

1 IN THE UNITED STATES DISTRICT COURT
 2 MIDDLE DISTRICT OF FLORIDA
 3 TAMPA DIVISION
 4 CASE NO. 8:12-cv-02484-JSM-EAJ

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8 LISA HERRERA AND DENNIS -vs- HILLSBOROUGH COUNTY
 9 HERRERA AS CO-PERSONAL SCHOOL BOARD; AND
 10 REPRESENTATIVES OF THE HILLSBOROUGH COUNTY
 ESTATE OF ISABELLA SCHOOL DISTRICT,
 11 HERRERA, DECEASED,

11 Plaintiffs, Defendants.

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15 Videotaped deposition of TONIA DOLE-
 PIZARRO,
 16 a witness herein, taken by the Plaintiffs as upon
 17 cross-examination and pursuant to the Federal
 Rules of
 18 Civil Procedure and Notice and agreement of
 counsel as
 19 to time and place and stipulations hereinafter
 set
 20 forth at the offices of Baden & Jones, 246 High

2013, at 21 Street, Hamilton, Ohio, on Thursday, June 27,
Public 22 11:02 a.m., before Pamela L. Jackson, a Notary
23 within and for the State of Ohio.

24

25

- - -

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2

1 I N D E X

Page: 2 Witness:

3 TONIA DOLE-PIZARRO

4

5 Cross-Examination
By Mr. Cotter, Esq.

5

6

92 Examination
By Mr. Murman, Esq.

8

Marked: 9 Plaintiff's Exhibit No.: Page

5 10 1
 (3rd Amended Notice Of Taking Videotaped
11 Deposition Duces Tecum)
5 12 2
 (Copy Of Tonia Dole-Pizarro's Commercial
Driver 13 License)
14
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1 APPEARANCES:

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For the Plaintiffs:

Daniel W. Cotter, Esq.
of
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School

For the Defendant Hillsborough County
Board:

James A. Murman, Esq.
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Tampa, FL 33602
Phone: (813) 223-3951

The Videographer:

Steve Troncone

- - -

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1 S T I P U L A T I O N S

counsel

2 It is stipulated by and between

3 for the respective parties that the deposition of

4 TONIA DOLE-PIZARRO, a witness herein, called as
upon

5 cross-examination by the Plaintiffs, may be taken
at

6 this time and place pursuant to the Federal Rules
of

7 Civil Procedure and Notice and agreement of
counsel as

8 to time and place of taking said deposition; that
the

9 deposition was recorded in stenotypy by the court

10 reporter, Pamela L. Jackson, and transcribed out
of

11 the presence of the witness; and that said
deposition

12 is not to be submitted to the witness for her

13 examination and signature, and that signature has
been
14 expressly waived.

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1 (Plaintiff's Exhibit 1 was
marked for identification.)

2
3 (Plaintiff's Exhibit 2 was
marked for identification.)
4

5 THE VIDEOGRAPHER: We are now
on
6 the video record. Today is June 27th,
2013,
7 and the time is approximately 11:02 a.m.
8 Will Counsel please identify themselves
for
9 the record?
10 MR. COTTER: Good morning. My
name
11 is Dan Cotter and I'm with The Maher Law
Firm
12 and we represent Lisa and Dennis
Herrera.
13 MR. MURMAN: This is Jim
Murman. I
14 represent the School Board of
15 Hillsborough County, Florida.
16 THE VIDEOGRAPHER: Would you
please
17 raise your right hand and be sworn by
the
18 court reporter.
19 TONIA DOLE-PIZARRO
20 of lawful age, a witness herein, being first duly
21 sworn as hereinafter certified, was examined and
22 deposed as follows:

23

CROSS-EXAMINATION

24 BY MR. COTTER:

25 Q Good morning.

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6

1 A Good morning.

for the

2 Q Would you tell us your name

3 record, please?

4 A Tonia Dole-Pizarro.

5 Q And do you prefer to be called

6 Ms. Dole-Pizarro or Ms. Pizarro?

7 A However you guys so choose.

8 Q Whatever you --

9 A It's a long last name, so --

with

10 Q Whatever you are comfortable

11 let me know.

12 A Ms. Pizarro is fine.

13 Q Okay. Thank you.

14 Ms. Pizarro, again my name is

15 Dan Cotter and I represent the Herreras in this
matter
16 that is filed in the Federal Court in the
17 Middle District of Florida, the Tampa Division,
and
18 I'm here today to take your deposition and I'm
going
19 to ask you some questions about your background
and
20 about the facts of the incident which occurred on
21 January 25th, 2012, resulting in the death of
22 Isabella Herrera and the events that followed.

23 If during the course of my
24 questioning you have any confusion or do not
25 understand what I'm trying to ask you you may
feel

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7

1 free to stop me and interrupt me and ask me to
explain
2 the question in a more effective manner or let me
know
3 that you don't understand it and I'll do my best
to

4 clarify.

5 response Similarly, if you give a

6 that I don't understand I'm going to ask you to
7 explain it as well. My hope and my goal here
today is

8 that you will understand my questions and I will
9 understand your answers unless we otherwise
advise

10 each other. Is that -- Is that agreeable to you?

11 A Yes.

12 Q All right. Therefore, if you
13 answer my questions I'm going to assume that you
14 understand them -- Is that agreeable?

15 A Yes.

16 Q And if at any point during the
17 course of our discussion here this morning that
you

18 would like to take a break feel free to let us
know

19 and we will be happy to do that -- Is that
agreeable?

20 A Yes.

21 Q All right. So you are
22 Tonia Dole-Pizarro; is that correct?

23 A Pizarro, yes.

1st, 24 Q And your date of birth is June
25 1973?

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8

1 A Yes.

2 Q And your current address is
3 Windsor, Connecticut; is that right?

4 A Yes.

5 Q Today we find ourselves in
6 Hamilton, Ohio, some distance from Windsor,
7 Connecticut. I understand you may be away here
8 vacation or visiting family?

9 A Visiting friends and vacation,
yes.

10 Q All right. Well, thank you
for
11 agreeing to be with us here today.

12 And let me ask you -- And I --
I
13 don't want to put this on the paper record -- but
can

14 you tell us your Social Security number, please?

15 A XXX-XX-XXXX.

16 Q All right. Thank you.

17 Now, are you currently
married?

18 A Separated.

19 Q All right. Tell me the name
of

20 your spouse, please?

21 A Jose Pizarro.

22 Q All right. And where does

23 Mr. Pizarro reside?

24 A Hartford, Connecticut.

25 Q All right. Do you reside with
him

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9

1 there?

2 A No.

3 Q How long have you been
separated?

4 A A year, one year.

5 Q One year.

6 The gentleman who's with you
today

7 in the lobby, who is that?

8 A He's a friend.

9 Q What's his name?

10 A Tom Manning.

11 Q Does he live here in Hamilton?

12 A Yes.

13 Q All right. Is that who you're
14 visiting?

15 A Yes.

16 Q All right. And do you and
your

17 husband have children together?

18 A Yes.

19 Q Tell me how many children you
have

20 together?

21 A We have three children
together.

22 Q And you have another child
from

23 another relationship?

24 A I have two other children from
two

25 other relationships.

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10

1 Q Okay. Tell me the names of
your
2 children, if you would, please?

3 A My oldest is Elizabeth Dole.

4 Q Yes.

5 A My second is Nicole Dole. My
third
6 is Amanda Pizarro. My fourth is Christopher
Pizarro.
7 My fifth is Madison Pizarro.

8 Q Okay. The address in
Connecticut
9 that we have here, this is the 209 Giddings
Avenue,
10 Windsor, Connecticut?

11 A Yes.

12 Q That's where you actually
reside?

13 A Yes.

14 Q And how long have you resided
at

15 that address?

16 A Since April -- It's been over

a

17 year and a half now --

18 Q All right.

19 A -- since April.

20 Q So sometime around April of

2012

21 you moved to Connecticut?

22 A Yes.

23 Q From the Tampa area?

24 A Yes.

25 Q Why did you move to

Connecticut?

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11

1 A I was having a lot of issues

in

2 Tampa with residence and family issues with the

3 husband and stuff like that.

4 Q What sort of issues?

5 A They're personal issues, just,
you

6 know, dissolving of the marriage --

7 Q All right.

8 A -- I have issues.

9 Q So you're talking about
marital

10 issues?

11 A Uh-huh.

12 Q Yes?

13 A Yes.

14 Q One of the --

15 A Sorry.

16 Q Have you ever given a
deposition

17 before?

18 A No, sir.

19 Q All right. One of the things
that

20 often happens to -- to folks who are giving a

21 deposition is they sometimes with a yes will nod
their

22 head and sometimes with a no will shake their
head and

23 that's difficult for us to capture for our
written

24 record --

25 A Uh-huh.

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as 1 Q -- so I may -- if you do that
you 2 most witnesses do I may from time to time remind
3 and ask you to clarify is that a yes or a no --

4 A Yes.

I'm 5 Q -- so that you understand why
6 asking you that. I am not trying to harass you.
7 So are you employed in
Connecticut?

8 A Yes, I am.

9 Q What type of work do you do?

10 A I'm a school bus operator.

you 11 Q All right. And how long have
12 been employed in that capacity?

13 A I have been employed with this
14 company since September of last year which is
2012.

15 Q Okay. What's the name of the
16 company?

17 A Rainbow Bus Lines.

18 Q And who does Rainbow Bus Lines
19 provide transportation for?

20 A For the town of Windsor,
21 Connecticut.

22 Q Are they for school age
children?

23 A Yes.

24 Q For the public schools in
Windsor?

25 A Yes, the public schools in
Windsor.

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13

private 1 Q It's contracted out to a
2 company?

3 A Yes, it is.

4 Q All right. And have you been

5 employed consistently or since September when --
when
6 you --
7 A Yes, I have.
8 Q -- began?
9 Okay. And does that involve a
-- a
10 morning and an afternoon assignment?
11 A Yes, it does.
12 Q All right. And who is your
13 supervisor there?
14 A Pam.
15 Q What is Pam's last name?
16 A I do not know her last name.
17 Q What is the location -- In --
In
18 that I mean the address of the company?
19 A It's on Bloomfield Avenue --
20 Q Yes.
21 A -- in Windsor, Connecticut. I
22 don't know the numbers.
23 Q Did you fill out a job
application
24 for them?
25 A Yes, I did.

14

1 Q When you moved to Connecticut
did
2 you have family there that you were moving
toward?

3 A Yes. I moved back to my
mother's
4 house.

5 Q Okay. Is that where you grew
up?

6 A It's not where I grew up, but
7 that's where she currently resides in.

8 Q Where did you grow up?

9 A In Hartford.

10 Q And what is your maiden name?

11 A Dole, D-o-l-e.

12 Q All right. And where did you
13 complete your education?

14 A I did not complete my
education. I
15 dropped out of high school.

16 Q Do you have a GED?

17 A Yes, I do.

18 Q When did you achieve that?

19 A I went back when I was

20 25-years-old. 1996, '97, I believe --

21 Q Okay.

22 A -- was the year.

23 Q So what I'd like you to do is
just

24 kind of walk me through -- I'm assuming you were
born

25 and raised in the Hartford area?

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1 A Uh-huh.

2 Q Yes?

3 A Yes.

4 Q And then there came a time
when you

5 left Hartford?

6 A Yes.

7 Q Approximately when was that?

8 A When I was 16 --

9 Q And where did --

10 A -- 1989. I went to
Springfield,

11 Massachusetts, to live with my father.

12 Q Okay. How long did you reside
13 there?

14 A I lived in Massachusetts for
four

15 years.

16 Q Did you work while you were
there?

17 A Yes, I did.

18 Q What type of work did you do?

19 A I worked at McDonald's --
20 Burger King actually.

21 Q In Springfield?

22 A Yes.

23 Q Pretty much the entire four-
year

24 period?

25 A No. I got pregnant.

1 Q Okay. And --

2 A I was on State assistance.

3 Q I see.

4 And so you stayed there

5 approximately four years?

6 A Yes.

7 Q Did you have your two older

8 children there?

9 A No. I only had one.

10 Q Okay. And then where did you

go

11 from Springfield, Massachusetts?

12 A I went back to Hartford,

13 Connecticut, to my mother's home.

14 Q All right. And how long did

you

15 stay there? Now, just let me clarify. I'm

thinking

16 this is about 1993 now?

17 A Yes.

18 Q Okay.

19 A I don't recall the exact time,

20 maybe 10 months.

there? 21 Q Okay. Were you employed
22 A Yes, I was.
there? 23 Q What type of work did you do
24 A I was working at McDonald's --
25 Q Okay.

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17

1 A -- and a pet -- a pet store.
of 2 Q Okay. Do you recall the name
3 the pet store?
longer 4 A It was Animal City. It's no
5 in business.
there 6 Q All right. And you stayed
7 approximately nine months. Where did you go from
8 there?
mine 9 A I met -- A -- A co-worker of

issues
10 at McDonald's, she took me in because I had
11 with my mother --
12 Q Okay.
13 A -- and I lived with their
family.
14 Q Okay. And what was her name?
15 A Gloria Avelar.
16 Q And does Ms. Avelar still live
17 there?
18 A No. She passed away in April.
19 Q I'm sorry.
20 with Now, how long did you stay
21 her?
22 A For 20 years --
23 Q You lived there --
24 A -- on and off, on and off for
20
25 years.

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1 Q In -- In the Hartford area?

2 A Yes.

3 Q Okay. Was she an older
person,

4 like a contemporary of your mother, for example?

5 A No. She was my sister.

6 Q Oh, your sister?

7 A I consider her my sister. She
was

8 two years younger than me.

9 Q Okay.

10 A We were really good friends.

11 Q Someone you met in school or
in the

12 neighborhood or --

13 A Just working at McDonald's --

14 Q Okay.

15 A -- back in 1993.

16 Q All right. So you said you
were

17 with her at that address for approximately 20
years on

18 and off?

19 A On and off.

20 Q So --

the 21 A Not -- We all moved around in

22 vicinity of Hartford.

Florida? 23 Q Okay. When did you go to

24 A In 2008.

in 25 Q Okay. So were you -- were you

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19

1 the Hartford area up until 2008?

2 A Yes.

to 3 Q In other words, you didn't go

came 4 any other state to live and to work after you

5 back from Springfield?

6 A No. I did go to Texas.

Texas? 7 Q Okay. When did you go to

8 A In 1994.

9 Q What brought you there?

move 10 A My sister's mother decided to

11 out of Connecticut and I went with her --

12 Q Okay.

13 A -- to Texas.

14 Q All right. And that was 1994?

15 A Uh-huh.

16 Q So you would have been

17 approximately 21-years-old?

18 A Yes.

19 Q How long did you stay in
Texas?

20 A We stayed about four months.

21 Q Okay. Did you work down
there?

22 A No, I did not.

23 Q All right. What was your
friend's

24 mother's name?

25 A Aurilia Solsata.

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1 Q Okay. And is she still alive?

2 A No. She passed away in
January of

3 this year.

4 Q Okay. I'm sorry.

5 So you stayed there and then
did

6 you go back to Hartford?

7 A We did come back to Hartford.

8 Q Okay. What -- What was the
reason

9 that you came back to Hartford?

10 A My sister's husband was
killed.

11 Q Okay. Your sister meaning --

12 A Gloria.

13 Q Gloria. Okay.

14 A Gloria stayed here. I went
with

15 her mother.

16 Q All right. You refer to
Gloria as

17 your sister --

18 A Yes.

19 Q -- but she's not truly a
biological

20 or adoptive sister; right?

21 A No.

'94, 22 Q Okay. So you came back in
23 '95?
24 A We came back in February, '95.
25 Q Okay. And so how long then
did you

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1 continue to stay at Hartford?
2 A Pretty much till I left.
3 Q Okay. When did your other
children
4 come?
5 A I met my husband in 2003. My
6 daughter came in 2002, my son came in 2003, and
my
7 other daughter came in 2007.
8 Q Okay.
9 A I was with my husband for 12
years.
10 Q Did you meet him in Hartford?
11 A Yes.

12 Q How did you meet him?

13 A Working at the bus company.

14 Q Okay. You worked at -- at a
bus
15 company in Hartford then during that period?

16 A It's the Bloomfield company.
We

17 applied in Hartford and we went to the site that
was
18 in Bloomfield.

19 Q Bloomfield, Connecticut?

20 A Yes.

21 Q What was the name of that
company?

22 A Laidlaw.

23 Q Can you spell that, please?

24 A L-a-i-d-l-a-w.

25 Q And when did you work for
them?

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22

1 A I started working with them in

2 2000 --

3 Q Okay.

4 A -- September of 2000.

5 Q Until when?

6 A On and off till 2008.

7 Q Okay. And what type of work
did

8 you do?

9 A School bus operator.

10 Q Again was it for students who
11 were --

12 A Students.

13 Q -- attending school?

14 A Yes.

15 Q Public schools?

16 A Public and private.

17 Q Okay. And did you work
18 consecutively for that company?

19 A On and off.

20 Q Okay. I understand that. I
21 appreciate you're clarifying that for me.

22 What I mean is were there any
other

23 bus companies that you worked for or was it just
that

24 one?

25 A Just that one.

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23

1 Q All right. And was your
husband a

2 bus driver as well?

3 A Yes.

4 Q Okay. So in 2007 or 2008 you
and

5 your husband decided to move to Florida; is that
6 right?

7 A Yes.

8 Q And what brought that about?

9 A My husband liked Florida.
He's

10 been wanting to get back there for years and we
just

11 decided it was time for us to go.

12 Q Where was he from originally?

13 A New Jersey.

14 Q Okay. What exit?

15 A Huh?
16 Q What exit?
17 A Excuse me? What exit, I don't
18 know.
19 Q What -- What town?
20 A Actually I -- I don't recall.
21 Q Okay.
22 A Neptune -- He was born in
Neptune.
23 Q Neptune.
24 All right. So you relocated
to the
25 Tampa area?

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1 A He about nine-years-old moved
to
2 Hartford, Connecticut. He stayed in Hartford,
3 Connecticut, all his life. He was a police
officer in
4 Connecticut. Then he retired and then became a
bus

5 driver. His father moved to Florida so he would
go
6 periodically down to Florida to see his father
and he
7 fell in love with Florida --

8 Q I see.

9 A -- so --

10 Q So you and your family moved
down
11 in 2008?

12 A June of 2008, yes.

13 Q And where did you live?

14 A I rented a trailer --

15 Q Okay. Where --

16 A -- in a trailer park down
there.

17 Q Where was that located?

18 A To be honest with you I can't
19 recall the addresses.

20 Q Okay. I'll just mention this
21 address to you because this is apparently the
address
22 you had at the time you applied to work at
23 Hillsborough County Public Schools. 1716 Windsor
Way
24 in Tampa?

25 A That was one of the residence

--

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25

1 That was the last residence.

2 Q Okay. So how many different
3 residences did you live at?

4 A I think approximately four to
five.

5 Q Okay. Tell me as best you can
6 where they were and if you remember addresses
that
7 would be helpful as well, please, and -- and if
you're
8 able to try to give me a time period that would
be
9 helpful as well?

10 A For the first year and a half
I
11 believe it was 1814 North Tenth Street.

12 Q Yes.

13 A That was a trailer park area
that

14 we lived in. And then we moved to another
trailer
15 park up the street. I can't remember the
address.
16 And then my friend's house -- We stayed with her
for a
17 while -- and then I got an apartment on
18 Zachary Circle, and then we moved to the Windsor
Way
19 address.

20 Q All right. Where did you and
your
21 husband last live together as husband and wife?

22 A The Windsor Way address.

23 Q All right. And where is he
living
24 today?

25 A He is staying with his sister.

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1 Q In Tampa?

2 A In Hartford.

3 Q In Hartford.

Way in 4 Okay. When you left Windsor
-- 5 April or so of 2012 to move to Hartford did you
6 were -- were you separated at the time?
7 A No, we were not.
has 8 Q All right. So this separation
9 occurred since that time?
10 A Yes, it has.
11 Q When did it occur?
12 A August of 2012.
papers 13 Q Okay. And have any legal
14 been filed?
15 A No, they have not.
in 16 Q Okay. You -- Were you married
17 Connecticut?
18 A Yes, we were.
19 Q What county?
20 A Hartford County.
been 21 Q All right. And have you ever
22 married before?
23 A No, I have not.

children 24 Q All right. Where are your
25 today?

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1 A My children -- My three minor
2 children are with my father in Massachusetts for
3 vacation.

4 Q In Springfield?

5 A Chicopee.

6 Q Chicopee.

older 7 Okay. And the -- And the
8 children?

9 A My oldest child, she's out
10 somewhere. I don't know where.

lives? 11 Q You don't know where she

12 A I do not.

13 Q How old is she?

14 A She's 22.

of 15 Q All right. Is she in any kind

16 trouble?

17 A She is a drug addict.

18 Q What area of the country do
you

19 think she's living in?

20 A Typically she stays in
Hartford.

21 Q Okay. When's the last time
you

22 have seen her?

23 A It's been over a year and a
half.

24 Q All right. And then the next
one?

25 A She's in Florida.

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1 Q How old is she?

2 A 18.

3 Q And what is she doing in
Florida?

4 A She's continuing in her
education

5 to graduate high school.

6 Q Who does she live with?

7 A She's staying with some
friends

8 down there.

9 Q Okay. And the other three,
how old

10 are they?

11 A 11, 10, and 6.

12 Q All right. Is your -- Is your
13 husband employed today?

14 A No, he is not.

15 Q When's the last time he's been
16 employed?

17 A It's been a good six years.

18 Q Okay. Are there any support
19 proceedings against him?

20 A Not currently, but there is
going

21 to be.

22 Q Has there been any in the
past?

23 A No.

24 Q And if there's going to be
some in
25 the future as you're alluding to where would they
be,

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1 in Hartford County?

2 A It would be in Hartford, yes.

3 Q Hartford County?

4 A Child support.

5 Q Okay. Now, have you ever been
6 arrested?

7 A No.

8 Q All right. Since you have
never
9 been arrested I assume then you have never been
10 convicted of any crimes?

11 A No, I have not.

12 Q All right. And when I ask you
if
13 you have been arrested I'm including now -- Many
14 people would assume that that doesn't include any
kind

15 of traffic offenses. Have you had any traffic
16 offenses?

17 A Yes, I have.

18 Q Tell me about those, please?

19 A I have been stopped for
failure of

20 having insurance --

21 Q Okay.

22 A -- uninsured -- unregistered
23 vehicle.

24 Q All right. Is that all?

25 A That's the only offense, yes.

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30

1 Q That's the only --

2 A That's the only --

3 Q -- traffic --

4 A -- just traffic offenses.

5 Q -- driving offense that you
have

6 had?

31

your 1 you recall being cited for over the course of

2 life?

3 A Failure to register an insured
4 vehicle.

5 Q When was that?

in 6 A My last offense was when I was
7 Florida.

8 Q Okay.

9 A I can't recall the year.

I'm 10 Q Okay. Aside from that offense

no 11 taking it from your answer that there have been

12 other traffic offenses that you recall?

previously to 13 A There's some offenses

14 2000 -- previously before 2000.

that you 15 Q Okay. Tell me about those

16 recall, police?

an

17 A The same, failure to register

18 insured vehicle.

19 Q Okay. Any others?

20 A Not that I can recall.

21 Q Any DUIs?

22 A No.

23 Q Any reckless drivings?

24 A No.

25 Q Any hit and runs?

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32

1 A No.

been

2 Q All right. Now, have you ever

3 a party to a civil lawsuit?

4 A No.

you

5 Q What I mean by that is have

or

6 ever made a claim against any person or company

7 entity for any -- anything whatsoever that you
can
8 recall, whether it's a -- a debt or an injury or
a
9 Worker's Compensation claim -- Any of those types
of
10 claims have you ever asserted in a court
anywhere?

11 A I have Workmen's Compensation
12 claims but never gone to court.

13 Q Okay. Where have they been
made?

14 A I have had one with HART Line
and I
15 have one currently with Rainbow.

16 Q Okay. What's Heartland?

17 A HART Line is the --

18 Q HART Line. I'm sorry.

19 A HART Line is the
transportation --

20 public transportation company in Tampa, Florida.

21 Q Okay. Is that H-A-R-T or
22 H-e-a-r-t?

23 A H-A-R-T.

24 Q Okay. And when were you
employed
25 with them?

33

1 A I was employed with them -- I
2 believe it was 2010 to 2011.

3 Q All right. And what type of
work
4 was that?

5 A I was a bus operator.

6 Q Again was it for school
children?

7 A No, this was not.

8 Q What was this for?

9 A Public -- The public, general
10 public --

11 Q Okay.

12 A -- transportation.

13 Q I see.

14 Were they school buses or were
they
15 the bigger --

16 A They were the city school --

17 Q -- coach buses?

18 A They weren't coach buses.
They

19 were public transportation vehicles.

20 Q What kind of projects would
you

21 have for them if -- if it wasn't for taking kids
to

22 and from school?

23 A I would drive a route that
would

24 pick up passengers throughout the city to their

25 Point A to Point B destinations.

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34

1 Q Okay. From any of these jobs
that

2 you have told me about have you ever been fired
or

3 terminated?

4 A I was terminated from HART
Line.

5 Q And what was the purpose of
that --

6 A I --

I'm 7 Q -- or the reason for that?

8 sorry.

9 A I failed to follow procedure
to 10 call in sick.

11 Q Okay. And you -- you had a
12 Worker's Compensation claim with them?

13 A Yes.

14 Q Has that been resolved?

15 A Yes, that had.

16 Q What was the nature of that?

17 A I injured my knee.

18 Q All right. Was your
termination in

19 any way related to that?

20 A No, it was not.

21 Q All right. And tell me what
22 happened with Rainbow that's given rise to a
23 Workers' Compensation claim that's pending
against 24 them now?

25 A I had fall -- I was walking on

1 their property and I fell and cracked -- broke my
2 kneecap.

3 Q Okay. And when was that?

4 A Approximately two weeks ago.

5 Q All right. How are you doing?

6 A My knee is still sore, but
it's

7 fine.

8 Q Any -- Any progress on that
claim

9 or is it just in the beginning stages?

10 A It's just the beginning
stages.

11 Q Do you have a lawyer who's
12 representing you on it?

13 A No.

14 Q Okay. So I had asked you if
you
15 ever had been a Claimant before and you have told
me
16 about these two Workers' Compensation claims.
Have

case, a

17 you ever been a Plaintiff in any other kind of

And

18 collection case or a personal injury case or --

no

19 you told me you haven't been married before and

20 there's no divorce pending now so there would be

Complainant

21 divorces that you were a Plaintiff or a

as a

22 in. Any cases at all that you brought in a court

23 Plaintiff or Claimant?

24 A No.

sued as

25 Q Any time that you have been

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36

or a

1 a Defendant, whether it's for a collection matter

that

2 breach of a contract or if someone has alleged

ever

3 you caused them personal injuries -- Have you

4 been sued?

5 A No.

6 Q Okay. I take it from our
7 discussion earlier you have never given a
deposition
8 before?

9 A Correct.

10 Q This is the first time you
have
11 ever sat down in this kind of a proceeding --

12 A Yes.

13 Q -- and answered questions in a
14 deposition?

15 A (Nodding head.)

16 Q Yes?

17 A Yes.

18 Q All right. Can you tell me
what,
19 if anything, you have done in preparation for
your
20 deposition?

21 A No.

22 Q You have done nothing?

23 A I basically went over some
do's and
24 don'ts on how to do a deposition and that's about
it.

the 25 Q What -- What was the source of

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37

1 do's and don'ts?

2 A The computer.

3 Q Oh, something that you did an
4 Internet search on?

5 A Yes.

6 Q Through Google?

7 A Yes.

8 Q What did you come upon?

9 A Just random links that I
clicked on

10 and went through and read.

11 Q Okay. Anything else?

12 A No, sir.

13 Q All right. I am going to show
you

14 what's been marked as Plaintiff's Exhibit No. 1
which

15 is the Deposition Notice and I just want to ask
you if

document 16 you would, please -- Do you recall when that
17 was served on you by a process server with the
18 Subpoena to appear today in Connecticut?

19 A Yes.

over to 20 Q All right. Would you turn
bring 21 the third page, I believe. You were asked to

of 22 with you if you have in your possession a number

discussion 23 documents and -- and I understand from our

24 earlier the only document that you have is your
25 driver's license; is that right?

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38

1 A Yes, sir.

2 Q Relating to the incident on
3 January 25th, 2012, which we'll talk about in

much

you 4 greater detail, am I to understand correctly that

5 have no documents whatsoever about that incident?

6 A Correct.

7 Q You have no statements that
you

8 have given?

9 A No.

10 Q No copies of statements that
you

11 have given?

12 A No.

13 Q You don't have a -- a copy of
the

14 video --

15 A No.

16 Q -- that was taken on the bus
that

17 day?

18 A No.

19 Q Okay. Nothing else in your
20 possession that responds to those requests other
than

21 your license?

22 A Correct.

23 Q Thank you. You can put that
back

24 here, please.

clear I 25

And just so our record is

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39

1 am going to show you what we have marked as
2 Plaintiff's Exhibit No. 2 and I'll just ask you
to
3 confirm that that is, in fact, your current CDL
4 driver's license issued in the State of
Connecticut --

5 Is that right?

6 A Yes, it is.

7 Q Do you have any other driver's
8 licenses that are active or outstanding anywhere
here
9 in the country?

10 A No, sir.

11 Q Okay. Thank you.

12 Did you know that the events
that

13 happened on January 25th, 2012, were actually for
the

14 most part caught on videotape that was on the
bus?

15 A Yes, sir.

16 Q You have never had an
opportunity

17 to see that?

18 A No, sir.

19 Q Have you made any effort on
your

20 own to go to the Internet to read any of the news

21 stories about the case?

22 A The only thing I did see was a
23 quick flash on Fox 13 about the case being
proceeded.

24 Q When did you see that?

25 A I can't recall.

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40

1 Q You're talking about something
in

2 the last week or the last --

3 A No.

4 Q -- month?

5 A This has been a while.

6 Q Okay. Can you tell me your
cell
7 phone number, please?
8 A (860) 752-9999.
9 Q And do you text on that?
10 A Yes, sir.
11 Q Is it an iPhone.
12 A No, sir.
13 Q Who's the carrier?
14 A Sprint.
15 Q And how long have you had it?
16 A Approximately nine months.
17 Q Okay. Prior to that tell me
your
18 cell phone number, please?
19 A I can't remember.
20 Q You can't remember?
21 A I don't recall the number.
22 Q That -- Who was the carrier
for
23 that one?
24 A It was MetroPCS.
25 Q And how long had you had that?

41

1 A I can't recall.

2 Q What I'm trying to do is to --
to
3 go back to January 25th, 2012, and find out --

4 A I had MetroPS -- MetroPCS
during
5 that time --

6 Q Okay.

7 A -- but it was a different
number.

8 Q Was it -- Did you pay your
bill
9 either online or in an address that was local in
Tampa

10 or --

11 A I just went into the store and
12 paid.

13 Q Okay. Was the phone in your
name?

14 A Yes, it was.

15 Q Okay. And did you at that
time go
16 by Dole-Pizarro?

17 A Yes, sir.

18 Q Do you have any old bills at
home
19 that would help us figure out what that number
was?

20 A No, sir.

21 Q Have you had any discussions
with
22 anyone about your deposition?

23 MR. MURMAN: Other than with
me I

24 assume?

25 MR. COTTER: Anyone. You or
anyone

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42

1 else.

2 MR. MURMAN: Okay.

3 A I mentioned to my mother I was
-- I
4 had to do a deposition --

5 Q Yes.

6 A -- but I -- my employee -- my

7 employer, I should say --

8 Q Yes.

9 A -- my employer, my friend,
Tom.

10 Q Okay. How about anyone from
11 Hillsborough County?

12 A No, sir.

13 Q Okay. You -- There came a
time, I
14 suppose, when you were contacted either by Mr.
Murman

15 or someone at his firm; is that right?

16 A Yes, sir.

17 Q When was that?

18 A I don't recall the exact dates
of
19 first contact.

20 Q A month ago?

21 A I think first contact was over
a
22 year ago.

23 Q Okay. Where were you living
at the
24 time?

25 A I just moved here.

43

1 Q And how were you contacted?

2 A Through the phone.

3 Q By phone?

4 A By phone.

5 Q And what -- what were you
advised?

6 A Just asking -- just letting me
know

7 there might be a proceeding and that they're the
8 representatives of Hillsborough County School
9 District.

10 Q Okay. Were you asked to give
a

11 statement of any kind?

12 A No, sir.

13 Q So that contact happened
14 approximately a year ago?

15 A Yes.

16 Q And then when was the next
time you

17 heard from anybody about the matter?

about 18 A I contacted them when I heard
19 the proceeding had -- it's -- it's going into a
20 lawsuit.

that? 21 Q And how did you learn about

me 22 A My daughter called me and told
23 to look on the news --

24 Q Okay.

the 25 A -- so I had to go to Fox on

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44

1 Internet.

you 2 Q Is that when you told us that
3 went on to Fox on the Internet --

4 A Yes.

story? 5 Q -- to see the -- the news

6 A Yes.

7 Q And about how long ago was
that? 8 A I don't recall.

9 Q Would about March of 2012 seem
10 right or --

11 A It could be. I am not sure.

12 Q Okay. So as a result of that
13 contact from your daughter and looking at the
news
14 story did you take any other action?

15 A I called Mr. Burman's [sic]
office
16 and --

17 Q Okay.

18 A -- find out what was going to
be
19 required of me, if anything.

20 Q And you were living here in
21 Connecticut at the time?

22 A Yes.

23 Q And they knew your address --

24 A Yes.

25 Q -- and contact information?

1 A Yes.

2 Q Is that right?

3 A Correct.

4 Q Okay. And what were you
advised at

5 that point?

6 A They would inform me of any
further

7 proceedings if necessary.

8 Q Okay. And then when was your
next

9 contact?

10 A The next contact is when I got
the

11 Subpoena --

12 Q Okay.

13 A -- and I called.

14 Q What did you do as a result of
15 that?

16 A I called the lawyer --

17 Q Okay.

18 A -- and informed them that I
was

19 served.

after 20 Q And what discussions occurred
21 that?

22 A They just explained about the
23 deposition and what was going on.

what 24 Q What were you told in terms of
25 was going on?

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46

1 MR. MURMAN: Now, if it's a
2 conversation with me you don't have to
spoken 3 testify to anything you and I have
4 about, just so you understand that.

5 MR. COTTER: Do -- Do you
represent 6 her?

7 MR. MURMAN: In regards to
this 8 incident, yes.

9 MR. COTTER: I thought we got
a
10 communication from you that you didn't
11 represent her?
12 MR. MURMAN: I represent all
13 employees of the Hillsborough County
School
14 System within the course and scope of
her
15 employment. She was within the course
and
16 scope of her employment on January 24th
--
17 25th, 2012, so in that regard I
represent her
18 in regards to this incident.
19 MR. COTTER: And you're
instructing
20 her not to answer my question?
21 MR. MURMAN: I'm telling her
not to
22 discuss with you or respond to any of
your
23 questions about any communications
between
24 herself and myself.
25

47

1 BY MR. COTTER:

2 Q Okay. Have you retained an
3 attorney for this case?

4 A No, sir.

5 Q Okay. Do you feel like you
6 attorney/client relationship with anybody in
7 regard to
8 this case?

9 A With this gentleman, yes, Mr.
10 Attorney Burman [sic].

11 Q How did that come about?

12 A We have talked earlier and he
13 explained to me that I was represented by him
14 because
15 I was an employee of Hillsborough County.

16 Q I see.

17 Okay. Now, on January 25th,
18 2012,
19 in connection with the events that happened on
20 the bus

17 that day did you conduct yourself in a manner
18 consistent with the way you were trained --

19 A Yes.

20 Q -- by Hillsborough County?

21 A Yes, sir, I did.

22 Q You did everything that you
23 understood that you had been trained to do under
those
24 circumstances?

25 A I believe so, yes.

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48

11th, 1 Q All right. Now, on January
2 2012, you signed an Employment Acknowledgment for
3 Safe Driver Plan for Hillsborough County Public
4 Schools -- Do you recall that?

5 A I believe that was a job
6 application.

7 Q No. It's not quite an
application.

8 It's a -- It's a statement in which you make a
number
9 of acknowledgements such as, "Any employee
responsible
10 for transporting students is not permitted to use
an
11 electronic communications device such as cell
phones
12 when operating a Hillsborough County Public
School
13 District owned or leased vehicle when in motion."

14 MR. MURMAN: Let me just
object.

15 If you're going to be asking her about
16 anything other than what you just read I
17 would ask that you provide her with the
18 document, but since you read that part
to her
19 I don't have any objection to her
responding
20 to that question.

21 MR. COTTER: That's fine and
fair

22 and that's the only question I really --

23 MR. MURMAN: Okay.

24 MR. COTTER: -- the only
subject

25 matter of this form that I intend to ask
her

49

see it 1 about, but if at any point you want to

2 feel free to let me know; okay.

3 BY MR. COTTER:

4 Q Do you remember signing an
5 acknowledgment to that effect?

6 A Yes.

7 Q All right. And is that the
reason
8 why you didn't use your cell phone to call 911
when it
9 was brought to your attention that Isabella
Herrera

10 had stopped breathing?

11 A No, sir.

12 Q And what was the reason why?

13 A I was following procedure.

14 Q And the procedure was not to
use
15 your cell phone but instead to call Dispatch?

16 A We had procedure we had to
call K-6
17 first and they would do what the necessary means
were
18 to get the assistance we needed at the bus.

19 Q And we're going to talk about
this
20 in more detail, but you did, in fact, try to call
K-6
21 through the radio --

22 A Yes, sir.

23 Q -- on the bus; correct?

24 A Yes, sir.

25 Q And it was not working;
correct?

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50

1 A I was unsure if all my message
had
2 gotten through, correct.

3 Q At no time did you ever use
your
4 cell phone to call 911; is that correct?

5 A Not to call 911.

6 Q You did use it to call a
person
7 named Mary Ellen; correct?
8 A Uh-huh.
9 Q Yes?
10 A Yes, sir, yes, sir.
11 Q All right. And we're going to
talk
12 about this in more detail.
13 But you didn't use it to call
911;
14 is that correct?
15 A No, sir.
16 Q And that's because that's the
way
17 you were trained to do that?
18 A We're -- We're -- Procedure
was to
19 call our area, K-6, or Area 5 Dispatch.
20 Q Correct.
21 But the procedure also was not
to
22 use 911, call through your cell phone; correct?
23 MR. MURMAN: Object to the
form.
24 MR. COTTER: Let me rephrase
that.

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51

1 BY MR. COTTER:

2 Q The procedure also included a
3 prohibition against you calling 911 through your
4 personal cell phone; correct?

5 MR. MURMAN: Object to the
form.

6 A I'm unclear.

7 Q You're unclear what, what the
8 procedure was?

9 A With -- With what you're
asking me

10 because --

11 Q Well, let me -- let me walk
you

12 through it as -- as I understand your testimony.

13 You said that in the event of
a

14 medical emergency the procedure was to call the

15 Dispatch through the radio on the bus; correct?

16 A Correct.

17 Q And you were unable to do that
18 successfully; correct?

19 A Correct.

20 Q And you ultimately used your
cell
21 phone to call a person at the Dispatch, a person
named
22 Mary Ellen; correct?

23 A Correct.

24 Q At no time did you ever use
your
25 cell phone to call 911; correct?

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52

1 A Correct.

2 Q And the reason why is because
the
3 procedure as it had been explained to you was to
call
4 Dispatch but not to call 911; correct?

5 MR. MURMAN: Okay. Let me
just

6 object. It's a compound question.

7 Q Do you understand my question?

8 A I will disagree with that.

9 Q What is there to disagree
with?

10 A With the procedure. It was --
We

11 did our order of procedure. 911 -- We weren't
told we

12 couldn't call 911 ourselves if we so choose to,
but

13 they wanted us to do a certain procedure before,
if

14 anything, we called 911.

15 Q You never called 911?

16 A I did not.

17 Q And Isabella Herrera for 20
minutes

18 lay dying on the bus and you never called 911;
19 correct?

20 MR. MURMAN: Object to the
form.

21 Q Am I correct?

22 A No, you are not correct.

23 Q How am I incorrect?

24 THE WITNESS: May I have a
break,

25 please? I have to use the restroom.

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53

1 MR. COTTER: Sure, sure.

2 THE VIDEOGRAPHER: Off the
record

3 at 11:38.

4 (Deposition stood in recess at
5 11:38 a.m.)

6 (Deposition reconvened at
7 11:42 a.m.)

8 THE VIDEOGRAPHER: We are back
on

9 the record at 11:42.

10 BY MR. COTTER:

11 Q You were in the process of
12 explaining to me what the procedure was?

13 A The procedure was in a case of
any

14 kind of emergency to call K-6 and report the
emergency

15 and they will direct the necessary medical or

16 emergency response team to where we were located
at.

17 Q When you say "call K-6", you
mean
18 use the radio that was provided on the bus?

19 A Correct.

20 Q You're not talking about using
a
21 privately owned cell phone or a cell phone
provided by

22 the County; correct?

23 A Correct.

24 Q Your efforts to contact K-6
were
25 not successful; correct?

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54

1 A Correct.

2 Q And you ultimately used your
own
3 personal cell phone to call your supervisor; is
that
4 correct?

5 A Correct.

6 Q And that person's name is

7 Mary Ellen; correct?

8 A Correct.

9 Q And you never called 911;
correct?

10 A No, sir.

11 Q Do you know how much time went
by

12 from the first time that the -- your co-worker,

13 Joanna Hamilton, went to Isabella's side until
the

14 time her mother came on the bus and called 911?

15 A I would say a few minutes.

16 Q By "a few" what do you mean?

17 A Two, three minutes. It seemed
like

18 she was at the bus immediately.

19 Q Did you know it was much
closer to

20 nine minutes?

21 A No, sir.

22 Q And during that entire nine-
minute

23 period you never used your cell phone to call
911; is

24 that correct?

25 A Correct.

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55

giving 1 Q Now, do you recall giving --
2 a written statement to the Sheriff investigators?

3 A Barely.

ever to 4 Q Have you had an opportunity
5 review it?

6 A Not to review it, no.

"barely", 7 Q All right. When you say
8 what -- what do you mean by that?

I 9 A I recall giving a statement.
10 don't recall what I put in the statement.

that 11 Q All right. Now, is it true
12 that day, January 25th, 2012, was the first day

that 13 you ever operated a bus for Hillsborough County?

14 A No, it's not true.

you 15 Q How many days before that had

16 actually operated a route?

previous 17 A On my own I did it the

18 day.

own"? 19 Q What do you mean by "on my

drive 20 A With the training I had to

I 21 for three to four days with another driver before

22 was out on my own route.

2012, 23 Q So this day, January 25th,

24 was your second day where you were independent --

25 A Correct.

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56

1 Q -- on the job for

2 Hillsborough County?

3 A Correct.

worked 4 Q And do you remember who you
5 with that day?
6 A Joanne -- Joanna -- I always
forget 7 her name.
8 Q All right. Joanna Hamilton?
9 A Yes.
10 Q Have you ever spoken to her
since 11 this day?
12 A No, I have not.
13 Q No contact with her at all?
14 A I believe the only time I did
15 contact her was maybe a week after to see how she
was 16 doing and other than that, no.
17 Q And "to see how she was
doing",
18 what do you mean by that?
19 A How she was reacting and how
she 20 was handling the situation of what had happened.
21 Q All right. What did she tell
you?
22 A That she was fine, she was
still

23 working.

24 Q Okay. Now, who was Dee? Do
you

25 remember the name, Dee?

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57

1 A No, sir.

2 Q All right. You referred in
your

3 written police statement to Joanna Hamilton as
4 DEES Attendant. Does that refresh your
recollection

5 at all?

6 A A DEES Attendant is what the
7 attendants on the bus or the aides were called
were

8 DEES Attendants.

9 Q DEES Attendants?

10 A D-E-E-S.

11 Q What does that refer to?

12 A I don't know.

13 Q Okay. You had never worked
with

14 her before?

15 A No.

16 Q Never worked with her since?

17 A No, sir.

18 Q How long did you continue to
work

19 for Hillsborough County?

20 A To mid March.

21 Q So approximately two more
months?

22 A Approximately.

23 Q And in what capacity did you
work?

24 A I was a driver.

25 Q Did you have any time off in

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58

1 between this incident and when you resumed
working?

2 A Yes, I did.

3 Q How much?

three 4 A I took approximately two to
5 days off after the incident.

that at 6 Q All right. And did you do
7 someone's suggestion?

8 A No, sir.

9 Q Okay. And why did you leave
10 Hillsborough County?

11 A In March --

12 Q Yes.

13 A -- I was moving back to
14 Connecticut.

personal 15 Q It was related to your
16 issues --

17 A Yes.

18 Q -- that led to your family
19 relocating to Connecticut?

20 A Yes.

occurred 21 Q Now, after this incident

we 22 when you returned the bus back to -- What would
23 refer to that as, Dispatch?

24 A Its parking location.

25 Q At parking location.

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59

1 Did anyone from the County
meet

2 with you to talk about what had occurred?

3 A I didn't finish the run out
that

4 day.

5 Q What does that mean, "the run
6 out" --

7 A I didn't continue to drive.

8 Q Oh, I see.

9 You mean at the scene someone
took

10 over?

11 A Yes. Mary Ellen came to the
scene

12 and once everything was secured we had to
continue to

13 drop off the other two children --

14 Q Right.

and 15 A -- that were left on the bus

16 she drove -- drove.

17 Q What did you do?

18 A I rode --

19 Q All right.

to 20 A -- until such time I was able

21 get back to Area 5 office to make a report.

22 Q All right. And did you make a
23 written report?

24 A Yes, sir.

give 25 Q All right. And who did you

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60

1 that to?

2 A My supervisor.

3 Q Mary Ellen?

4 A No. I don't recall the
5 supervisor's name.

6 Q Man or woman?

7 A It was a female.

8 Q Okay. Can you give me any
9 information that would help identify her --

10 A I want --

11 Q -- age --

12 A I want to say her name --

13 Q -- race?

14 A -- was Debbie, but I am not
sure.

15 Q Race, age, physical
description?

16 A She was a female, white
female.

17 Q Caucasian female?

18 A Yeah.

19 Q And you think her name was
Debbie,
20 but she -- you understood she was your supervisor
--

21 A Yes.

22 Q -- at Area 5?

23 A She was the Area 5 supervisor,
yes.

24 Q Did she bring you into an
office

25 and ask you questions or ask you what happened or

61

1 what?

2 A She has an office there at one
end.

3 She's like, "You have to fill out a report.
Here's

4 the paperwork." I filled out the report and
handed it

5 to her.

6 Q Okay. Is that the extent of
any

7 conversations you ever had with anybody from

8 Hillsborough County about this incident?

9 A Yes, sir.

10 Q All right. And the police
report,

11 when did you fill out that statement?

12 A That afternoon on the bus.

13 Q On the bus before you all left
the

14 scene?

15 A Yes, sir.

16 Q All right. And so am I
17 understanding correctly that the only two written
18 documents you have ever generated yourself about
what
--
19 you recall happening is, No. 1, the police report
--
20 or the Sheriff's report before the bus left the
scene
21 that day and, No. 2, the one that -- what you
recall
22 is your supervisor -- Perhaps her name is Debbie
--
23 had you fill out when you got back to Area 5?

24 A Yes, sir, that's all I recall.

25 Q Okay. And aside from the
questions

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62

1 that Debbie asked you no one else from the County
has
2 ever interviewed you about this?

3 A No, sir.

4 Q Is it fair to say that you
never

5 heard about this incident again until you said
that
6 you got a call from the law firm sometime after
you
7 moved back here to Connecticut?

8 A I would say, yes, that's fair.

9 Q Okay. Have you read
10 Joanna Hamilton's deposition?

11 A Yes, sir.

12 Q All right. I asked you
earlier,
13 "What did you do in preparation for your
deposition?"

14 Why didn't you tell --

15 A I --

16 Q -- me that then?

17 A I'm sorry, sir. I forgot.

18 Q When did you do that?

19 A Within the last couple of
days.

20 Q Where did you get that from?

21 A My attorney.

22 Q Your -- Your attorney?

23 A The Hillsborough County's
attorney.

24 Q Just so I'm clear, you did not
seek

25 out an attorney to represent you at this
deposition;

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63

1 is that right?

2 A I am -- Correct, I did not
seek out
3 one on my own.

4 Q You were told that you were
going
5 to be represented by someone?

6 A Yes, sir.

7 Q Do you feel you need an
attorney
8 for this?

9 A I feel that the
10 Hillsborough County's attorney will represent me
11 fairly.

12 Q Okay. And so the deposition
that
13 you obtained you say you got a few days ago?

14 A Yes, sir.

15 Q Sent to you in the mail?
16 A Yes, sir.
17 Q Do you have it with you?
18 A No, sir.
19 Q Did you make notes on it?
20 A No, sir.
21 Q Did you highlight it?
22 A No, sir.
23 Q What did you learn from it?
24 A Nothing.
25 Q What other documents have you

read

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64

1 in preparation for your deposition?
2 A That would be absolutely all.
3 Q Absolutely all?
4 A That's -- That was it.
5 Q What other Internet research
6 you done?

have

7 A Nothing else.

8 Q What Internet provider do you
use

9 at home?

10 A I use Google, Bing, Yahoo. I
use a

11 various, vasts.

12 Q And who -- who is your
Internet

13 provider or your phone provider in your home?

14 A I'm not sure. It's not in my
name.

15 Q Is it Comcast, Bell?

16 A I don't know.

17 Q Who -- Who do you reside with?

18 A I reside with my parents.

19 Q Okay. And did you tell us
their

20 full names?

21 A Faith Hall --

22 Q Okay.

23 A -- and her husband, Larry
Hall.

24 Q And are they at the address
that's

25 on your license?

65

1 A Yes, sir.

2 Q Okay. It's true, isn't it,
ma'am,

3 that no one from the Hillsborough County Physical
4 Therapy or Occupational Therapy staff ever
provided
5 you with any training as to how to transport
Isabella
6 in regard to her positioning needs?

7 A I will say, yes, that is true.

8 Q And that includes no one from
9 Physical Therapy or Occupational Therapy ever
trained
10 you on the necessity of ensuring that Isabella's
11 wheelchair was tilted back to keep her head from
12 falling forward; isn't that true?

13 A That is true.

14 Q On January 25th, 2012, it's
true,

15 isn't it, ma'am, that you never saw the attendant
ever
16 providing any assistance to Isabella to help her

17 properly position her head upright?

18 A Can you clarify that question,
19 please?

20 Q Sure.

21 Prior to the time that you
pulled
22 the bus over it's true, is it not, that you never
saw
23 the attendant ever attempting to help Isabella
24 properly position her head upright?

25 A I am not sure how to answer
that

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66

1 question. I -- I --

2 Q Did you ever see her doing
that
3 prior to pulling the bus over?

4 A From what I have seen Isabella
did
5 not need assistance holding her head up.

6 Q Okay.

7 A She was one of the children
that

8 were mobile on their own in their -- their
9 wheelchairs.

10 Q When did you see Isabella
before

11 this date?

12 A The day before --

13 Q Okay. So you saw her --

14 A -- in the afternoon.

15 Q -- on two occasions?

16 A Yes. This was the second
occasion.

17 Q And you made conclusions about
her

18 medical needs?

19 A Not her medical needs, just
the

20 ability of her being able to get on and off the
bus.

21 Q How were you able to observe
her?

22 A By watching her get on the bus
and

23 off the bus --

24 Q All right.

25 A -- through the wheelchair that
she

67

1 drove herself.

in

2 Q Okay. We'll talk about that

3 just a few minutes because much of that is on
4 videotape so I'm going to ask you questions about
5 that, but my question to you is very specific.

think

6 It's not whether or not you

see

7 Isabella needed help or not. It's did you ever

Isabella

8 the attendant, Joanna Hamilton, assisting

over

9 tilt her head back prior to your pulling the bus

10 to the side of the road?

11 A No, sir.

nine

12 Q Did you know approximately

Hamilton

13 minutes went by between the time that Joanna

until

14 told you to pull the bus over and call Dispatch

and 15 the time that Lisa Herrera arrived on the scene
16 called 911?

17 MR. MURMAN: Object to the
form.

18 A No, sir.

19 MR. MURMAN: That's fine.

20 Q You did not know that?

21 A I did not know nine minutes
went 22 by.

23 Q You had an opportunity during
those 24 nine minutes to observe what was happening with
25 Isabella; did you not?

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68

1 A Yes, sir.

2 Q And isn't it true during that
3 entire nine-minute period Joanna Hamilton never
made 4 any effort to look into Isabella Herrera's mouth
to

5 see what was blocking her airway?

6 A I do not recall what Joanna
did.

7 Q Isn't it true that you were
never
8 trained by Hillsborough County to respond to the
type
9 of emergency that you experienced on January
25th?

10 A It is true.

11 Q Do you recall that the
intersection
12 you stopped the bus at was the intersection of
13 Balm Riverview Road and Rhodine Road?

14 A I will agree with that. The
names
15 sound familiar.

16 Q It is true that neither you
nor
17 Joanna Hamilton ever attempted resuscitation
until
18 after Isabella Herrera's mother came on the
scene?

19 A After, true.

20 Q Your first attempts to get
through
21 Dispatch through the bus communication radio were
22 unsuccessful; correct?

23 A I feel they were, yes.

24 Q And as a result of that you
used

25 your cell phone to call your supervisor; is that

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69

1 right?

2 A Correct.

3 Q And that's what you felt that
you

4 were trained to do; is that right?

5 A Correct.

6 Q And you had a conversation
with

7 your supervisor about the fact that the
communication

8 radio was not working and about what was going on
with

9 Isabella; correct?

10 A Correct.

11 Q And the person we have
identified

12 as the supervisor is Mary Ellen; correct?

13 A Correct.

14 Q Now, when you were talking to
15 Mary Ellen it's true, isn't it, that you actually
told
16 her that you were located on the side of the road
in
17 front of a Wee Care Pediatric office?

18 A I don't recall what I told
her. I
19 know I recalled seeing a sign and giving her the
20 address on the sign.

21 MR. COTTER: All right. And
we're
22 referring to Wee as W-e-e Care.

23 BY MR. COTTER:

24 Q You're -- You recall that sign
25 being Wee Care?

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70

1 A I recall a sign there and I
recall
2 giving that address.

3 Q In connection with your
training
4 for Hillsborough County you were never provided
any
5 CPR training; isn't that true?

6 A True.

7 Q Do you have any recollection
about
8 which of the children on the bus that day,
9 January 25th, that you assisted into the bus and
10 secured their wheelchairs to the bus?

11 A I assisted all the children on
the
12 bus through the wheelchair lift.

13 Q All right. What I'm asking
you is
14 do you recall which of the children, if any, or
all
15 that you actually secured the children's
wheelchair to
16 the bus once inside?

17 A I secured all three of the
18 wheelchair students to the bus.

19 Q Including Isabella?

20 A Including Isabella.

21 Q And you're sure of that?

22 A Yes, sir.

23
wheelchair

Q And you did not tilt her

24 back once she was secured on the bus?

25 A Was not told to.

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71

1 Q I understand. We have covered

2 that.

3 You got no information at all
about

4 her needs; correct?

5 A Correct.

6 Q You really didn't know other
than

7 your own observations about Isabella from the day

8 before or what she could do or what she needed to
have

9 done?

10 A Only from my own observations.

11 Q I take it as well that you
have

12 not -- Strike that.

13 I take it as well that you
were not
14 provided any specific training for ESE students?
Do
15 you know what an ESE student is?

16 A A student with special needs.

17 Q Yes.

18 So you would agree with me
that you
19 weren't provided any specific training for ESE
20 students?

21 A Not for specific individuals,
no.

22 Q All right. So if January 24th
was
23 your first solo opportunity and you did three
trips
24 that were supervised before that -- Am I right?

25 A Correct.

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72

1 Q When were you actually -- When
did

2 you actually first begin your first day of
employment

3 as best you recall with the County?

4 A I don't recall. First day is
5 training.

6 Q Okay. What -- What did the
7 training involve?

8 A Operation of the motor
vehicles,

9 securing wheelchairs and ESE students in the
seats

10 properly, just a -- vast, various things. I
can't

11 recall all of them.

12 Q All right. I saw, for
example, in

13 your personnel file that you underwent a
defensive

14 driving course of four hours -- Do you recall
that?

15 A Yes, sir.

16 Q All right. Was the training
one

17 day?

18 A Yes, sir.

19 Q And then you -- then you had
your

20 three days of driving?

21 A (Nodding head.)
22 Q Yes?
23 A Yes, sir.
24 Q Supervised driving?
25 A I am not sure if it's correct

in

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73

1 that order. I just know I went through a lot of
2 training.

3 Q Okay.

4 A I did what was expected of me

--

5 Q I understand.

6 A -- passed, and did my --

7 Q And you had experience coming

into

8 the job --

9 A Yes, sir.

10 Q -- doing this; correct?

11 understand is

So what I'm trying to

on 12 was it about four days before you were first out

13 your own on January 24th?

14 A It was about four days.

15 Q A day of training and then the
16 three assignments where you were supervised
driving?

17 A Yes, sir.

18 Q All right. What is your email
19 address?

20 A Starmom828@yahoo.com.

21 Q How long has it been that?

22 A For a very long time.

23 Q Okay. So if you had sent any
24 emails regarding this incident would it have been
25 through that email account?

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74

1 A Yes, sir.

2 Q Do you recall ever generating
any

3 emails to anyone?

4 A Only emailed responses to

5 Mr. Burman's [sic] office --

6 Q Okay.

7 A -- Attorney Burman's [sic]
office.

8 Q Anyone else?

9 A No, sir.

10 Q Any descriptions of what
happened

11 to friends or family or co-workers --

12 A No, sir.

13 Q -- or supervisors?

14 A No, sir.

15 Q I have got a few more minutes
of

16 questions, but we have covered a lot of things so
I'm

17 reviewing my outline and I'm probably going to
skip

18 around here; okay?

19 A Yes, sir.

20 Q Was it your understanding when
you

21 first began to operate independently at

22 Hillsborough County those first two days were you

folks 23 working as a floater; that is, filling in for
24 who were on vacation or had a sick day or
something of
25 that nature?

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75

1 A Yes, sir.
2 Q Is that what you understood
your
3 role would be for the short term?
4 A Yes, sir.
5 Q I take it from our
conversation
6 here today that you have never had any contact
with
7 anyone from the press or media about this
incident; is
8 that right?
9 A Correct.
10 Q How did you come to apply for
the
11 job at Hillsborough County?

12 A I wasn't working at HART
anymore

13 and I applied as school buses.

14 Q Okay. And the reason I ask is
15 because we -- we have asked certain witnesses
about

16 what we understood there to have been a serious
17 shortage of bus drivers at Hillsborough County at
the

18 time, so what I want to know is as a result of
that do

19 you know whether they were offering any special
20 bonuses or incentives for people like you to come
21 forward --

22 A No, sir.

23 Q -- and apply for a job?

24 Not to your knowledge?

25 A Not to my knowledge, not that
I can

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76

1 recall.

2 Q Your personnel file seems to

3 reflect that a Change Of Address/Phone Number
Form
4 dated January 25th was made to the County -- Do
you
5 recall that?

6 A No, I do not.

7 Q Do you know whether you moved
8 around that time?

9 A I don't recall.

10 Q Can you think of any reason
why you
11 might have moved around that time?

12 A I was --

13 Q Were you in between locations?
14 Were there issues with your husband or -- I am
just
15 trying to understand why --

16 A No.

17 Q -- that might be?

18 A I may have filled out
paperwork out
19 late as just a precaution to make sure that they
had
20 all my current information.

21 Q Okay. It wouldn't have
anything to

22 do with this matter like trying to --

23 A No, it would not.

24 Q -- not allow the press to try
to

25 find and interview you --

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77

1 A No, sir.

2 Q -- or anything of that nature?

3 When you were hired you were
on a
4 probationary period; is that right?

5 A Yes, sir.

6 Q Most employees that start a
new job

7 often encounter that. Tell me what you
understood the

8 terms and conditions of that to be?

9 A I do not recall.

10 Q All right. But you do recall
that

11 you were on a probationary period?

12 A Correct, sir.

at 13 Q Were you a member of a union
14 that time?
15 A I do not recall.
a 16 Q Have you ever been a member of
17 union?
18 A Yes, I have.
when 19 Q Can you tell me, for example,
20 you were in Florida and you were a driver when --
21 A When I was with HART.
22 Q Okay. What union was it?
23 A I do not recall.
24 Q Okay. Was -- Was it common
25 practice for your co-workers to be a member of a

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78

1 union?
2 A Yes, it was.
3 Q A driver transportation union?

4 MR. MURMAN: Object to the
form.

5 Are you talking about the School Board
or the

6 HART Line?

7 MR. COTTER: I am talking
about the

8 HART. Thank you --

9 MR. MURMAN: Okay.

10 MR. COTTER: -- for clarifying
11 that.

12 A Yeah, it was common practice
--

13 Q Okay.

14 A -- for drivers to be part of
the

15 union or non-driving personnel, Dispatchers, be a
part

16 of a union.

17 Q When the HART -- When did the
HART

18 employment terminate?

19 A In November --

20 Q November of --

21 A -- 1st.

22 Q -- 2011?

23 A Yes.

earlier
24 Q And that's what you told us
felt
25 because from your perception in any event they

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79

1 that you hadn't complied with some policy about
2 calling in when you were sick?

3 A Yes.

try
4 Q All right. So if one were to

5 to determine whether you were still a member of a
6 union on January 25th, 2012 -- In other words,
perhaps

7 you paid dues that had a period of time, you
know,

8 that ran from June 1st to -- to May 30th -- You
see

9 what I'm saying -- If one were to try to find
that out

10 would that information likely be in your HART
11 personnel file?

12 A No, sir.

13 Q How -- How would one go about
14 trying to find --

15 A I --

16 Q -- out the name of the union?

17 A As soon as my employment was
left I

18 was no longer in the Union. I paid dues week --
19 bi-weekly upon payment.

20 Q Okay. Is that something
that's

21 taken out of your paycheck?

22 A Yes.

23 Q Okay. So as soon as that
24 employment terminated as far as you know your
25 membership in the union terminated as well?

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80

1 A As far as I know, yes.

2 Q In the Sheriff's report -- And
you

3 can feel free to look at this if you want. It's
a --

probably
read it
about
that.

4 It's a very brief statement. In fact, it
5 would be helpful if you just took a minute to
6 over. I'm going to ask you a question or two
7 that.

handing

8 A (Reviewing document and
9 back to Counsel Cotter.)

this
mom to
Isabella.

10 Q Thank you.
11 You indicated in this report,
12 written report, that you gave to the Sheriff that
13 afternoon that you were waiting for Isabella's
14 arrive in order to get permission to pick up
15 Do you recall saying that?

16 A Yes.

your
Isabella
and
those

17 Q Okay. Was -- Was that part of
18 training that you needed permission to remove
19 from her -- her chair in the event of a medical
20 emergency or was there just no training on that
21 you were kind of afraid to -- to touch her under

22 circumstances?

23 A I don't recall any specific
24 training or anything specific. I just know I was
told
25 we couldn't remove a child from a wheelchair
without

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81

1 permission from their guardian or parent --

2 Q Okay.

3 A -- because of possible further
4 injury to the child --

5 Q Okay.

6 A -- because we don't know
exactly
7 why they're in the wheelchair.

8 Q Okay. And you were told that
as
9 part of your training?

10 A I don't recall where I was
told.

11 Q Well, I'm just trying to
understand

12 could it have been something that Joanna Hamilton
told

13 you and you acted on or is it more likely
something

14 you learned in your training?

15 A It could have been from both.

16 Q Okay.

17 A I don't recall exactly where I
got

18 that from.

19 Q Okay. So as you sit here
today you

20 don't remember what the source of that
understanding

21 was, but you just -- you know you had that

22 understanding that day?

23 A Correct.

24 Q And of the possible sources of
25 where you got that information can we agree it
would

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1 either be in your training or what Joanna
Hamilton may

2 have told you that day?

3 MR. MURMAN: Let me object.
Her

4 training -- She worked for two other bus
5 companies. Are you talking about any of
6 those or the School Board?

7 MR. COTTER: I am going to
object

8 to speaking objections; okay?

9 MR. MURMAN: Well, I wanted
you to

10 understand what my objection is.

11 MR. COTTER: I understand.
You can

12 make an objection to the form.

13 BY MR. COTTER:

14 Q Can you answer my question,
please?

15 A Can you reask that?

16 Q Sure.

17 Do we agree that there's two
18 sources of information that you can attribute
that

19 understanding to, the understanding that you
shouldn't

20 lift Isabella up out of the chair -- It's either
21 perhaps what Joanna Hamilton said to you that day
or
22 the training that you received from
23 Hillsborough County?

24 MR. MURMAN: Object to the
form.

25 A I will not specifically say I
heard

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83

1 it from Joanna. It could either have been
general
2 group drivers' discussion about that or training
--

3 Q Okay.

4 A -- not specifically to a
person
5 themselves.

6 Q I see.

7 A I cannot recall specifics.

8 Q Now, when you finally got
9 Mary Ellen on the phone it's true, is it not,
that the

10 two of you had a discussion about the radio
system not

11 working correctly?

12 A I recall having a discussion
about

13 that.

14 Q And we agreed earlier that you
15 yourself never called 911; correct?

16 A Correct.

17 Q And even during this period of
18 time, this nine-minute period of time, you were
aware

19 that Isabella was turning blue; correct?

20 A No, I was not.

21 MR. MURMAN: Object to the
form.

22 Q You are not aware of that?

23 A I was not aware --

24 Q Okay.

25 A -- she was turning blue.

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tape
we
begin
-- one
floor.
training

1 Q We're going to go through the
2 in just a minute. I will ask you about that when
3 do.
4 Do you remember when you did
5 CPR on Isabella?
6 A Vaguely, yes.
7 Q Do you remember that a teeth
8 of her teeth came out during that attempt?
9 A After. I found it on the
10 Q Did you give that to a family
11 member?
12 A I did.
13 Q You have already told us that
14 Hillsborough County did not provide any CPR
15 to you, but did you have any on your own?
16 A I took CPR in courses in
17 Sixth Grade.
18 Q Sixth Grade?
19 A Sixth Grade.

1985? 20 Q That would have been about

with 21 A '85 approximately. I kept up
22 it through the years because of my own children.

23 Q Do you have any
certifications?

24 A I never got certified -- never
got
25 certified. I just kept up with it.

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85

without 1 Q How do you keep up with it
2 being certified?

3 A I read about it.

at 4 Q The videotape indicates that

5 14:25:31 Joanna Hamilton first states that 911 is
6 needed. Do you recall her saying that to you?

7 MR. MURMAN: Object to the
form.

8 A Honestly I do not recall.

Hamilton 9 Q You don't recall Joanna
10 ever telling you that 911 was needed?
11 A Not specifically --
12 Q Specifically or generally?
13 A -- 911 was needed. I don't
recall
14 her saying --
15 Q All right. At 14:25:55 the
16 videotape indicates that you tell Joanna Hamilton
that
17 the bus radio is not working. Do you remember
telling
18 her that?
19 MR. MURMAN: Objection, best
20 evidence.
21 A I don't recall.
22 Q At 14:27:06 you can be heard
23 talking to Mary Ellen via the cell phone. Do you
24 remember speaking to Mary Ellen --
25 MR. MURMAN: Objection.

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1 Q -- on the cell phone?

2 MR. MURMAN: Objection, form
and

3 best evidence and can I have a standing
4 objection to the question?

5 MR. COTTER: Sure.

6 MR. MURMAN: Okay.

7 BY MR. COTTER:

8 Q Do --

9 MR. MURMAN: Go ahead.

10 Q Do you recall my question?

11 A I do remember talking to
12 Mary Ellen.

13 Q Okay. Do you remember telling
14 her -- telling Mary Ellen that 911 is needed
because a
15 child can't breathe?

16 A I do.

17 Q At 14:27:10 Joanna Hamilton is
18 heard again saying that 911 is needed. Do you
recall
19 her saying that a second time?

20 A I don't recall. I don't know
if

21 she said 911 or medical assistance. I don't
recall.

22 Q At 14:27:25 Joanna Hamilton
can be
23 heard saying that an ambulance is needed, that
24 Isabella can't breathe. Do you remember that?

25 A I don't recall.

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87

14:27:30 1 Q Just five seconds later at

2 you're still on the phone with Mary Ellen
according to

3 the videotape and you asked Joanna Hamilton if
there's

4 a new radio on the bus. Do you recall having
that

5 conversation with Joanna Hamilton?

6 A I don't recall.

7 Q And that was because you were
8 looking for a radio that was going to work;
correct?

9 A I don't recall.

10 Q Do you recall Joanna Hamilton

there 11 responding to you that she didn't know whether

12 was a new radio on the bus or not?

13 A I don't recall.

be 14 Q At 14:27:48 -- So this would

phone 15 some 18 seconds later -- you're still on the

her 16 with Mary Ellen and you can be heard saying to

Do 17 that it's on, referring to the -- the bus radio.

18 you remember that discussion with Mary Ellen?

19 A No, I do not.

be 20 Q At 14:27:57 -- So that would

21 approximately nine seconds later -- do you recall
breathe"? 22 Joanna Hamilton saying to you, "She can't

23 A I do not recall.

seconds 24 Q Do you recall just four

Ellen 25 later while you're still on the phone with Mary

child
1 telling her, telling Mary Ellen, that you have a
2 on the bus who can't breathe?

3 A I do not recall.

seconds
4 Q At 14:28:04, some three
5 later, Joanna tells you that Isabella is turning
6 blue -- Do you recall that?

7 A I do not recall.

on
8 Q And you still have Mary Ellen
9 the phone and you tell her, "She's turning blue"
-- Do
10 you remember telling her that?

11 A No, I do not.

later,
12 Q At 14:28:55, some 51 seconds
13 you told Mary Ellen your location and told her
that
14 you were in front of Wee Care -- Do you remember
that
15 conversation?

front
16 A I recall telling her I was in
17 of the sign I was reading. I don't recall what
the

18 sign was.

19 Q All right. At 14:29:45, so
some
20 approximately 50 seconds later, you can be heard
21 telling Joanna that you were instructed by Mary
Ellen
22 to keep trying to call K-6. Do you recall Mary
Ellen
23 instructing you to do that?

24 A No, I do not.

25 Q At 14:32:07, about three
minutes

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89

1 later, you can be overheard asking Joanna if she
2 needed you to do something. Do you remember
asking
3 her?

4 A I do not recall.

5 Q Do you feel like you were
properly
6 trained by Hillsborough County to deal with the
kind

25th? 7 of emergency that you encountered on January

I 8 A I feel I was properly trained.

deal 9 don't think anybody's ever properly trained to

10 with that type of encounter unless you are a

11 professional medical personnel.

were 12 Q So, yes, you feel like you

13 properly trained?

14 A By Hillsborough County.

15 Q And that training included not

16 calling 911 under those circumstances?

17 A I can't answer that.

certified 18 Q And not being trained and

19 in CPR?

20 A We weren't required.

21 Q And not being provided any

22 information about Isabella's needs?

23 A The -- I believe the

24 DEES Attendants were -- had that information.

likely 25 Q Now, this matter is very

90

1 going to go to trial in -- sometime -- I think my
2 recollection is May of 2014 -- And I could be
wrong
3 about that. Do you have any intentions of being
out
4 of the country that you're aware of during the
first
5 part of 2014?

6 A I don't know what the future
holds
7 for me.

8 Q Okay.

9 A I don't have any intentions to
10 leave the country or -- or anything.

11 Q Do you -- Do you have any
12 intentions to -- to move from your current
residence?

13 Are you looking to move?

14 A I am possibly planning a move.

15 Q Where are you planning to move
to?

16 A Ohio.

17 Q Here in Hamilton?
18 A Yes.
19 Q That's to be with Mr. Manning?
20 A Closer to him.
21 Q Okay. What is his address?
22 A 1475 Alberta Drive.
23 Q In Hamilton?
24 A Yes.
25 Q And what type of work does he

do?

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91

mill. 1 A He's a foreman at a paper
mill? 2 Q What's the name of the paper
3 A I don't know.
4 Q His first name, is it Thomas?
5 A Yes, it's Thomas.
6 Q Middle initial?
7 A E.
8 Q And is it M-a-n-n-i-n-g?

9 A Yes.

10 Q And how do you know him?

11 A Through the computer.

12 Q Met over the Internet?

13 A Yes.

14 Q Have a --

15 A Know him --

16 Q -- friendship or romantic

17 relationship?

18 A -- for five years.

19 Q Five years.

20 A We play a video game together.

21 Q And what's that?

22 A World Of Warcraft. Sorry. I

23 say it without smiling.

24 MR. COTTER: Those are all the

25 questions I have for you right now. I

can't

may

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Counsel 1 have some additional ones if -- if
2 has some questions for you.

3 EXAMINATION

4 BY MR. MURMAN:

behalf 5 Q Ms. Pizarro, Jim Murman on
6 of the School Board.

bus 7 You have been driving a school
8 since 2000 when you first went to work for
Laidlaw?

9 A Yes.

or 10 Q And during two of those years
11 three of those years you drove a bus for HART
Line 12 also in Tampa?

leading. 13 MR. COTTER: Objection,

half, 14 A Approximately a year and a
15 two years.

Line 16 Q Were you trained at the HART
17 to be a bus driver?

18 A Yes.

Laidlaw 19 Q Were you trained at Lad --

20 to be a bus driver?

21 A Yes.

your 22 Q Were you trained by Rainbow,

23 current employer, to be a bus driver?

24 A Yes.

25 Q Did HART require that you be

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93

1 trained in CPR?

2 A No.

be 3 Q Did Laidlaw require that you

4 trained in CPR?

5 A No.

trained 6 Q Did Rainbow require you be

7 in CPR?

8 A No.

of 9 Q When you called K-6 on the day

10 this unfortunate incident were you sure that your
11 message didn't get through or were you left with
the
12 impression that it did not get through?

13 MR. COTTER: Objection, form,
14 leading.

15 A I was unsure if my message had
16 gotten through.

17 Q There was some talk about a
18 building nearby that you said -- And I forget the
name

19 of it. Did you know that there was a
Pediatrician's
20 office located nearby?

21 A No, I did not.

22 MR. COTTER: Objection, form,
23 leading.

24 Ma'am, I'm going to have some
25 objections so if you could just try to
wait

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1 and give me an instant to --

2 THE WITNESS: Sorry.

3 MR. COTTER: -- to get them in
it

4 will make our record a little cleaner.
Thank

5 you.

6 BY MR. MURMAN:

7 Q What efforts did the mother of
8 Isabella do as far as any resuscitation effort?
What
9 did you note?

10 A She removed the child from the
11 wheelchair and she was on the phone and she was
12 holding her child and she was -- she checked the
13 child's mouth and she was trying to do what any
mother
14 would do with resuscitating her child.

15 Q Had you ever met Mrs. Herrera
16 before?

17 A Only the day before when I had
18 dropped off Isabella earlier.

19 Q Did you have any conversation
with
20 her in regards to positioning of the wheelchair
or

21 Isabella's head?

22 A No.

23 Q Did she provide you with any
24 guidance about anything as far as transporting
her
25 daughter?

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95

1 A No.

2 MR. COTTER: Object to form,
3 leading.

4 Q When you worked for the HART
Line
5 did they have a procedure in place if there was
an
6 emergency on the bus?

7 A Yes.

8 Q What was that procedure?

9 A We called Dispatch.

10 Q Was there a procedure in place
when

on 11 you worked for Laidlaw if there was an emergency

12 the school bus?

13 A Yes.

14 Q And what was that procedure?

15 A Called Dispatch.

Rainbow, did 16 Q Your current employer,

17 they have a procedure -- or do they have a
procedure

18 in place for if you have an emergency on the bus?

19 A We call Dispatch.

I 20 THE VIDEOGRAPHER: Excuse me.

21 need to switch my tape real quick. Off
the

22 record at 12:26.

23 (Deposition stood in recess at

24 12:26 p.m.)

25

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2 12:27 p.m.)

3 THE VIDEOGRAPHER: We are back
on

4 the video record at 12:27.

5 BY MR. MURMAN:

6 Q When you were hired by the
7 School Board of Hillsborough County were they
aware of
8 the fact that you had previously driven a school
bus
9 for Laidlaw for a period of years?

10 MR. COTTER: Object to form,
11 leading.

12 A Yes.

13 Q Were they aware that you had
been
14 employed with HART Line as a bus driver?

15 A Yes.

16 MR. COTTER: Object to form,
17 leading.

18 Q Did they require you to go
through
19 the normal training that all the other new bus
drivers
20 went through?

21 MR. COTTER: Object to form,

22 leading.

23 A Yes.

24 Q And did that training consist
of
25 two full weeks of classroom training?

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97

1 MR. COTTER: Object to form,

2 leading.

3 A Yes.

4 Q Did it also include a period
of
5 time where you would drive a bus under the
supervision
6 of another experienced school bus driver?

7 MR. COTTER: Object to form,

8 leading.

9 A Yes.

10 MR. MURMAN: That's all I
have.

11 Thank you, ma'am.

12
Thank you

MR. COTTER: That's all.

13

very much.

14

THE WITNESS: Thank you.

15

THE VIDEOGRAPHER: The time is

16
Please

12:28. The deposition is concluded.

17

stand by.

18

19
Waived)

(Signature Expressly

20

TONIA DOLE-PIZARRO

21

22

(DEPOSITION CONCLUDED AT 12:28 P.M.)

23

24

25

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98

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C E R T I F I C A T E

2

STATE OF OHIO

:

SS:

3 COUNTY OF BUTLER :

4 I, Pamela L. Jackson, a duly qualified and

5 commissioned notary public in and for the State

of

6 Ohio, do hereby certify that prior to the giving

of

7 her deposition, the within named TONIA DOLE-

PIZARRO,

8 was by me first duly sworn to testify to the

truth,

9 the whole truth, and nothing but the truth; that

the

10 foregoing pages constitute a true and correct

11 transcript of testimony given at said time and

place

12 by said deponent; that said deposition was taken

by me

13 in stenotypy and transcribed under my

supervision;

14 that I am neither a relative of nor attorney for

any

15 of the parties to this litigation, nor relative

of nor

16 employee of any of their counsel, have no

interest

17 whatsoever in the result of this litigation, and

am

18 not, nor is the court reporting firm for which I

am

19 affiliated, under a contract as defined in Civil
Rule
20 28(D).

21 IN WITNESS WHEREOF, I hereunto set
my
22 hand and official seal of office at Hamilton,
Ohio,
23 this 22nd day of July, 2013.

24

25
11/18/13

Commission Expires

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