very, very emotional. It was very -- she was**  
7 **very emotional, saying how she struggled and**  
8 **struggled with it.**

9 **And while I didn't feel that she was going**  
10 **to change her vote, the search committee, once**  
11 **she left, had that feeling that she was going to**  
12 **change her vote. That's what they read from**  
13 **what she said.**

14 **Q.** Were any other Board members at that meeting?

15 **A. There were.**

16 **Q.** Who?

17 **A. Ann Lane.**

18 **Q.** So there were three board members. You were  
19 there, Ann Lane, and Megan Turnbull?

20 **A. Megan was only there for part of that meeting.**  
21 **She came in and said things and left.**

22 **Q.** Was Ann Lane also on that committee as a member?

23 **A. She came in late, and was on it at that point,**

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1 **was not sufficiently appreciative, and was**  
2 **not -- did not -- as if what she said -- she**  
3 **said he didn't want the position, he really**  
4 **wanted the other position. This was merely a**  
5 **stepping, you know, to work one position off**  
6 **another.**

7 **Q.** Make sure I understand it. You're saying that  
8 after the interviews, Megan said that -- Justin  
9 Campbell is the candidate we're referring to,  
10 right?

11 **A. Yeah.**

12 **Q.** That he mentioned something about not really  
13 wanting the Oyster River position. Is that what  
14 you're saying?

15 MR. DUCHARME: I object. That wasn't her  
16 testimony. But go ahead and answer.

17 THE WITNESS: That Megan said that she did  
18 not believe that he wanted the position, that he  
19 was simply using this job offer to get a better  
20 offer in Brunswick.

21 BY MR. TAYLOR:

22 **Q.** And she said this to you after the interviews?

23 **A. Not directly after, not that evening. But at a**

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1 **later date.**

2 **Q.** I see. Did that issue come up during board  
3 deliberations about this candidate?

4 **A. No.**

5 MR. DUCHARME: If they weren't nonpublic.

6 THE WITNESS: If they did, I wouldn't say  
7 so.

8 MR. DUCHARME: I just want to make sure  
9 you're focused on that.

10 BY MR. TAYLOR:

11 **Q.** Were there any other discussions following the  
12 April 11th vote that you're aware of by board  
13 members in general?

14 **A. That I had with board members.**

15 **Q.** No, that you're aware of that other board  
16 members had.

17 **A. Just little things, David.**

18 **Q.** Can you describe them, what you remember?

19 **A. I recall writing an email to Jim Kach  
20 admonishing him for at a public board meeting --  
21 I copied Henry and Howard on this email as  
22 well -- at a public board meeting saying, "We  
23 just didn't like the guy, okay." And telling**

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1 **him that that's not something that we should be  
2 saying about a candidate.**

3 **I did ask Jocelyn O'Quinn why she did not,  
4 after saying she was going to vote for the  
5 nomination, why she did not. And she said,  
6 "Well, I just changed my mind." And that's all  
7 I've heard from her on that.**

8 **I have not had a conversation with Ann Lane  
9 about it.**

10 **Q.** Returning to the April 14th meeting, the search  
11 committee meeting following the nomination. You  
12 said tempers were high or passion was high?

13 MR. DUCHARME: Object to the form. Go ahead  
14 and answer.

15 THE WITNESS: What did you say?

16 MR. DUCHARME: I said I object to the form  
17 of the question, but go ahead and answer.

18 MR. TAYLOR: I was trying to put you back in  
19 the frame of the question.

20 THE WITNESS: Teachers were very upset, and  
21 on top of that Henry came to the meeting, too,  
22 and then was asked to leave. And that was very  
23 hard for the teachers to ask him to leave the

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1 meeting. They didn't know why he had come, in  
2 the first place. And it was very awkward to ask  
3 him to leave. They didn't like being put in  
4 that position.

5 And then right after he left, Megan came and  
6 started crying and saying what she was going to  
7 say. And some people were saying, "Well, she  
8 needs to leave, too. We just asked Henry to  
9 leave." But other people were hearing her, what  
10 she was saying, and thinking that she was  
11 actually talking about changing her vote. And  
12 so saying, "Well, let's listen to what she's  
13 saying."

14 So, yes, it was a very, very tense meeting.  
15 And then once they were gone, it still was very,  
16 very tense, given all that.

17 BY MR. TAYLOR:

18 **Q.** Make sure I understand what you said. You said  
19 that Henry was at this meeting at least briefly  
20 as well?

21 **A. He just showed up, like today.**

22 **Q.** But he was at the meeting?

23 **A. He is not a member of the search committee. He**

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1 **had never shown up to another search committee  
2 meeting. He just showed up though.**

3 **Q.** So at this meeting you, at least at some point,  
4 had you, Ann Lane, who are both members of the  
5 committee, Megan Turnbull and Henry Brackett?

6 **A. I cannot answer whether Henry and Megan were  
7 there at the same time. I tend to doubt they  
8 were there simultaneously. I think Henry left  
9 and then Megan arrived.**

10 **Q.** But they all at some point were at the same  
11 meeting?

12 **A. Yes.**

13 **Q.** Do you know if any documents arranging that  
14 meeting have been released in response to my  
15 right-to-know request?

16 **A. There were no documents on that meeting. That  
17 was Howard's meeting. That was not a board  
18 meeting.**

19 **Q.** Was that meeting arranged?

20 **A. Do you mean was it posted?**

21 **Q.** No. Did people get a room, did they agree on a  
22 time to show up?

23 **A. Yes, through emails.**

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- 1 **Q.** And as far as you know, those emails have not  
2 been released?
- 3 **A. I would have gotten it. No, I did not release**  
4 **that to you.**
- 5 **Q.** Were there former board members on that  
6 committee as well?
- 7 **A. Jennifer Rief was.**
- 8 **Q.** I assume she was also -- well, describe her  
9 state in that meeting, her response to the  
10 events.
- 11 **A. She was very upset, as was everyone. She was**  
12 **very upset, agitated.**
- 13 **Q.** Did any people at that meeting exchange words?
- 14 **A. Yes.**
- 15 **Q.** Can you describe that?
- 16 **A. Jennifer Rief was asking Megan to leave. And**  
17 **Ann Lane was saying -- getting angry at Jennifer**  
18 **for doing that, I believe. And I'm trying to**  
19 **recollect exactly.**
- 20 **There were a lot of things going on in that**  
21 **room. Mark Lawrence, who is a teacher at the**  
22 **high school, was sitting next to me, was trying**  
23 **to defuse that situation where Ann was getting**

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- 1 **angry at Jennifer. And then Ann snapped at --**  
2 **at Mark.**
- 3 **Q.** So Ann Lane snapped at Mark Lawrence; is that  
4 what you're saying?
- 5 **A. Yes.**
- 6 **Q.** Do you remember -- can you describe how she  
7 snapped, what you mean by that?
- 8 **A. As I recall, she said something like, "I don't**  
9 **know who you are. You better watch it, buddy."**
- 10 **Q.** Do you know if there was any consequence to that  
11 exchange?
- 12 **A. Yes.**
- 13 **Q.** Can you describe that?
- 14 **A. I don't know the exact consequence, but I do**  
15 **know that there was a meeting to discuss that**  
16 **later on with Henry and myself and guild**  
17 **representatives.**
- 18 **Q.** So what board members were at that meeting? You  
19 said Henry and you?
- 20 **A. Henry and myself. We were the only board.**
- 21 **Q.** And the guild you said?
- 22 **A. And Howard, and a union representative, and**  
23 **teachers.**

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- 1 **Q.** Was there any charge given or any actions taken  
2 by the board members in response to that  
3 meeting?
- 4 **A. It was suggested that the board members talk**  
5 **to -- the board members and express the fact**  
6 **that we need to make sure we treat everyone very**  
7 **civilly.**
- 8 **Q.** So I'm not sure who is going to be doing the  
9 talking.
- 10 **Are you saying the guild was asked that of**  
11 **Henry and you to talk civilly?**
- 12 **A. Yes.**
- 13 **Q.** Were you supposed to talk with other board  
14 members as well?
- 15 **A. Yes.**
- 16 **Q.** Can you describe more specifically what that  
17 charge was?
- 18 **A. To talk to -- to two board members, and to**  
19 **ensure that they understand, you know, that the**  
20 **role of a board member is -- what the role of a**  
21 **board member is, and not to overstep that with**  
22 **the staff.**
- 23 **Q.** Who were those two board members?

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- 1 **A. They were Ann Lane and Jim Kach.**
- 2 **Q.** You said that Ann Lane was at this  
3 September 14th meeting?
- 4 **A. Correct.**
- 5 **Q.** Why was Jim Kach included in that?
- 6 **A. There were complaints from the administration,**  
7 **not from the guild regarding Jim.**
- 8 **Q.** Did the guild mention Jim Kach?
- 9 **A. Not to my recollection.**
- 10 **Q.** Did the board members who were at that meeting  
11 meet with Ann Lane and Jim Kach?
- 12 **A. Henry did.**
- 13 **Q.** Do you know when that meeting occurred?
- 14 **A. I don't know the date on the calendar.**
- 15 **Q.** Was it around that time?
- 16 **A. I remember Howard announcing it at that meeting,**  
17 **that big meeting that took place in the**  
18 **auditorium, which was approximately April 27th**  
19 **or 29th, that was coming up. So it was shortly**  
20 **after that.**
- 21 **Q.** Okay. Do you know anything more about that  
22 meeting that Henry had with Ann and Jim?
- 23 **A. Pardon?**

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- 1 **Q.** Do you know anything more about that meeting,  
2 what the conversation was, or any other  
3 description you can give me of that meeting?  
4 **A. I don't, I don't know what was said during that**  
5 **meeting.**  
6 **Q.** Okay. Do you remember when the meeting with the  
7 guild was?  
8 **A. (Shaking head.)**  
9 **Q.** No, but you think it was before the April 27th?  
10 **A. No, after. Howard announced that it was going**  
11 **to be taking place at that meeting, during the**  
12 **superintendent's, the superintendent's report.**  
13 **Q.** So Howard announced the initial meeting that you  
14 and Henry, Howard and the guild representatives  
15 had?  
16 **A. And that's at, I recall at that meeting, public**  
17 **meeting.**  
18 **Q.** He didn't announce -- or did he announce the  
19 meeting that Henry, Ann Lane and Jim Kach had?  
20 **A. No, he did not know about that, I don't believe.**  
21 **Although, he may have been apprised of it after**  
22 **the fact.**  
23 **Q.** Were you told about it after the fact?

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- 1 **A. No. I assumed I was going to participate in it.**  
2 **And then Henry -- so I knew when it was taking**  
3 **place. I knew all along when it was.**  
4 **Q.** So you knew that it was going to happen before  
5 it happened?  
6 **A. I did.**  
7 **Q.** Can you describe why you assumed that you would  
8 be taking part in that?  
9 **A. Because the guild asked Henry and myself to do**  
10 **this.**  
11 **Q.** Did they specifically ask the two of you?  
12 **A. They did.**  
13 **Q.** Do you know why you did not participate?  
14 **A. Because Henry said that he wanted to do it.**  
15 **Q.** Did he tell you that beforehand?  
16 **A. He told me that after the meeting.**  
17 **Q.** So after the meeting when he was explaining it  
18 to you, he said he wanted to do it by himself?  
19 **A. Correct.**  
20 **Q.** Did you point out to Henry that the guild had  
21 asked that both of you be involved?  
22 **A. Yes.**  
23 **Q.** How did that --

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- 1 **A. Pardon?**  
2 **Q.** Can you describe that?  
3 **A. It was a very quick conversation.**  
4 **Q.** By phone?  
5 **A. No. It was at the front of Mast Way after the**  
6 **meeting.**  
7 **Q.** The meeting took place at Mast Way?  
8 **A. It did.**  
9 **Q.** Again, I'm a little confused. The meeting that  
10 you're saying took place at Mast Way, that was  
11 the meeting that you, Jim and the  
12 representatives had, or is that the meeting that  
13 Henry, Jim and Ann had?  
14 **A. Henry, myself, Howard and the guild**  
15 **representatives had was at Mast Way.**  
16 **Q.** And after that meeting is when he told you he  
17 would do it by himself?  
18 **A. Yes.**  
19 **Q.** Do you know where the meeting with Jim, Ann and  
20 Henry took place?  
21 **A. I believe it took place at the Durham Town Hall.**  
22 **It did not happen, the three of them together, I**  
23 **do not think. But Henry and Ann, and then Henry**

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- 1 **and Jim. That's how it was supposed to take**  
2 **place, at least.**  
3 **Q.** Do you have any documentation or understanding  
4 or confirmation that it took place that way?  
5 **A. No, I do not.**  
6 **Q.** That was the way that your understanding with  
7 Henry was after the Mast Way meeting?  
8 **A. I'm trying to be eating.**  
9 **Q.** That's fine. I'm trying to understand how you  
10 came to that understanding of how that meeting  
11 was supposed to occur that way.  
12 **A. That's what Henry said how it was going to be.**  
13 **Q.** So when you were talking outside of Mast Way,  
14 that's when he said that's how he was going to  
15 do it?  
16 **A. Yes.**  
17 **Q.** Were there any right-to-know requests about that  
18 meeting?  
19 MR. DUCHARME: Which meeting? Because  
20 you've been asking about a series.  
21 MR. TAYLOR: I understand.  
22 BY MR. TAYLOR:  
23 **Q.** Either the guild meeting -- were there any

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1 right-to-know requests about the meeting with  
 2 the guild?  
 3 **A. Yes. It may have been about a discipline. I'm**  
 4 **not sure exactly how it was worded, but it was**  
 5 **about that issue by JoAnn Portalupi.**  
 6 **Q.** Were those right-to-know requests satisfied?  
 7 **A. No.**  
 8 **Q.** Do you remember why they were not satisfied?  
 9 **A. As I recall, Henry made the determination not to**  
 10 **talk about it.**  
 11 **Q.** Were there any right-to-know requests about the  
 12 meeting at the Durham Town Hall with Henry, Ann  
 13 and Jim?  
 14 **A. I don't know that anyone knew about that other**  
 15 **than to ask about it. I don't recall seeing a**  
 16 **right-to-know request about that.**  
 17 **Q.** Do you know of any documents arranging that  
 18 meeting at the Durham Town Counsel?  
 19 **A. I don't.**  
 20 **Q.** You don't know of any?  
 21 **A. I don't know.**  
 22 **Q.** Going back to March 16th, the first board  
 23 meeting for the new board, you had a nonpublic

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1 **A. Okay.**  
 2 **Q.** You don't recall any?  
 3 **A. I don't recall that. It doesn't sound right to**  
 4 **me.**  
 5 **Q.** Do you know if Henry was ever given instruction  
 6 by the board at a meeting to start exploring  
 7 alternatives in the simultaneous's contract?  
 8 **A. If Henry was given authority to --**  
 9 **Q.** To explore alternatives in the superintendent's  
 10 contract.  
 11 **A. Alternatives in the superintendent's contract.**  
 12 MR. DUCHARME: If by looking at me and  
 13 repeating the question, if you're suggesting  
 14 that you don't understand the question, tell  
 15 him.  
 16 THE WITNESS: I don't understand the  
 17 question. Thank you.  
 18 BY MR. TAYLOR:  
 19 **Q.** My understanding of the superintendent's  
 20 contract is it has various clauses, particularly  
 21 termination clauses.  
 22 Was Henry ever given instructions by the  
 23 board to explore those different clauses, those

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1 prior to the regular meeting.  
 2 Do you remember any discussion -- in the  
 3 minutes it says discuss a relationship with  
 4 administration, something of that sort. Do you  
 5 remember that discussion?  
 6 MR. DUCHARME: That's a yes or no question,  
 7 by the way.  
 8 THE WITNESS: No, I do not recall that.  
 9 BY MR. TAYLOR:  
 10 **Q.** Do you know if Henry Brackett was charged to  
 11 begin exploring alternatives in the  
 12 superintendent's contract at that meeting?  
 13 **A. No, he was not.**  
 14 **Q.** Was there any discussion of the superintendent's  
 15 contract at that meeting?  
 16 **A. No, there was not.**  
 17 **Q.** Was there any discussion at the public meeting  
 18 on March 16th about superintendent's contract?  
 19 **A. In the public meeting?**  
 20 **Q.** Right.  
 21 **A. I would need to see the minutes to jog my memory**  
 22 **if it was discussed.**  
 23 **Q.** I don't have the minutes for that one. Sorry.

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1 alternative clauses in the contract?  
 2 **A. No.**  
 3 **Q.** Not at any non-meetings?  
 4 MR. DUCHARME: We're not going to talk about  
 5 what happened in non-meetings.  
 6 BY MR. TAYLOR:  
 7 **Q.** As far as you know, he was never given that?  
 8 **A. Not clauses.**  
 9 **Q.** Was he ever given authority to consider the  
 10 change in employment of Howard Colter outside of  
 11 the meeting? At a meeting was he given  
 12 authority to explore changing the employment of  
 13 Howard Colter?  
 14 **A. That may have occurred by telephone. I know a**  
 15 **lot of work, a lot of phone calls happened,**  
 16 **April, after the principal thing. But there was**  
 17 **no formal board -- is that what you're asking?**  
 18 **A normal board decision, no.**  
 19 **Q.** Can you describe those phone calls you talked  
 20 about that might have given him that authority?  
 21 I don't fully understand your answer, so I'm  
 22 trying to expound on it.  
 23 MR. DUCHARME: You can speak.

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1 THE WITNESS: All right. There was, after  
2 the principal nomination failed, there was -- I  
3 don't want to talk too much.

4 MR. DUCCHARME: I can't tell you what to say,  
5 Ann.

6 THE WITNESS: I know you can't.

7 MR. DUCCHARME: Let me just -- I'm not trying  
8 to coach her.

9 As I understand what you're looking for,  
10 David, is: Calls concerning whether or not  
11 Henry Brackett was given a charge, if you will,  
12 to explore employment options with Howard  
13 Colter. Is that?

14 MR. TAYLOR: In general, yeah.

15 MR. DUCCHARME: So if there were calls about  
16 that, then go ahead.

17 THE WITNESS: By employment options, do you  
18 mean termination?

19 BY MR. TAYLOR:

20 **Q.** Termination is included in employment option,  
21 certainly.

22 **A.** That was discussed by phone -- again, exact  
23 dates allude me -- about a week or so after the

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1 **A.** After the principal vote, I met with Howard and  
2 said, "What do we do. What can we possibly do  
3 next?"

4 And Howard said that, "It's very clear that  
5 this board is not going to listen to me. This  
6 board hasn't listened to me for a long time.  
7 And after this vote, it's clear they're not  
8 going to listen to me." It's time to do, you  
9 know, that we need to do something big.

10 And I went home and I called Henry up. I  
11 explained what that phone call meant to me, what  
12 I thought it meant.

13 And Henry said, as if he had been thinking  
14 about it, he said, "Yes, we need to get rid of  
15 the superintendent." Or words to that effect.  
16 I'm not quoting anyone exactly. But he seemed  
17 to be thinking in that direction.

18 And we spoke for a minute, and then he was  
19 going to talk to the other board members, and he  
20 said he would talk to me.

21 . And I don't know if I did talk to him  
22 again or I received that email about the  
23 non-meeting. I don't recall.

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1 **principal vote failed. Henry decided to --**  
2 **Henry spoke with all the board members by**  
3 **telephone, I believe. I'm not Henry, but that's**  
4 **what I understand. And then set up a meeting at**  
5 **Hoefle, Gormley, Phoenix for sometime in April**  
6 **to determine whether they would be a law firm to**  
7 **employ.**

8 **Q.** Okay. So are you saying that he, in one call,  
9 both asked the board members what they felt  
10 about it as well as set up the meeting, or were  
11 those different calls, or did it come over time?

12 I'm just trying to understand. Do you  
13 understand my question?

14 **A.** No, I do not.

15 **Q.** Did Henry call each board member once and say,  
16 "What do you think about Howard's termination,  
17 and let's go to a meeting," or did he call once  
18 and ask about Howard, and then subsequently  
19 called again and asked about let's meet with a  
20 lawyer?

21 **A.** I cannot answer for what Henry did. I do not  
22 know. I can only say what I did.

23 **Q.** Okay. Describe that.

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1 **Q.** Were you aware at that time that Henry had  
2 already talked with an attorney on March 24th?

3 **A.** No. At that time, no.

4 **Q.** When did you learn that he had already talked to  
5 the attorney on March 24th?

6 **A.** Yesterday.

7 **Q.** You learned that yesterday?

8 **A.** Well --

9 MR. DUCCHARME: You can talk about things you  
10 looked at yesterday. Don't talk about what we  
11 talked about. But if you looked at something  
12 that gave you that information, then it's fair  
13 game.

14 THE WITNESS: Well, Henry explained to me  
15 what it was yesterday. I had seen that bill, I  
16 had seen the legal bill prior to yesterday.

17 BY MR. TAYLOR:

18 **Q.** This is the invoice from Hoefle, et cetera?

19 **A.** I had seen that. Henry actually explained to me  
20 what it was yesterday.

21 **Q.** And on the invoice it lists this meeting?

22 **A.** It listed?

23 **Q.** The March 24th meeting?

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1 **A. It did.**  
 2 **Q.** And that's how you learned about it?  
 3 **A. Although, I was aware of that bill prior to**  
 4 **yesterday.**  
 5 **Q.** You weren't aware of that specific meeting until  
 6 yesterday?  
 7 **A. Right. But now I know exactly what it was.**  
 8 **Q.** Okay. On that bill is labeled at the top  
 9 "Termination of Howard Colter;" is that correct?  
 10 **A. It is.**  
 11 **Q.** It's not general retainer or representation,  
 12 it's specific to the termination of Howard  
 13 Colter; is that correct?  
 14 **A. That's what it says.**  
 15 **Q.** Okay. Thank you.  
 16 The selection of that attorney, when did  
 17 that selection occur?  
 18 **A. After that first meeting, the board was to**  
 19 **decide whether to use that firm or to look for**  
 20 **others. Howard had gotten a list from Diane**  
 21 **Gorrow of three prominent attorneys who work in**  
 22 **this sort of field and sent it along to Henry**  
 23 **and myself. It included David Bradley, Matt**

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1 **Upton, another woman. I can't think of her**  
 2 **name.**  
 3 **And then Henry made the decision to go with**  
 4 **Hoefle, Phoenix, because he had worked with them**  
 5 **in the past on his own on Howard's personnel**  
 6 **file.**  
 7 **Q.** Was that done as a member of the board or was  
 8 that done on his personal affairs?  
 9 **A. Henry was interested in finding out the details**  
 10 **of Howard's personnel file and asked the board**  
 11 **for permission to look at it.**  
 12 **And forgive me if I'm getting some of this**  
 13 **incorrect. This is my recollection.**  
 14 **It was charged to the superintendent**  
 15 **evaluation committee, which I was on, Henry was**  
 16 **on, and JoAnn Portalupi was on, to determine**  
 17 **whether to let Henry do that or not.**  
 18 **And we decided let Henry get a legal opinion**  
 19 **on that, on whether he should or could, what are**  
 20 **the personnel issues regarding looking at a**  
 21 **superintendent's file.**  
 22 **And he went and did that, and that was with**  
 23 **this firm. So he had worked with them**

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1 **individually. And that was the history with**  
 2 **this law firm.**  
 3 **Q.** So you're saying that he had worked on his own  
 4 personal affairs with this law firm before he  
 5 was given this charge about the personnel file?  
 6 **MR. DUCHARME:** I object to the form.  
 7 **BY MR. TAYLOR:**  
 8 **Q.** I'm trying to understand your question.  
 9 Was -- you said that the superintendent  
 10 evaluation committee said that Henry could talk  
 11 to a lawyer about this legal issue. Correct?  
 12 **A. Right. Looking at the superintendent's**  
 13 **personnel file, which Howard objected to.**  
 14 **Q.** So was that the first time that Henry had worked  
 15 with that law firm?  
 16 **A. I don't know that.**  
 17 **Q.** How was that law firm selected?  
 18 **A. Henry chose that firm.**  
 19 **Q.** Do you know what went into his selection  
 20 process?  
 21 **A. I believe it was somebody he knew from church or**  
 22 **he got the recommendation from somebody at**  
 23 **church.**

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1 **Q.** I see.  
 2 **A. But I think that's just something I heard from**  
 3 **Henry. He may have other connections with them.**  
 4 **Q.** Does Henry have the authority to select an  
 5 attorney for the board?  
 6 **MR. DUCHARME:** Object to the form. Go ahead  
 7 and answer.  
 8 **THE WITNESS:** I would say not without a full  
 9 board's approval.  
 10 **BY MR. TAYLOR:**  
 11 **Q.** Did the full board give him approval?  
 12 **A. The full board tasked it to a subcommittee, and**  
 13 **the subcommittee approved it.**  
 14 **Q.** So the full board tasked the committee to retain  
 15 an attorney for this question?  
 16 **A. To determine whether Henry should have the right**  
 17 **to look into -- not look into his personnel**  
 18 **file, but get a -- I don't know the word -- but**  
 19 **get the --**  
 20 **Q.** Legal opinion?  
 21 **A. Get an opinion on whether we should ask for**  
 22 **Howard's personnel file.**  
 23 **Q.** So the board delegated this authority to the

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- 1 committee, and the committee decided that yes,  
 2 Henry could do that? Is that what you're  
 3 saying?  
 4 **A. That -- we gave him specific questions to ask of**  
 5 **the law firm. And this is all my recollection**  
 6 **from almost a year ago.**  
 7 **Q.** So the committee came up with a list of  
 8 questions? Is that what you're saying?  
 9 **A. I believe, not a list but 1 or 2 questions.**  
 10 **Q.** And the committee then charged Henry to give  
 11 that to a lawyer for an opinion?  
 12 **A. Yeah.**  
 13 **Q.** And the committee also charged Henry with the  
 14 selection process of that lawyer?  
 15 **A. Yes.**  
 16 **Q.** Was there a vote taken to charge Henry with this  
 17 authority?  
 18 **A. I think it was a -- it was all consensus. We**  
 19 **were all in agreement on that. But he had to**  
 20 **follow rules, we gave him rules.**  
 21 **Q.** What were those rules?  
 22 **A. I cannot not recall. I'd have to go through my**  
 23 **notes.**

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- 1 **Q.** Did he follow those rules?  
 2 **A. Again, I'd have to go back and look.**  
 3 **Q.** Okay. The consensus, was that both the  
 4 consensus from the board charging the committee  
 5 as well as the committee charging Henry?  
 6 **A. There may have been some objection to -- as**  
 7 **Henry was the only one who was interested in --**  
 8 **maybe not the only one, but there was some**  
 9 **division maybe on the full board, and that's why**  
 10 **it was then tasked to the subcommittee.**  
 11 **But, again, I can't recollect who. I just**  
 12 **can't.**  
 13 **Q.** But no vote was taken to charge the committee to  
 14 hire an attorney?  
 15 **A. I'm sorry, David.**  
 16 **Q.** You don't remember?  
 17 **A. I just don't. It might be in the minutes.**  
 18 **Q.** When the new board formed, was there any  
 19 selection process for retaining an attorney?  
 20 **A. For retaining our district's attorney?**  
 21 **Q.** Any attorney.  
 22 **A. No, we didn't talk about it. I don't recall.**  
 23 **Q.** Did the new board authorize Henry to select an

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- 1 attorney for the termination of Howard Colter?  
 2 **A. Are you talking about in a non-meeting.**  
 3 **Q.** Any time.  
 4 **A. I believe that Henry, by phone, said that he was**  
 5 **going to just choose the law firm, and that he**  
 6 **had the right to do so, and only one person**  
 7 **objected to that, as I recall.**  
 8 **Q.** Was this a conference call or did he call  
 9 individually?  
 10 **A. No, I don't believe it was a conference call.**  
 11 **I've never taken place in a conference call.**  
 12 **They might have had a conference call. I didn't**  
 13 **have a conference call.**  
 14 **Q.** How did you know what the outcome of that phone  
 15 call was? Did he describe the results to you?  
 16 **A. Because Henry then said that he talked to -- he**  
 17 **told everyone that he was going to hire -- who**  
 18 **he was going to hire, and that was okay with**  
 19 **them.**  
 20 **Q.** Was there any bids put out for that?  
 21 **A. Any what?**  
 22 **Q.** Any bids, any request for --  
 23 **A. No.**

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- 1 **Q.** So the only selection process you know is this  
 2 letter from Diane Gorrow that listed the three  
 3 attorneys you mentioned earlier? That's the  
 4 only other...  
 5 **A. Yeah.**  
 6 **Q.** Was any effort made to contact those other  
 7 attorneys?  
 8 **A. No.**  
 9 **Q.** Was any criteria developed for selecting the  
 10 attorneys?  
 11 **A. You mean by the board as a whole or by me**  
 12 **individually?**  
 13 **Q.** Anyone.  
 14 **A. I had my own criteria, which I shared with**  
 15 **Henry. But the board as a whole did not discuss**  
 16 **criteria.**  
 17 **Q.** Okay. Turning to April 13th, at the high  
 18 school, two days after the vote to not elect  
 19 Justin Campbell. There was a public statement  
 20 released at that meeting.  
 21 Are you familiar with that public statement;  
 22 do you remember it?  
 23 **A. I don't recall it off the top of my head. But I**

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1 **know there was a public statement release, yes.**  
 2 **Q.** Do you know who wrote that public statement?  
 3 **A. I believe -- my recollection is poor, but I**  
 4 **believe it was Jocelyn.**  
 5 **Q.** Did she write it on her own?  
 6 **A. She may have. I'm sorry, David, I cannot help**  
 7 **you with that. I had nothing to do with it, so**  
 8 **I don't know.**  
 9 (Whereupon, Exhibit 3, School Board  
 10 Response to the Community, is marked for  
 11 identification.)  
 12 BY MR. TAYLOR:  
 13 **Q.** I'd like you to read through that statement  
 14 again and see if it can jog any memory.  
 15 **A. (Witness complies.)**  
 16 **Q.** So do you remember anything more about how that  
 17 statement was written?  
 18 **A. No. I don't. I wonder whether the full board**  
 19 **had a nonpublic prior to this to discuss it. I**  
 20 **just don't recall.**  
 21 **Q.** Was there any discussion at the April 11th  
 22 meeting about writing this statement or any  
 23 statements?

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1 **came later because she was working with Kim**  
 2 **Memmesheimer, and we sat in a nonpublic, and we**  
 3 **ended up crossing off a lot, we ended up editing**  
 4 **it.**  
 5 **And there were so many statements that came**  
 6 **out in this period. But many of the statements**  
 7 **that came out during that span of time, I often**  
 8 **wouldn't see until the board meeting itself. I**  
 9 **just did not know about. I don't know.**  
 10 **Q.** Was there a meeting on the 27th of April --  
 11 that's the day the meeting in the auditorium, if  
 12 you remember that day?  
 13 **A. Yeah.**  
 14 **Q.** Was there a meeting of any board members prior  
 15 to that public meeting or the nonpublic meeting  
 16 working on a public release statement or  
 17 otherwise discussing the issue?  
 18 **A. I believe there was a non-meeting that we had**  
 19 **with an attorney prior to this, with Gordon**  
 20 **Graham from Diane Gorrow's office.**  
 21 **Q.** How was that meeting arranged?  
 22 **A. Howard arranged it.**  
 23 **Q.** In what form?

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1 **A. The April 11th meeting which was after the --**  
 2 **Q.** After the vote.  
 3 **A. No. And, again, I left right after the**  
 4 **nonpublic session. I did not stay for the**  
 5 **public portion.**  
 6 **Q.** Do you know if anyone else worked with Jocelyn  
 7 on that statement?  
 8 MR. DUCHARME: It's been asked and answered.  
 9 THE WITNESS: I don't know.  
 10 BY MR. TAYLOR:  
 11 **Q.** Okay. Thank you.  
 12 Do you know at any time public statements  
 13 about the high school principal decision? Were  
 14 there other times when public statements were  
 15 discussed besides this statement?  
 16 **A. Were there other times that public statements**  
 17 **were discussed?**  
 18 **Q.** Among board members?  
 19 **A. Among board members. Yes. There were. I mean,**  
 20 **there was, at one point Henry and I were asked**  
 21 **to write a statement. And there was one**  
 22 **statement that Jocelyn wrote. I believe -- I**  
 23 **don't think it's that one. I think this one**

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1 **A. I can't recall. I imagine there was -- by**  
 2 **email, I assume it was done by email.**  
 3 **Q.** Have those emails been released?  
 4 **A. The emails about arranging that non-meeting?**  
 5 **No, I'm sorry.**  
 6 **Q.** You said this meeting was prior to the public  
 7 meetings.  
 8 About how long did it last?  
 9 **A. Maybe half an hour.**  
 10 **Q.** About what time did it start?  
 11 **A. Did the nonpublic?**  
 12 **Q.** Did the non-meeting start?  
 13 **A. Did the non-meeting start. Again, I'm just**  
 14 **working off my recollection here. Because I**  
 15 **can't even remember what time the public meeting**  
 16 **started.**  
 17 **Q.** Half hour before the public meeting, roughly?  
 18 **A. Yes, I think so, 45 minutes.**  
 19 **Q.** Were any decisions made by the board at that  
 20 meeting?  
 21 MR. DUCHARME: I'm sorry, were any decisions  
 22 made in a non-meeting?  
 23 MR. TAYLOR: Were any decisions made by that

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1 board in the meeting?

2 MR. DUCHARME: In the non-meeting?

3 MR. TAYLOR: In the non-meeting.

4 MR. DUCHARME: Don't answer that.

5 BY MR. TAYLOR:

6 **Q.** Did the attorney involve himself in a decision  
7 by the board?

8 MR. DUCHARME: Object to the form. Presumes  
9 decisions were made, and I've just told her not  
10 to tell you whether decisions were made.

11 BY MR. TAYLOR:

12 **Q.** Was the attorney involved in all discussions in  
13 that meeting?

14 **A. Yes.**

15 **Q.** Okay. Thank you.

16 The meeting on April 19th, at Hoefle, that  
17 was the first meeting that the board had with  
18 that attorney; is that correct?

19 **A. Okay. I'm trusting your judgment on that was  
20 the first one we had.**

21 MR. DUCHARME: Do you want to look at the  
22 billing or something?

23 THE WITNESS: No, I'm trusting that was the  
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1 first one that we had.

2 MR. DUCHARME: I don't want to get bogged  
3 down on dates. But if you want to look at  
4 something just to make sure that you're talking  
5 about the appropriate date, we can.

6 THE WITNESS: I remember the first one.  
7 Just don't pull other dates out.

8 MR. TAYLOR: You just don't remember the  
9 specific date.

10 MR. DUCHARME: Okay. Fair enough.

11 BY MR. TAYLOR:

12 **Q.** I believe you already said that that's the  
13 meeting where you talked about the arrangements  
14 with that attorney; is that correct?

15 **A. I said that was the meeting where we what?**

16 **Q.** Discussed arrangements with the attorney?

17 **A. The intent of the meeting, as I was told coming  
18 in, was to decide whether to hire this firm.**

19 **Q.** And what criteria were developed whether to hire  
20 that firm?

21 MR. DUCHARME: I believe that's been asked  
22 and answered, but go ahead.

23 THE WITNESS: Pardon?

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1 MR. DUCHARME: I said I believe it's been  
2 asked and answered but go ahead and comment on  
3 criteria if any were developed.

4 THE WITNESS: The board just talked to them,  
5 I mean, and asked questions of them. My  
6 questions were very specific to their knowledge  
7 regarding the right-to-know law and what  
8 experience they have working with school  
9 districts. Other board members -- am I allowed  
10 to --

11 MR. DUCHARME: I'm okay with general  
12 commentary about what went into hiring the  
13 lawyer. I don't want you to get into advice that  
14 the lawyer gave you on substantive matters.

15 BY MR. TAYLOR:

16 **Q.** So can you describe your concerns, your  
17 questions about the right-to-know law, and what  
18 the criteria was?

19 **A. You mean their responses?**

20 **Q.** Right, your discussion about that.

21 **A. Well, they're a general purpose law firm. And I  
22 think my concerns were more that they did not  
23 have the experience dealing with the**

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1 **right-to-know law that a firm, such as the ones  
2 that Diane Gorrow had recommended, Matt Upton  
3 and David Bradley, who spent their careers doing  
4 this sort of thing.**

5 **They, being a general law firm, they're kind  
6 of a little good at a lot of things.**

7 **And I wasn't sure, being a new school board  
8 and an inexperienced school board, that they  
9 were going to be able to offer us the guidance  
10 to get through this, and I knew we would need a  
11 lot of guidance.**

12 **Q.** Were all board members there?

13 **A. I don't believe Krista was at that first one. I  
14 think she called in to that first meeting.**

15 **Q.** She joined by phone?

16 **A. I do believe she joined by phone. Again, that's  
17 just my recollection.**

18 **Q.** You said that the purpose of the meeting was to  
19 decide whether to hire them?

20 **A. It was.**

21 **Q.** Did the board deliberate that question?

22 **A. We did not deliberate that there.**

23 **Q.** Where did that deliberation occur?

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- 1 **A. Again, that deliberation never took place.**  
 2 **Regarding which law firm to hire?**  
 3 **Q.** Whether to hire that firm.  
 4 **A. Henry then decided to unilaterally make that**  
 5 **decision.**  
 6 **Q.** Did he talk with you or other board members?  
 7 **A. I had talked to him about my opinion. And I**  
 8 **certainly -- it's my assumption he talked to**  
 9 **other board members and got their opinion as**  
 10 **well.**  
 11 **Q.** So you're saying Henry talked to the board  
 12 members by phone?  
 13 **A. Yes.**  
 14 **Q.** And then made the decision based upon those  
 15 discussions?  
 16 **A. Correct. That's my assumption. Again, I was**  
 17 **not Henry. I don't know what he did.**  
 18 **Q.** But you had that kind of conversation with him?  
 19 **A. I did.**  
 20 **Q.** Did he tell you when he made that decision?  
 21 **A. Yes.**  
 22 **Q.** Can you describe that?  
 23 **A. He told me that he chose this law firm, and I**

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- 1 **figured he was going to. It was no surprise to**  
 2 **me.**  
 3 **Q.** What form did that communication take?  
 4 **A. Telephone.**  
 5 **Q.** Okay. Do you know about when?  
 6 **A. I couldn't answer that. I don't think it was**  
 7 **long after that.**  
 8 MR. DUCHARME: I don't know about you, but I  
 9 need a break.  
 10 (1:25 p.m., recess.)  
 11 (1:30 p.m., deposition resumes.)  
 12 BY MR. TAYLOR:  
 13 **Q.** We were talking about the meeting on April 19th  
 14 at Hoefle where the board was trying to  
 15 determine whether to hire Hoefle as the  
 16 attorney.  
 17 Do you know how the billing for that  
 18 attorney was arranged?  
 19 **A. I wasn't part of the original decision making on**  
 20 **that, but I do know from Howard's point of view**  
 21 **that because the board decided they did not want**  
 22 **to do things in the open, there was not going to**  
 23 **be -- which was an option -- it was going to be**

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- 1 **done in a secret way, and we had to stay secret**  
 2 **for a certain amount of time, Wendy did not know**  
 3 **about it, Sue did not know about it, so bills**  
 4 **could not come to the central office. So I**  
 5 **imagine that was why they decided bills would go**  
 6 **to Henry's home.**  
 7 **Q.** And how were they arranged?  
 8 **A. How what?**  
 9 **Q.** You implied that they would go to Henry's home.  
 10 Can you elaborate on that a little bit more,  
 11 what exactly the arrangements were?  
 12 **A. What exactly they what?**  
 13 **Q.** At the end of that, you said that bills went to  
 14 Henry's home. Do you know anything more about  
 15 that?  
 16 **A. I do not know anything more about that. I was**  
 17 **not involved in the billing. I just know that**  
 18 **because it was a secret process, which was**  
 19 **something that the board wanted, that the bills**  
 20 **then could not come here because of staff**  
 21 **members would then know about it.**  
 22 **And it would be heartbreaking for them to**  
 23 **see -- "Well, what are they doing with Howard?"**

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- 1 **Q.** You said the board had options on that? Can you  
 2 describe what those options might have been?  
 3 **A. It could have been, you know, from the very**  
 4 **beginning, we are doing an amicable separation,**  
 5 **it will end on such and such a date, and we're**  
 6 **working out the details. Or it could have been**  
 7 **a very quick process. When we originally had**  
 8 **the discussions with Howard, he said it**  
 9 **shouldn't take more than a week to do. It ended**  
 10 **up taking, because of --**  
 11 **Q.** It ended up taking much longer?  
 12 **A. (Nodding head.)**  
 13 **Q.** And why did it take much longer?  
 14 **A. One reason was because Megan Turnbull wanted to**  
 15 **ensure that we had an interim in place before we**  
 16 **had -- before we announced that Howard was**  
 17 **leaving. That was one.**  
 18 **Q.** When did that happen; when did Megan express  
 19 that?  
 20 **A. I can't answer that. I don't know. I mean, the**  
 21 **time, so much was going on at that time.**  
 22 **Q.** How did you know that that was what she wanted  
 23 to do?

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- 1 **A. It could have been at a non-meeting, actually.**  
 2 **Q.** So at some point you knew that that's what Megan  
 3 wanted to do?  
 4 **A. Yes.**  
 5 **Q.** And that contributed to the length of time?  
 6 **A. Right.**  
 7 **Q.** You said that you could have decided to announce  
 8 at the very beginning that you were working on a  
 9 separation agreement; is that correct?  
 10 **A. It could have happened, it could have happened**  
 11 **much quicker.**  
 12 **Q.** How were you made aware of these options?  
 13 **A. Henry and I met with Howard very -- you know,**  
 14 **again, shortly around the same time as that**  
 15 **first meeting at Hoefle, Gormley. I can't tell**  
 16 **you the exact date. And we talked to him in a**  
 17 **very open way, how, you know, he would feel**  
 18 **about, about a separation, you know. And**  
 19 **Howard -- we discussed that. We had a very**  
 20 **frank discussion about that.**  
 21 **And one thing Howard said is, you know, it's**  
 22 **like -- he'd like it -- if it happens, for it to**  
 23 **happen very quickly and amicably. And, you know**

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- 1 **like a marriage ending, it can be ugly or it**  
 2 **could be pleasant, and he wants it -- us to work**  
 3 **toward it happening in a nice friendly way.**  
 4 **Q.** So at that meeting with Howard, you were there  
 5 with Howard. Who else was there?  
 6 **A. Henry.**  
 7 **Q.** You, Henry and Howard were meeting and  
 8 discussing these options.  
 9 You said that there were three. You could  
 10 either do it in secret, you could do it openly,  
 11 or you could just do it quickly. Are those the  
 12 three?  
 13 **A. I don't know that that all came up at that**  
 14 **meeting. But we -- I know Howard talked then**  
 15 **about wanting to do it quickly. Howard had**  
 16 **expressed to me certainly about, you know, he**  
 17 **thinks it's best to just rip the band-aid off.**  
 18 **Get it done.**  
 19 **Q.** And how did the board decide to do it secretly?  
 20 What form did that decision take?  
 21 **A. I have no idea. Again, I probably attended**  
 22 **three non-meetings, and I don't -- I was not**  
 23 **really a big part of what happened. I don't**

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- 1 **know.**  
 2 **Q.** I see. So you were not part of that decision?  
 3 **A. A part of what decision?**  
 4 **Q.** On whether -- which of those three options to  
 5 take?  
 6 **A. I don't think -- I don't even know -- I think it**  
 7 **just kind of morphed into that. It got longer.**  
 8 **The search for an interim superintendent**  
 9 **prolonged it.**  
 10 **Henry originally started to look, but he**  
 11 **never got anywhere with it. And didn't -- I**  
 12 **don't think -- I don't really know. I can't**  
 13 **answer that.**  
 14 **Q.** When did Henry start looking, the first time you  
 15 talked about it?  
 16 **A. As I recall, at the very first meeting that**  
 17 **Howard, Henry and I had, Howard gave us two**  
 18 **names, and also suggested that we contact the**  
 19 **School Administer's Association. He may have**  
 20 **also mentioned another group. He may have said,**  
 21 **"Call the New Hampshire School Board**  
 22 **Association." I don't know. He gave us some**  
 23 **suggestions who we could contact to get that**

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- 1 **ball rolling.**  
 2 **Q.** So at this first meeting when you were talking  
 3 with Howard, you were already talking about an  
 4 interim superintendent?  
 5 **A. Howard was a very, I felt, very helpful, was a**  
 6 **very helpful asset to the board helping us think**  
 7 **forward what our next step was, what we needed**  
 8 **to do.**  
 9 **Q.** You made a statement that Henry tried initially  
 10 to search for an interim superintendent, but was  
 11 unsuccessful.  
 12 **A. Henry tried what?**  
 13 **Q.** You said Henry started an initial search, but  
 14 was unsuccessful. Can you describe that in more  
 15 details, or did I understand you correctly?  
 16 **A. I don't know that Henry and I were communicating**  
 17 **very well at that time. I called him a number**  
 18 **of times, and I would ask him, "Did you call Bob**  
 19 **Lister, did you call so and so, have you spoken**  
 20 **to blah, blah, blah?"**  
 21 **And I don't recall receiving very**  
 22 **satisfactory answers. And this went on for a**  
 23 **while.**

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1 **And then, then at one point -- again, I**  
 2 **can't tell you when -- we were at an agenda**  
 3 **setting meeting with Howard. And Henry said**  
 4 **something about he was going to meet some people**  
 5 **on Friday.**

6 **And I said, "Oh." To interview,**  
 7 **interviewing some people on Friday.**

8 **I said, "Oh, can I come with you?" And I**  
 9 **think I got an ambiguous response to that.**

10 **Q.** Is this the June 10th, is that the timeframe?

11 **A. Pardon?**

12 **Q.** Is this around June 10th, the interview meeting  
 13 that you were talking about? You don't  
 14 remember?

15 **A. I don't remember. I don't remember the dates.**

16 **Q.** I'll see if I can...

17 **A. It would be right prior to the Durham Police**  
 18 **Department date.**

19 (Whereupon, Exhibit 4, Emails, is marked  
 20 for identification.)

21 THE WITNESS: Yes, that's what I'm referring  
 22 to.

23 BY MR. TAYLOR:

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1 **Q.** Can you describe the document?

2 **A. It's an email that I sent to the full board on**  
 3 **June 12th.**

4 **Q.** And in general terms, what does that email say?

5 **A. What does it suggest?**

6 **Q.** Can you talk about what the email says?

7 **A. It describes a situation, as I saw it, that as I**  
 8 **was beginning to describe an agenda setting**  
 9 **where Henry was going to interview some**  
 10 **superintendent candidates.**

11 **And then he -- how he had described to me**  
 12 **was that he was going to hold some interviews**  
 13 **with these candidates and then bring them before**  
 14 **a non-meeting and have the board then vote on**  
 15 **one of them. I think.**

16 **Then I just talked about process.**

17 **Q.** Did you mean non-meeting or nonpublic meeting?

18 **A. Non-meeting.**

19 **Q.** So Henry intended to vote on the interim  
 20 superintendent at a non-meeting?

21 **A. That was what he had said by telephone, but**  
 22 **that's not what occurred.**

23 **Q.** But that's what his intent was at that time?

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1 **A. That's how he described it to me.**

2 **Q.** So you had said that you had a discussion with  
 3 Howard in April following the April 11th Justin  
 4 Campbell decision, and you next -- you learned  
 5 about this April 10th meeting at agenda setting  
 6 a few days beforehand.

7 Were you aware of the interim search process  
 8 at all between those two meetings?

9 MR. DUCHARME: I just want to make sure I  
 10 have the timeframe correct. Between the  
 11 immediate aftermath of the April 11th vote and  
 12 this series of emails?

13 MR. TAYLOR: Yes.

14 MR. DUCHARME: Thanks.

15 THE WITNESS: All during May, what happened  
 16 in May?

17 MR. DUCHARME: The question was were you  
 18 aware that there was an interim search process  
 19 going on.

20 THE WITNESS: There was another search  
 21 process going on?

22 BY MR. TAYLOR:

23 **Q.** Are you aware that there was an interim search

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1 process between --

2 **A. I'm not aware of anything that went on other**  
 3 **than Henry might have made some preliminary**  
 4 **phone calls to people.**

5 **Q.** Did he describe those phone calls? How do you  
 6 know about them?

7 **A. He may have -- I know that I was nagging him**  
 8 **quite a bit at that time. "Did you call those**  
 9 **people that Howard gave you the names? Did you**  
 10 **call the school administration?"**

11 **I know the School Administrators Association**  
 12 **gave him some names. "Did you call those**  
 13 **people?"**

14 **I think I was being a nag. "Did you call**  
 15 **them? Well, what did they say?"**

16 **My concern was that later in the year -- a**  
 17 **lot of these people are retired, and they work**  
 18 **for a year, they would get their next job**  
 19 **starting July 1st. So I just wanted to make**  
 20 **sure he had made contact.**

21 **So I think I was making a lot of those phone**  
 22 **calls. What the responses were, I can't recall.**

23 **Q.** Do you have any sense of what time period this

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- 1 nagging occurred over? Are we talking about a  
2 couple of days?  
3 **A. Probably pretty much the month of May is my  
4 guess. I'm just thinking that.**  
5 **Q.** So it was over several weeks or a few weeks?  
6 **A. That's my recollection, David. A lot was going  
7 on, so my apologies if my timeframe is off.**  
8 **Q.** That's okay. I'm just trying to understand.  
9 Was Henry working alone in this effort?  
10 **A. As far as I know, he was at that point, until  
11 this. I had heard about it then, June 7th.**  
12 **Q.** Do you know if any other board members were  
13 doing other tasks related to the interim search  
14 such as job descriptions or qualifications or  
15 anything of that sort?  
16 **A. Not that was aware of.**  
17 **MR. DUCCHARME:** And I want it to be clear,  
18 were you asking her present knowledge or did she  
19 know back then?  
20 **MR. TAYLOR:** Did she know back then.  
21 **MR. DUCCHARME:** Okay.  
22 **THE WITNESS:** Not to my knowledge.  
23 **BY MR. TAYLOR:**

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- 1 **Q.** Do you know anything about a meeting on  
2 April 20th at the Durham Police Department?  
3 **A. April 20th. So that would be prior to the  
4 Hoefle, Phoenix first meeting?**  
5 **Q.** The next day.  
6 **A. The day after? I have no idea what that is.**  
7 **Q.** Okay. Do you know anything about the meeting on  
8 the 21st at Hoefle?  
9 **A. April 21st?**  
10 **Q.** April 21st.  
11 **A. Isn't that the first meeting?**  
12 **Q.** No, the 19th?  
13 **A. Oh, the 19th was the first?**  
14 **Q.** This is two days later.  
15 **A. See, I was told you'd hand me pieces of paper.  
16 Okay. I'm bad with dates.**  
17 **Q.** That's fine.  
18 **A. So two days later there was a meeting at Hoefle,  
19 you're saying.**  
20 **Q.** Right.  
21 **A. No, I do not know what that meeting was.**  
22 **Q.** Okay. April 29th, there were two meetings at  
23 Hoefle. One with Henry Brackett at noon and

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- 1 then the board at one.  
2 Do you remember those meetings?  
3 **A. On April 29th. Noon and one. Oh, I believe  
4 this might be the meeting that I...**  
5 **Q.** Go ahead.  
6 **A. I might have not been quite -- I might have  
7 missed or been -- the lines were crossed. I'm  
8 not sure.**  
9 **Q.** I'll see if I can find something to remind you.  
10 **A. But I wrote an email the next day to jog my  
11 memory.**  
12 **Q.** Look at Exhibit 4 and Exhibit 2.  
13 **A. April 3rd. So that's the day after the meeting.**  
14 **Q.** That's the meeting I'm talking about.  
15 **A. So what was the question?**  
16 **Q.** Do you remember anything about that meeting?  
17 **A. I was not there.**  
18 **Q.** Did you get a report of what happened at that  
19 meeting?  
20 **A. I did.**  
21 **Q.** Can you describe that?  
22 **A. Henry told me about it after the fact. Because  
23 I didn't know that there was a meeting. I got a**

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- 1 **call, if I could be free for that time. I don't  
2 know if it was the day before.**  
3 **He said, "Do you have a certain time free?"  
4 I said, "I do."  
5 He said, "Let me see if other board members  
6 are free. I'll get back to you."  
7 And then I never heard back. So my  
8 assumption was that the meeting was not going to  
9 take place.  
10 And then that night, the following night, I  
11 called Henry. And he said, "You weren't at the  
12 meeting."  
13 And I didn't know there was a meeting. So  
14 it was that kind of a miscommunication.  
15 And we talked for a while, and he told me  
16 what happened, that the -- they had decided at  
17 that meeting, I guess, you know, I guess a vote  
18 to go ahead with the termination of Howard's  
19 contract. And so I guess that was why I  
20 responded with this email.  
21 **Q.** So your understanding from Henry's discussion is  
22 that the board made a decision at that meeting,  
23 and the decision was to terminate Howard Colter?**

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1 **A. Yes.**  
 2 **Q.** Did he give you any other description of that  
 3 meeting?  
 4 **A. Nothing that I can -- that jumps out at me right**  
 5 **now. I'm sure he had said more about it, but I**  
 6 **can't recall.**  
 7 **Q.** Did he say who was there?  
 8 **A. I think everyone was there.**  
 9 **Q.** Besides you?  
 10 **A. Right, besides me.**  
 11 **Q.** Did he tell you where the process stood, what  
 12 the next steps might be?  
 13 **A. He may have. But I can't recall at this point**  
 14 **what he had said.**  
 15 **Q.** Did he say anything about terms of the contract,  
 16 how it would be negotiated -- the agreement, I'm  
 17 sorry -- how it would be negotiated, anything of  
 18 that sort?  
 19 **A. Well, he had said that we are going to do this,**  
 20 **we're going to be fair to Howard, we're going to**  
 21 **pay him everything that he is owed, that it's**  
 22 **going to be a, you know, an amicable separation.**  
 23 **He told me that he told everyone that I**

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1 **disagreed with doing it there that day. He did**  
 2 **tell me he shared that with them. I wrote that**  
 3 **in the email.**  
 4 **I don't think we talked about timeline then.**  
 5 **We might have but, I'm sorry, I can't really**  
 6 **recall the specifics of it, you know, what was**  
 7 **done. I just know that they had voted on**  
 8 **having, you know, to terminate the contract.**  
 9 **And that -- and I felt very bad that I had**  
 10 **missed that meeting. I mean, not that I would**  
 11 **have made any difference.**  
 12 **Q.** You said that they had decided at that meeting  
 13 as well that Howard would be paid in full,  
 14 effectively?  
 15 **A. Yes.**  
 16 **Q.** So they decided at that meeting what the general  
 17 terms of the contract would be?  
 18 **A. Well, to be honest, I was not at that meeting,**  
 19 **so I can't say what they decided. I can only**  
 20 **tell you what Henry told me. And I know**  
 21 **sometimes Henry says what his opinion is, and**  
 22 **sometimes that's not necessarily the board's**  
 23 **opinion.**

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1 **So Henry may have, you know, been saying how**  
 2 **he feels that Howard should be getting -- I know**  
 3 **Henry all along felt that Howard should be --**  
 4 **this was not a case of insubordination. Henry**  
 5 **always felt we are going to pay Howard his full**  
 6 **salary.**  
 7 **But I -- so I don't know whether he was --**  
 8 **they had discussed that that day or not. But**  
 9 **that's, in most of my conversations with Henry,**  
 10 **he and I did affirm our shared belief that**  
 11 **Howard should get his full -- his full salary,**  
 12 **you know, his compensation.**  
 13 **Q.** Mm-hmm. At any other time were the terms of the  
 14 separation agreement discussed among board  
 15 members?  
 16 **A. At other times were the terms discussed?**  
 17 **Q.** Right.  
 18 **A. I'm trying to think. I know many times, and**  
 19 **I -- Howard's relationship with the board was up**  
 20 **and down. And I know that Jocelyn had a -- had**  
 21 **talked at some point about -- she had used the**  
 22 **word insubordination.**  
 23 **After the student walkout, Megan, in a phone**

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1 **conversation, had used that with me as well.**  
 2 **Q.** Can you describe that in more detail?  
 3 **A. That she felt that Howard had not -- Howard had**  
 4 **not -- I can't remember the words. I hate to**  
 5 **paraphrase when they're not my words. Let me**  
 6 **think for a moment.**  
 7 **Q.** Take your time.  
 8 **A. Howard did not stand up for the board. And**  
 9 **there were three board members who felt very**  
 10 **unsafe after the walkout.**  
 11 **And I think that -- I won't say I think. I**  
 12 **know some of that anger was directed toward, not**  
 13 **just members of the community, but to Howard as**  
 14 **well and feeling that he was not doing his job.**  
 15 **Q.** What job did they expect him to be doing  
 16 differently?  
 17 **A. I did not get into that.**  
 18 **MR. DUCHARME:** Who's the "they?" Because  
 19 she said members of the community.  
 20 **MR. TAYLOR:** Megan, she said was talking.  
 21 **MR. DUCHARME:** Okay.  
 22 **BY MR. TAYLOR:**  
 23 **Q.** On May 16th, there was a meeting at Ann Lane's

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1 house. Are you familiar with that meeting at  
2 all?

3 **A. On May 16th? I'm not.**

4 **Q.** Okay. On May 20th, there was another  
5 non-meeting at Hoefle. Do you remember that  
6 meeting?

7 **A. I may need context for that.**

8 **Q.** Okay. This is Exhibit 5, within Exhibit 2, the  
9 invoice from Hoefle. You see there it says on  
10 May 20th.

11 **A. Okay. Does this mean two hours?**

12 **Q.** Yes.

13 **A. Okay.**

14 **Q.** Do you remember that meeting?

15 **A. I'm hoping it's the meeting I'm thinking of.**

16 **Q.** Describe the meeting you're thinking of.

17 MR. DUCHARME: Within the confines of what  
18 we're doing today, which is confirming which  
19 meetings you were at but not talking about what  
20 was discussed in them. Obviously, the billing  
21 statement speaks for itself, Ann.

22 BY MR. TAYLOR:

23 **Q.** Were you at that meeting?

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1 THE WITNESS: Did the attorney participate  
2 in all discussions? No.

3 BY MR. TAYLOR:

4 **Q.** Can you describe the things that the attorney  
5 did not participate in?

6 **A. Whether -- there was a long discussion about  
7 public relations and maybe which firm to use or  
8 should we use a firm.**

9 **I remember -- I can't remember what other  
10 people said. I remember what I said. But it's  
11 hard to recall details, specific details of it.  
12 And I'm reluctant to know what Kim -- you know,  
13 I don't think she said anything regarding any of  
14 that.**

15 **But we had a disagreement, the board had a  
16 disagreement about the use and billing of public  
17 relations. I know that.**

18 **Q.** Can you describe that disagreement?

19 **A. I recall saying I thought it would not look good  
20 for us to hire a public relations firm given the  
21 fact that the cost, and I didn't -- I knew  
22 people would object to it, ultimately. And it  
23 would just -- they would look at it as us trying**

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1 **A. Yes, I believe, I believe -- well, I shouldn't  
2 say this. I'm only aware that I only missed one  
3 of the main non-meetings.**

4 **Q.** So don't worry so much about the date. You  
5 remember being at a meeting about that time?

6 **A. Yes.**

7 **Q.** Okay. Were all the board members at that  
8 meeting?

9 **A. Krista missed many. Some she called in on, so I  
10 can't verify whether she was there. And I'm  
11 guessing, if it's the one that I'm thinking of,  
12 that she was not at that one.**

13 **Q.** And she didn't call in?

14 **A. That she did not call in, no.**

15 **Q.** In the meeting that you're thinking of?

16 MR. DUCHARME: Which you're not allowed to  
17 talk about. Sorry. That was a mad stab at  
18 humour. Just trying to lighten it up a little.

19 BY MR. TAYLOR:

20 **Q.** Did the attorney participate in all discussions?

21 MR. DUCHARME: That's a fair question. He's  
22 trying to find out if things were discussed in  
23 there that the lawyer didn't have a role in.

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1 **to make ourselves look good. And it's best to  
2 just be open and transparent.**

3 **And we went around the table talking about  
4 how we felt. And some people were very  
5 passionate about that.**

6 **And there was a suggestion that perhaps the  
7 billing could be perhaps not -- could perhaps  
8 not be seen by the public.**

9 **Q.** Can you give details on what that kind of  
10 suggestion was?

11 **A. As I recall, Megan suggested that Rhoades  
12 Alderson said that the public relations billing  
13 could fall under the grade schools project.**

14 **Q.** Was Rhoades Alderson involved in this  
15 conversation?

16 **A. I've never met the man. He was not there.**

17 **Q.** He wasn't involved by phone?

18 **A. No.**

19 **Q.** Had the board already contacted Rhoades Alderson  
20 prior to this meeting?

21 **A. I don't know that I had even heard his name  
22 prior to that meeting.**

23 **Q.** You said that you talked about which firm to

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1 use. Can you describe that discussion?  
 2 **A. I think it had probably already been decided,**  
 3 **because, again, it became clear to me at this**  
 4 **meeting that things had gone on outside that I**  
 5 **was not aware of. That there had been, what I**  
 6 **guess is referred to as a PR group, and that**  
 7 **they had talked to other people and gotten names**  
 8 **and had been in contact with them. And this was**  
 9 **maybe reporting back to the board what they had**  
 10 **found out and what they could do.**

11 **And so maybe it was not so much about**  
 12 **whether -- which group to use, but whether to go**  
 13 **ahead and have them be the PR people for the**  
 14 **board.**

15 **Q.** Did the board decide to go with that group? Did  
 16 the board make a decision about a PR firm?

17 **A. They did.**

18 **Q.** Do you remember what that decision was?

19 **A. I think all the rest of them, yeah, they voted**  
 20 **to go with them.**

21 **Q.** What form did that vote take?

22 **A. Pardon?**

23 **Q.** What form did that take?

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1 **I mean, ordinarily I would say 5 to 1 since**  
 2 **Krista was not there, but I could not be certain**  
 3 **of that.**

4 **Q.** Do you know how this PR firm was selected? What  
 5 the search process was for that PR firm?

6 **A. I missed the meeting prior to this. I think I**  
 7 **missed some discussions that might have led to**  
 8 **that discussion.**

9 **Q.** You mentioned a PR group. Can you elaborate on  
 10 the PR group? Who was in it, for example?

11 **A. Well, Jocelyn talked a lot about PR, and Megan**  
 12 **did.**

13 **Q.** Besides the selection of this firm, was this PR  
 14 group given any tasks, were they charged, for  
 15 example, to continue to work with that PR firm?

16 **A. I can't answer that.**

17 **Q.** Okay.

18 **A. I was very uninvolved in all of that.**

19 **Q.** You said this was a long discussion. About how  
 20 long? Hour, half hour?

21 **A. You mean this meeting?**

22 **Q.** The discussion about the PR firm, the public  
 23 relations in general, this discussion we've been

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1 **A. A hands up thing. Are you for this, are you**  
 2 **against this, that kind of a thing.**

3 **Q.** Reasonably formal vote?

4 **A. I'm sorry?**

5 **Q.** Reasonably formal vote.

6 MR. DUCHARME: I'm only going to object,  
 7 because I think the witness's response to you  
 8 suggested a question. I think she was asking  
 9 you if it was a formal hands up kind of thing.

10 I don't think she was saying it was. I  
 11 object and ask you to clarify. Were you telling  
 12 him was a hands up thing or asking if that's  
 13 what he was asking you about?

14 THE WITNESS: No, I'm saying I think it was  
 15 a hands up thing.

16 MR. DUCHARME: Okay. That's fair.

17 BY MR. TAYLOR:

18 **Q.** Do you remember what the result of that vote  
 19 was?

20 **A. Oh, I know I voted against it. I'm trying to**  
 21 **think if there were any other board members who**  
 22 **also voted against it. And I cannot say**  
 23 **definitively, I can't.**

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1 talking about.

2 **A. I'm thinking about 45 minutes.**

3 **Q.** Okay. Were there any other topics that were  
 4 discussed at this meeting that the attorney did  
 5 not participate in besides the public relations?

6 THE WITNESS: Was this our last meeting?

7 MR. DUCHARME: You should let Mr. Taylor ask  
 8 the questions. Sorry.

9 THE WITNESS: I'm trying to frame it in my  
 10 mind.

11 MR. DUCHARME: I know.

12 THE WITNESS: Because I'm picturing a  
 13 conversation, and I'm trying to decide whether  
 14 it happened at this meeting. And based on where  
 15 I was sitting, I'm thinking it did happen at  
 16 this one. Although, the timing baffles me a  
 17 little bit.

18 BY MR. TAYLOR:

19 **Q.** Let's not worry about the date of the meeting.  
 20 But can you talk about the other subject that  
 21 was discussed that the attorney didn't get  
 22 involved with?

23 **A. There was a discussion at one board meeting -- I**

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1 **mean at one nonpublic meeting -- about whether**  
2 **the interim superintendent candidates should**  
3 **have public interviews. The final --**

4 MR. DUCARME: Finish.

5 THE WITNESS: The final two candidates  
6 should have public interviews.

7 MR. DUCARME: Are you talking about a  
8 nonpublic or non-meeting?

9 THE WITNESS: Non-meeting. I'm picturing  
10 this in Kim Memmesheimer's office.

11 MR. DUCARME: If Kim was involved in the  
12 discussion at all, you shouldn't be talking  
13 about it.

14 THE WITNESS: She was sitting at the table,  
15 but she was not involved in the discussion.

16 MR. DUCARME: Okay.

17 BY MR. TAYLOR:

18 **Q.** Can you describe that discussion?

19 **A. This was, again, a heated exchange, and**  
20 **discussion about whether -- whether we should**  
21 **have -- you know, what the process should be for**  
22 **hiring an interim superintendent, should we**  
23 **follow what we did with the -- with the**

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1 **principal candidate, which is have the final two**  
2 **do public interviews, televised public**  
3 **interviews, that sort of thing.**

4 **And there were a number of board members who**  
5 **felt that that should not happen.**

6 **Q.** Which board members didn't want to have public  
7 interviews?

8 **A. I know Megan did not want that to happen. And**  
9 **got -- and it had to do with -- again, this is**  
10 **why I'm thinking I might have the time of the**  
11 **meeting wrong, but I do know it happened at a**  
12 **non-meeting.**

13 **Q.** Mm-hmm.

14 **A. I know Megan was against it, and I know we took**  
15 **a vote ultimately. And it was a very close**  
16 **vote. It was a 3/4 vote whether to have it.**  
17 **And it was -- the four vote was to have -- to**  
18 **not have public interviews. This is -- I did**  
19 **write an email.**

20 **Q.** You think this happened at your last  
21 non-meeting, did you say?

22 **A. Well, I know shortly after that I wrote an email**  
23 **saying that I was going to make a motion.**

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1 **Q.** Okay.

2 **A. But, again, things...**

3 **Q.** Can I see this exhibit?

4 **A. That's why I'm feeling that that meeting was too**  
5 **soon for the event to have taken place.**

6 **Q.** This is Exhibit 10 in Exhibit 2. Can you  
7 describe that?

8 **A. This is an email that I wrote saying that I was**  
9 **going to make a motion at the school board**  
10 **meeting on June 15th, which was the school board**  
11 **meeting that we announced the amicable**  
12 **separation between Howard and the school board.**  
13 **And the motion was to have a public interview of**  
14 **the final candidates. And it speaks for itself,**  
15 **too. Because I wrote no legal action can be**  
16 **taken.**

17 **Q.** Right. So I believe this refers to the  
18 June 13th non-meeting? Does that make sense?

19 **A. So there was a non-meeting on the 13th. So I**  
20 **did have my dates wrong.**

21 **Q.** Okay. Was there any other discussion at that  
22 meeting about public relations?

23 MR. DUCARME: At the June 13th meeting?

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1 BY MR. TAYLOR:

2 **Q.** At the June 13th meeting.

3 **A. Jocelyn passed around a sheet from another**  
4 **school district showing what we could do on our**  
5 **website to have us look better. Other than**  
6 **that, for public relations, I just can't recall.**  
7 **And that may have been at the 20th meeting, too,**  
8 **David. It's a bit of a blur.**

9 **Q.** I understand.

10 (Whereupon, Exhibit 5, Emails, is marked  
11 for identification.)

12 BY MR. TAYLOR:

13 **Q.** Can you describe that document?

14 **A. It is an email from me to Henry and Jocelyn and**  
15 **then a response.**

16 **Q.** Does that email talk about public relations  
17 items?

18 **A. It does. It jogs my memory a bit. We had also**  
19 **discussed at one point -- again, could not tell**  
20 **you which meeting -- as well as the press**  
21 **release, releasing something called a FAQ sheet.**

22 **Again, this is not something I was heavily**  
23 **involved in. I recall Megan bringing it up, but**

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1 **just offering more information. There was a**  
 2 **sense, and I certainly shared this, that we are**  
 3 **not giving a lot of information to the public.**  
 4 **The separation agreement would not be available**  
 5 **to the public for another half month. The press**  
 6 **release was short and terse. So, anyway, this**  
 7 **was written the day of the board meeting that we**  
 8 **were going to announce Howard Colter's**  
 9 **separation. There had been talk about also**  
 10 **releasing some sort of a FAQ sheet about**  
 11 **information.**

12 **And at the day of the board meeting had not**  
 13 **received anything to look at and wondering was**  
 14 **it, as sometimes happens, it shows up the night**  
 15 **of the board meeting. So I just wanted to make**  
 16 **sure that if something is circulating out there,**  
 17 **that I see it prior to that. But apparently**  
 18 **nothing was circulating out there.**

19 **Q.** Had there been discussion about this fact at  
 20 this June 13th non-meeting?

21 **A. I can't tell you if it was at that June 13th**  
 22 **meeting or the May 20th meeting or if it was**  
 23 **done by phone.**

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1 **But there was -- I was certainly not the**  
 2 **only board member who felt that we need to -- we**  
 3 **need to put out more information, that people**  
 4 **are going to not be satisfied with this, the**  
 5 **information that we're putting out there.**

6 **Q.** Was there a decision, or were people instructed  
 7 to do these documents?

8 **A. Not that I'm aware of, David, no. I think that**  
 9 **people had talked about maybe putting them**  
 10 **together, but as far as a decision or a -- I**  
 11 **don't recall that.**

12 **Q.** As the conversation carries on, you learned that  
 13 those documents were not going to be produced;  
 14 am I correct, characterizing that properly?

15 **A. We will discuss options tonight, but we decided**  
 16 **not to draft documents ahead of time.**

17 **Q.** Do you know who decided not to draft the  
 18 documents?

19 **A. I do not.**

20 **Q.** Or what form that decision took?

21 **A. I have no idea.**

22 **Q.** Okay. Thank you. On May 22nd.

23 **A. May 22nd.**

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1 **Q.** There was a conference call with New Harbor  
 2 Group in Rhode Island, the PR firm.

3 Are you aware of that conference call?

4 **A. Only much after the fact.**

5 **Q.** What do you know about that conference call?

6 **A. Nothing.**

7 MR. DUCHARME: I was going to say not if it  
 8 came up in our prep discussion yesterday.

9 THE WITNESS: No. Somebody emailed me an  
 10 email chain about that.

11 BY MR. TAYLOR:

12 **Q.** Do you remember anything from that email chain?

13 **A. Pardon?**

14 **Q.** Do you remember anything from that email chain?

15 **A. That a conference call took place. Again, I**  
 16 **remember very little. It was the first I had**  
 17 **heard that there was a conference call about**  
 18 **maybe Rhoades Alderson. I don't remember.**  
 19 **Again, I was not part of that group. So I won't**  
 20 **be very helpful there.**

21 (Whereupon, Exhibit 6, Emails, is marked  
 22 for identification.)

23 THE WITNESS: Am I supposed to look at this?

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1 BY MR. TAYLOR:

2 **Q.** Can you describe that document?

3 **A. Pardon?**

4 **Q.** Can you describe that document?

5 **A. This is an email to me, copied to Henry, of a --**  
 6 **I don't know if it's a draft of the press**  
 7 **release that went out with the amicable**  
 8 **separation agreement.**

9 **Q.** Okay. Who's it from?

10 **A. Megan Turnbull.**

11 **Q.** And does it talk about the PR firm?

12 **A. It does.**

13 **Q.** Is that likely the email you were talking about?

14 Is this what you were thinking about when you  
 15 talked about the email chain?

16 **A. No.**

17 **Q.** There's a separate email chain?

18 **A. Yes.**

19 **Q.** Can you describe that email chain?

20 **A. The email chain I saw referred to a more --**  
 21 **a billing -- there were two, I think.**

22 **Billing -- asking for a billing, them to bill**

23 **Kim Memmesheimer or Hoefle, Gormley. And one**

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1 **was to arrange a conference call with Rhoades**  
 2 **Alderson, I think -- or I get all those names**  
 3 **mixed up. Skip Hansen. I don't know if they**  
 4 **all work together. Or one of those people or**  
 5 **all of those people together maybe and Henry**  
 6 **possibly.**

7 (Whereupon, Exhibit 7, Emails, is marked  
 8 for identification.)

9 BY MR. TAYLOR:

10 **Q.** Is that the email chain you were thinking of?

11 **A. Mm-hmm.**

12 **Q.** Can you describe that?

13 **A. It is an email from Megan Turnbull to Skip**  
 14 **Hansen, copied to Henry and the lawyer Kim**  
 15 **Memmesheimer asking Skip Hansen -- I don't**  
 16 **know -- about billing issues.**

17 **Q.** What do they suggest the billing be done?

18 **A. That they have approved the billing, the hourly**  
 19 **rate, and that they ask Rhoades' firm to bill in**  
 20 **care of our law firm. The address is given.**

21 **And then the second page talks about a**  
 22 **conference call, and the rate of \$125 an hour.**

23 **And that's from Rhoades -- Rhoades Alderson, I**  
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1 **assume.**

2 **And then there's a third email about three**  
 3 **board members would like to conference call on**  
 4 **Friday at 2:30.**

5 **Q.** Okay. Do you know if Henry Brackett got  
 6 authority from the board to approve that \$125 an  
 7 hour rate?

8 **A. If he had received that approval, it would have**  
 9 **happened at that meeting that I was not in**  
 10 **attendance at.**

11 **Q.** At one of the non-meetings?

12 **A. One of the non-meetings. I'm trying to check**  
 13 **the date. May 27th. Okay. Because I don't**  
 14 **recall.**

15 **Q.** As far as you know, you've not seen any record  
 16 of him getting that authority?

17 **A. There was -- I would like to clarify, though,**  
 18 **that there was that board vote to move ahead**  
 19 **with a PR firm. I don't think anyone assumed**  
 20 **that was free.**

21 **Q.** The terms, rates, were they discussed as part  
 22 that?

23 **A. No, not any meeting that I was at, that was not.**  
 DAVID R. JORDAN & ASSOCIATES

1 **Q.** And Henry wasn't given specific authority as  
 2 part of that vote, it was just choose this firm?  
 3 Am I correct in that understanding?

4 **A. Not that I recall, no.**

5 **Q.** Okay. Did you attend the non-meeting on  
 6 May 23rd? At this meeting the PR group  
 7 interviewed Raymond Mitchell of the Trident  
 8 Communications Group?

9 **A. No.**

10 **Q.** Actually, the interview occurred first for like  
 11 a half an hour while the rest of the board  
 12 waited outside, and then there was a non-meeting  
 13 of the full board after that?

14 **A. I think that's the meeting that I missed.**

15 MR. DUCHARME: He doesn't know that.

16 THE WITNESS: I know. I missed a meeting,  
 17 and I had an email, I think, that verified that  
 18 I missed a meeting, and I told Henry. Was that  
 19 not the meeting that I missed?

20 BY MR. TAYLOR:

21 **Q.** I don't remember.

22 **A. I think I missed the meeting where they had the**  
 23 **little brief PR meeting prior to that. And**  
 DAVID R. JORDAN & ASSOCIATES

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1 **then -- because I don't ever recall being at**  
 2 **anything like that. So I think that's the**  
 3 **meeting that I missed.**

4 **Q.** Okay. There was another conference call on  
 5 May 27th. Are you aware of that? PR group  
 6 conference call?

7 **A. No.**

8 **Q.** On June 3rd, there was a meeting of a legal  
 9 team. Are you familiar with that at all?

10 **A. I have no idea what the legal team is.**

11 **Q.** Okay. On June 6th, there was a meeting at the  
 12 Durham Police Department, which Skip Hanson was  
 13 interviewed. Are you aware of that meeting?

14 **A. I am now.**

15 **Q.** You weren't aware?

16 **A. Is that the meeting that in my email I refer to?**

17 **Q.** No.

18 **A. Okay.**

19 **Q.** That, I believe, was the 10th. The meeting you  
 20 referred to, I think, was the 10th, because you  
 21 referred to it on a Friday and Friday was the  
 22 10th.

23 **A. There was one prior to that?**  
 DAVID R. JORDAN & ASSOCIATES

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- 1 **Q.** There was one prior to that. You weren't aware  
2 of that, obviously?  
3 **A. No.**  
4 **Q.** Do you remember any discussion among the board  
5 on working with Skip Hansen?  
6 **A. Discussions on the board working with Skip**  
7 **Hansen?**  
8 **Q.** Deciding whether to work with him or not?  
9 **A. I know Megan mentioned his name at a**  
10 **non-meeting. And Henry, by phone, told me his**  
11 **name several times, that Megan had talked to him**  
12 **and that Jim knew him, had worked with him.**  
13 **Q.** Is that in Exeter?  
14 **A. Pardon?**  
15 **Q.** Did Jim work with him in Exeter?  
16 **A. In Exeter, yes.**  
17 **Q.** Do you remember any other details on those  
18 conversations with Skip Hansen?  
19 **A. No. They both said good things about him. I**  
20 **don't recall much. I know, I recall Skip Hansen**  
21 **seemed to have his fingers in many pots and knew**  
22 **PR people and knew people here and knew people**  
23 **there and was referring a lot of people to the**

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- 1 **board. Well, not the board but to Megan and**  
2 **Henry. So he was like a resource, I guess.**  
3 **Q.** Was there any recorded vote to contract his  
4 services?  
5 **A. No. We did not contract his services.**  
6 **Q.** Can you describe what you mean by that  
7 statement?  
8 **A. Pardon?**  
9 **Q.** Can you elaborate on that statement?  
10 **A. The board did not contract his services.**  
11 **Q.** Did the board use his services?  
12 **A. As I understand it, Megan asked him questions**  
13 **and...**  
14 **Q.** So when you say didn't contract, you mean didn't  
15 pay him?  
16 **A. Not to my understanding.**  
17 **Q.** Okay. On June 9th, there was another conference  
18 call with the PR group. Are you aware of that?  
19 **A. No.**  
20 (Whereupon, Exhibit 8, Letter to the  
21 Board, dated May 20, 2011, is marked for  
22 identification.)  
23 ///

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- 1 BY MR. TAYLOR:  
2 **Q.** Can you describe that document?  
3 **A. This was a letter presented to the board from**  
4 **the senior class senate asking the board not to**  
5 **hand out -- take place -- not to have their**  
6 **traditional role in the graduation ceremony by**  
7 **handing out the whatever, standing on stage.**  
8 **Q.** What was the board's response to that letter?  
9 **A. Well, there were individual responses.**  
10 **Q.** Can you describe that?  
11 **A. I personally felt that more power to them. It's**  
12 **their graduation. I think other board members**  
13 **were quite angry.**  
14 **Q.** Did any board members make public statements?  
15 **A. Well, at a board meeting Henry Brackett made a**  
16 **public statement. That's in the -- probably in**  
17 **the minutes or on tape. And I think Jim Kach**  
18 **said something at that same board meeting.**  
19 **Q.** Did the board write a letter in response to  
20 this?  
21 **A. I don't know who wrote that letter, but I guess**  
22 **that was from the board.**  
23 **Q.** So you're saying yes, they did write a letter.

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- 1 **A. I don't know who wrote the letter.**  
2 **Q.** So a letter was written?  
3 **A. A letter was written, and it was presented to**  
4 **the public. I can't remember -- I don't recall**  
5 **how it was disseminated. It was read at that**  
6 **board meeting.**  
7 **Q.** The following board meeting?  
8 **A. At a public board meeting. It was read at the**  
9 **public board meeting. I can't recall if there**  
10 **was a vote to accept it or what. I just don't**  
11 **remember, David.**  
12 **Q.** Do you remember how that letter was written?  
13 **A. No, I don't.**  
14 **Q.** Or who wrote it?  
15 **A. I don't know.**  
16 **Q.** Do you know if the PR firm was involved in  
17 writing that letter?  
18 **A. I think now I know that the PR firm was**  
19 **involved, I think. But I'm not 100 percent**  
20 **sure.**  
21 **Q.** Thank you. On June 13th, you had already  
22 described a meeting at the Durham Police Station  
23 on June 10th where there were interviews, that

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1 you learned about agenda setting, and you said  
2 you wanted to attend it, and Henry was ambiguous  
3 in his response.

4 **A. That was June 10th?**

5 **Q.** June 10th. There was another meeting on  
6 June 13th at the Durham Police Department.

7 Are you aware of that meeting?

8 **A. At the police department? No, I'm not.**

9 **Q.** Okay. On June 13th there was also a non-meeting  
10 with Kim Memmesheimer. I believe it was the  
11 last non-meeting prior to the June 15th.

12 Do you remember that meeting? Do you  
13 remember where it took place?

14 **A. I don't.**

15 **Q.** Was that the meeting where the FAQ was  
16 discussed?

17 MR. DUCHARME: I'm not trying to coach, but  
18 I think she's already said she's not sure which  
19 meeting that was.

20 MR. TAYLOR: That's fine.

21 BY MR. TAYLOR:

22 **Q.** On June 14th, there was another conference call,  
23 probably with the PR group.

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1 separation agreement?

2 **A. The motion was to expend funds from the unspent  
3 surplus fund balance for the purpose of  
4 implementing the mutual separation agreement  
5 between Superintendent Colter and the school  
6 board.**

7 **Q.** Does that motion include the dollar amount?

8 **A. No, it does not.**

9 **Q.** Exhibit 11.

10 MR. DUCHARME: Did we skip 10?

11 MR. TAYLOR: Yes, we skipped 10. I've got  
12 it. I just haven't used it.

13 MR. DUCHARME: Okay, thank you.

14 THE WITNESS: Mm-hmm.

15 BY MR. TAYLOR:

16 **Q.** Can you describe that document?

17 **A. I was pushing to get the information out  
18 quickly. It was an email between Krista and  
19 myself copied to Henry to get the minutes out,  
20 the nonpublic minutes available out on the 16th.**

21 **Q.** Was the fact that the money was not recorded in  
22 the minutes discussed as part of this email?

23 **A. Pardon?**

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1 Do you have any knowledge of that?

2 **A. No.**

3 **Q.** On June 15th, Henry Brackett interviewed another  
4 candidate.

5 Are you aware of that?

6 **A. I'm not.**

7 **Q.** On June 15th, you had a non-meeting, nonpublic  
8 meeting where you agreed to the separation  
9 agreement, and then a public meeting following  
10 that where you announced that.

11 **A. (Nodding head.)**

12 **Q.** The minutes for the nonpublic -- let me --

13 (Whereupon, Exhibit 9, Nonpublic Minutes  
14 6/15/11, is marked for identification.)

15 (Whereupon, Exhibit 10, Nonpublic  
16 Minutes 6/15/11, is marked for  
17 identification.)

18 (Whereupon, Exhibit 11, Emails, is  
19 marked for identification.)

20 BY MR. TAYLOR:

21 **Q.** Can you describe that document?

22 **A. It's nonpublic minutes for June 15th.**

23 **Q.** Can you describe the motion to agree to the

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1 **Q.** Was the dollar amount in the minutes the subject  
2 of that email?

3 **A. Was the dollar amount what? We did talk --**

4 **Q.** You talked about whether the dollar amount  
5 should be in the minutes?

6 **A. Yes.**

7 **Q.** Okay. Thank you.

8 Now Exhibit 10. Can you describe that  
9 document?

10 **A. These are minutes for the nonpublic meeting on  
11 June 15th, as stated earlier with the dollar  
12 amount of \$185,000 added.**

13 **Q.** Do you know when those minutes were published?

14 **A. I could not give you a date.**

15 **Q.** Approximately how long after?

16 **A. My guess is probably June 30th to July 1st-ish.**

17 **Q.** Okay. Thank you.

18 At the June 15th regular meeting, were any  
19 board members delegated to do anything?

20 **A. Not that I recall.**

21 **Q.** Were any board members given instructions to  
22 talk to the press?

23 **A. I don't recall.**

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1 **Q.** Do you remember any board members at any time  
 2 being --  
 3 **A. Pardon?**  
 4 **Q.** Do you remember at any meeting around that time  
 5 board members being instructions to talk to  
 6 press?  
 7 **A. I know Krista took on that -- the minutes job,**  
 8 **but I don't recall her as talking to the press.**  
 9 **But...**  
 10 **Q.** Do you remember Jocelyn and Krista being told to  
 11 talk to the press?  
 12 **A. I just don't recall.**  
 13 **Q.** Okay. On June 21st, there was another  
 14 conference call, the public relations firm, this  
 15 time with Jocelyn, Krista and Megan about  
 16 interviews with the press.  
 17 Are you aware of that conference call?  
 18 **A. Nope.**  
 19 **Q.** June 27th, Jocelyn and Krista met with Roni  
 20 Reino of Fosters Daily Democrat at Jackson  
 21 Landing? Are you aware of that at all?  
 22 **A. I have no idea.**  
 23 **Q.** On September 7th, the board met with Attorney  
 DAVID R. JORDAN & ASSOCIATES

1 Dennis Ducharme to discuss this case at a  
 2 non-meeting. Were you there?  
 3 **A. Yes.**  
 4 **Q.** Did the board make any decisions at that  
 5 meeting?  
 6 MR. DUCHARME: No, don't answer that.  
 7 THE WITNESS: Don't answer that?  
 8 MR. DUCHARME: Don't answer that. There  
 9 were certainly no discussions at that meeting  
 10 that I was not a part of.  
 11 BY MR. TAYLOR:  
 12 **Q.** Attorney Ducharme has already told me that the  
 13 board made a decision at that meeting.  
 14 Can you elaborate on that decision?  
 15 **A. Say that again?**  
 16 **Q.** Attorney Ducharme has already told me that the  
 17 board made a decision on this case at that  
 18 meeting. Can you elaborate on that decision?  
 19 **A. Can I elaborate on that decision?**  
 20 MR. DUCHARME: No, she can't.  
 21 MR. TAYLOR: Can you give the basis?  
 22 MR. DUCHARME: Yes, it was a non-meeting.  
 23 MR. TAYLOR: We've talked about many things  
 DAVID R. JORDAN & ASSOCIATES

1 that happened at non-meetings.  
 2 MR. DUCHARME: We've talked about two  
 3 instances where the witness has said a lawyer  
 4 was there but not involved in the subjects  
 5 discussed, and that's why I let her testify to  
 6 that effect. I was involved in all the  
 7 discussions at the September 7th meeting, so  
 8 she's not going to talk about that meeting.  
 9 MR. TAYLOR: You already told me that the  
 10 decision was made, so the attorney-client  
 11 privilege about that decision has already been  
 12 eviscerated.  
 13 MR. DUCHARME: You're privy to the decision,  
 14 and I gave you the board's decision. That  
 15 doesn't make you privy to the discussions when  
 16 the board was taking my advice.  
 17 MR. TAYLOR: I'm not asking about the  
 18 discussions, I'm asking about the decision.  
 19 MR. DUCHARME: If you want to show her my  
 20 letter to you saying what the decision was and  
 21 ask her what she thinks about the decision,  
 22 that's fine. But she's not going to talk about  
 23 the discussion among that group that led to the  
 DAVID R. JORDAN & ASSOCIATES

1 decision.  
 2 BY MR. TAYLOR:  
 3 **Q.** Can you tell me what the results of that  
 4 decision were?  
 5 **A. It was to move ahead with a -- to not settle the**  
 6 **suit with you. Not settle, but to -- I don't**  
 7 **know the terms. I'm sorry. Not settle the**  
 8 **lawsuit.**  
 9 **Q.** Was that a unanimous vote?  
 10 **A. No, it was not.**  
 11 MR. DUCHARME: She's not -- I can't put  
 12 toothpaste back in the tube, but you should not  
 13 have answered that one.  
 14 BY MR. TAYLOR:  
 15 **Q.** At the last regular meeting yesterday, there was  
 16 discussion at the end about Ann Lane and Megan  
 17 Turnbull looking at manifests prior to meetings.  
 18 Are you aware of that, that practice?  
 19 **A. Yes.**  
 20 **Q.** Can you describe it?  
 21 **A. Can I describe the conversation or the --**  
 22 **Q.** What you understand about that process.  
 23 **A. Of manifests?**  
 DAVID R. JORDAN & ASSOCIATES

- 1 **Q.** Of Ann Lane and Megan Turnbull reviewing the  
2 manifest prior to meetings?
- 3 **A. It is my understanding that a board should know  
4 what other board members know, certain board  
5 members should not be privy to some information  
6 and others should not. Ann Lane and Megan  
7 Turnbull, since coming on this board, have been  
8 looking at the manifests. I suggested at the  
9 meeting last night that we form a manifest  
10 committee so that the information that this  
11 committee, whether it's them or other people  
12 gather, can be shared with the rest of the  
13 board. And hopefully this will go on the agenda  
14 in the future.**
- 15 **Q.** How long have they been doing this; do you know?
- 16 **A. Since they got on the board.**
- 17 **Q.** So you're saying every regular meeting since  
18 they got on the board?
- 19 **A. I cannot answer that.**
- 20 **Q.** As far as you know, is it regularly just those  
21 two?
- 22 **A. It's either one or the other of them, I think,  
23 or both of them.**

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- 1 released the emails about manifests?
- 2 BY MR. TAYLOR:
- 3 **Q.** No. You said Sue set up these meetings and that  
4 there were emails exchanged setting these things  
5 up. That's how you knew about them.
- 6 **A. I was copied on emails where Sue would say to  
7 Megan -- because at that time they were  
8 primarily to Megan -- "I will have the manifest  
9 ready in my office between X hour and Y-Z hour  
10 if you want to come in and look at them."**
- 11 **And I think Henry and I were both copied on  
12 those. But no, I did not release them. I did  
13 not feel they were relevant to your  
14 right-to-know request.**
- 15 **Q.** How long have you known that Ann Lane also  
16 participated in this?
- 17 **A. The very first time that Megan came in to look  
18 at the manifest, I saw Ann Lane sitting there  
19 next to her going through them as well.**
- 20 **Q.** You were actually here and saw it?
- 21 **A. Pardon?**
- 22 **Q.** You were here in the office and saw it?
- 23 **A. I was here for a meeting.**

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- 1 **Q.** Do you know how they arrange these review  
2 sessions?
- 3 **A. I don't.**
- 4 **Q.** How do you know about them?
- 5 **A. Because when Howard was superintendent he  
6 encouraged them to trust the personnel, trust  
7 the administrators, and I think then Sue set up  
8 a specific time when they could come in. I was  
9 copied on all the emails for all of this, so I  
10 knew what was going on at that time. I have not  
11 been copied on the emails since the  
12 superintendents have changed. I guess things  
13 have stayed, I think, the same.**
- 14 **Q.** Have you released the emails arranging these  
15 meetings by Sue?
- 16 **A. Arranged?**
- 17 MR. DUCHARME: Object to the form of the  
18 question. Go ahead and answer.
- 19 THE WITNESS: Say that again. I didn't hear  
20 you.
- 21 MR. DUCHARME: I said I object to the form  
22 of the question, but you can answer.
- 23 THE WITNESS: And the question was have I

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- 1 MR. DUCHARME: David, are you at a breaking  
2 point or near done? I'm just wondering if we  
3 should take a break or plow through and finish.
- 4 MR. TAYLOR: I'm hoping I can be done soon.
- 5 BY MR. TAYLOR:
- 6 **Q.** Has Henry ever threatened you?
- 7 MR. DUCHARME: I object. That is so far  
8 beyond the bounds of what this case is all  
9 about. We're not going to sit here and go  
10 through what board member likes what board  
11 member. It has nothing to do with your request  
12 for documents and your request for information  
13 about meetings.
- 14 You want to have a private conversation with  
15 her about extraneous stuff, feel free, but  
16 that's not what we're here for.
- 17 BY MR. TAYLOR:
- 18 **Q.** Will you please answer the question?
- 19 **A. What?**
- 20 **Q.** Would you please answer the question?
- 21 MR. DUCHARME: How is that relevant? How is  
22 that -- you're asking for --
- 23 MR. TAYLOR: Speaking objection.

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1 MR. DUCHARME: You're asking --  
 2 MR. TAYLOR: Speaking objection.  
 3 MR. DUCHARME: You're right, and I'm gonna  
 4 keep speaking. So let me know when you're  
 5 ready.  
 6 You're asking for fees and costs in this  
 7 case, including the cost of these transcripts,  
 8 and you're gonna go off on totally irrelevant  
 9 tangents and ask for those costs to be  
 10 reimbursed. It has nothing to do the  
 11 right-to-know request. You can't even tell me  
 12 with a straight face why you think it has  
 13 something to do with this case.  
 14 MR. TAYLOR: We'll let the judge decide.  
 15 MR. DUCHARME: Don't answer the question.  
 16 BY MR. TAYLOR:  
 17 **Q.** Has Henry Brackett ever accused you of spreading  
 18 nonpublic information?  
 19 **A. Has anyone ever --**  
 20 **Q.** Has Henry Brackett ever accused you --  
 21 **A. Of spreading nonpublic information? He said**  
 22 **something about that, but I didn't -- I don't**  
 23 **know whether -- he said he saw me talking to a**  
 DAVID R. JORDAN & ASSOCIATES

1 **community member and John Collins and that I may**  
 2 **have spread some nonpublic information.**  
 3 **But I don't know if he was serious about**  
 4 **that or trying -- I don't know what his intent**  
 5 **was. It was within the context of Jim Kach's, I**  
 6 **believe, Jim Kach spreading nonpublic.**  
 7 **Q.** I see.  
 8 **A. Or rumors about him.**  
 9 MR. TAYLOR: I think that's good enough.  
 10 MR. DUCHARME: I have about two questions  
 11 for the witness. Mark this, please.  
 12 (Whereupon, Exhibit 12, Email dated  
 13 September 12, 2011, from David Taylor to  
 14 Dennis Ducharme, is marked for  
 15 identification.)  
 16 **EXAMINATION**  
 17 BY MR. DUCHARME:  
 18 **Q.** Ms. Wright, during Mr. Taylor's questioning  
 19 today, he has talked to you about first a PR  
 20 group, and he's also asked you a couple of  
 21 questions about a legal team.  
 22 Do you remember him using those terms?  
 23 **A. Right.**  
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1 **Q.** I'm showing you Wright Exhibit No. 12. It is an  
 2 email from Mr. Taylor to me, titled "Timeline  
 3 Gaps."  
 4 Do you recall spending a little bit of time  
 5 looking at this document yesterday?  
 6 **A. Yes.**  
 7 **Q.** In that timeline it uses the term PR conference  
 8 call, PR legal team, PR conference call.  
 9 Prior to seeing this document, had you ever  
 10 heard the terms PR group or legal team used in  
 11 the context of this case?  
 12 **A. No, not that I can recall.**  
 13 MR. DUCHARME: Okay. Thank you. Those are  
 14 all my questions.  
 15 MR. TAYLOR: Thank you.  
 16 (Deposition concludes at 3:11 p.m.)  
 17  
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 20  
 21  
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1 C E R T I F I C A T E  
 2  
 3 I, Sonia E. Bishop, a Certified Court  
 4 Reporter and Commissioner of Deeds of the State  
 5 of New Hampshire, do hereby certify that the  
 6 foregoing is a true and accurate transcript of  
 7 my stenographic notes of the deposition of **Ann**  
 8 **Wright**, who was duly sworn, taken at the place  
 9 and on the date hereinbefore set forth.  
 10 I further certify that I am neither attorney  
 11 nor counsel for, nor related to or employed by  
 12 any of the parties to the action in which this  
 13 deposition was taken, and further that I am not  
 14 a relative or employee of any attorney or  
 15 counsel employed in this case, nor am I  
 16 financially interested in this action.  
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 18 \_\_\_\_\_  
 19 Sonia E. Bishop, CCR  
 20 New Hampshire License No. 76  
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 DAVID R. JORDAN & ASSOCIATES

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\_\_\_\_\_  
Ann Wright

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_, SS.

Subscribed and sworn to before me this \_\_\_\_  
day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public/Justice of the Peace

My Commission Expires: \_\_\_\_\_

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ERRATA SHEET

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Ann Wright \_\_\_\_\_ Date \_\_\_\_\_

DAVID R. JORDAN & ASSOCIATES



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