

IN THE COURT OF COMMON PLEAS

HAMILTON COUNTY, OHIO

CIVIL DIVISION

CASE NUMBER: A1402190

MCKENZIE DAVIS & JENNIFER BLUM

PLAINTIFFS

vs.

DELHI TOWNSHIP, OHIO  
DBA DUNGEONS OF DELHI, ET AL.

DEFENDANTS

\* \* \* \* \*

DEPONENT:

MICHAEL BLUM

DATE:

DECEMBER 10, 2014

\* \* \* \* \*

Mindy Davis

Certified Court Reporter

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EXHIBITS

(No exhibits were introduced into the record.)

1           The deposition of MICHAEL BLUM, taken for the  
2 purpose of discovery and/or use as evidence in the  
3 within action, pursuant to notice, heretofore taken  
4 at the Law Offices of Blake Maislin, 2260 Francis  
5 Lane, Cincinnati, Ohio , on December 10, 2014, at  
6 11:00 a.m., upon oral examination, and to be used in  
7 accordance with the Ohio Rules of Civil Procedure.

8                                   \* \* \* \* \*

9                                   APPEARANCES

10          ATTORNEY FOR PLAINTIFFS:

11          Michael D. Weisensel, Esq.

12

13          ATTORNEY FOR DEFENDANTS:

14          Richard J. Rinear, Esq.

15          Carolyn A. Taggart, Esq.

16          John M. Milligan, Esq.

17          Bruce D. Knabe, Esq.

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1                                   MICHAEL BLUM,  
2   called on behalf of the Plaintiffs, after having  
3   been first duly sworn, was examined and deposed as  
4   follows:

5                                   EXAMINATION

6   BY MR. WEISENSEL:

7           Q.   Mr. Blum, good morning.

8           A.   Good morning.

9           Q.   My name is Mike Weisensel. I'm one of the  
10   attorneys for the plaintiffs in this case called  
11   Mckenzie Davis versus Dungeons of Delhi. Have you  
12   ever given a deposition before?

13          A.   No, sir.

14          Q.   Let's start by why don't you give your  
15   name and address, please?

16          A.   It's Michael A. Blum. My address is 818  
17   Gilcrest, Cincinnati, Ohio 45238.

18          Q.   Since you've never given a deposition  
19   before, let me just on the record give you a couple  
20   of instructions to make this go more smoothly. This  
21   is kind of a question and answer session. You've  
22   been put under oath by the court reporter here.  
23   It's just like if we were at the courthouse. Your  
24   job is to give honest answers to the best of your  
25   ability; do you understand that?

1           A.    Yes, sir.

2           Q.    Nobody at this table will be trying to  
3    trick you or confuse you or try to get you to say  
4    something that you don't mean to say.  Everyone here  
5    is hunting for information and trying to find out  
6    what you know about some circumstances involving the  
7    case, okay?

8           A.    Sure.

9           Q.    If you don't understand any question  
10   that's asked of you today, will you agree to ask the  
11   person who's asking the question to say it again or  
12   say it a different way?

13          A.    Yes, sir.

14          Q.    Couple other ground rules.  You're doing a  
15   good job so far.  Make sure you give audible answers  
16   when you're answering.  Say things like yes and no.  
17   Try not to shrug your shoulders or say things like  
18   uh-huh or huh-uh.  You'll probably do it anyway  
19   because most folks do.  If you do that, someone  
20   might stop you and just make sure that the record is  
21   clear.  Don't be embarrassed if that happens, okay?

22          A.    Okay.

23          Q.    Sir, what is your date of birth?

24          A.    May 7, 1977.

25          Q.    And did you grow up in the Cincinnati

1 area?

2 A. I did.

3 Q. Where did you go to high school?

4 A. Elder High School.

5 Q. What year did you graduate Elder?

6 A. 1995.

7 Q. And did you go to college after Elder?

8 A. I did.

9 Q. Where did you go?

10 A. University of Cincinnati.

11 Q. And did you get a degree at UC?

12 A. I did.

13 Q. What is your degree in?

14 A. Bachelor of fine arts in electronic media  
15 from the College Conservatory of Music.

16 Q. And what year did you get that degree?

17 A. 2000.

18 Q. Any other degrees that you have besides  
19 that?

20 A. No, sir. I've been in some training, but  
21 no official degrees of any kind.

22 Q. Okay. As far as a formal education, you  
23 have your bachelor's from UC?

24 A. Uh-huh.

25 Q. Yes?

1 A. Yes. Sorry.

2 Q. See, I told you you would do it. It's  
3 okay. What do you do for a living?

4 A. I work in the public relations and  
5 development department at the Kenton County Public  
6 Library. I also do freelance work for different  
7 sports networks primarily through Line Video out of  
8 Columbus. I've also worked for PPI out of Chicago  
9 and Second Wind out of South Carolina. I worked for  
10 the Bengals radio and TV network, Cleveland Browns  
11 radio network, Denver Broncos radio network, and  
12 some other entities, too, but that's the main ones.

13 Q. So these are two separate jobs. You have  
14 your job at Kenton County at the library --

15 A. Correct.

16 Q. -- and then you're doing this freelance  
17 work as well?

18 A. Yes, sir.

19 Q. The address on Gilcrest, how long have you  
20 lived there?

21 A. I bought the house in May of 2006.

22 Q. And who lives there with you?

23 A. My wife Jennifer and Mckenzie, Jennifer  
24 Blum and Mckenzie Davis.

25 Q. All right. And how long have you and

1 Jennifer been married?

2 A. I'm glad she's not sitting here.

3 September 8, 2007.

4 Q. And Mckenzie is Mckenzie Davis, correct?

5 A. Yes.

6 Q. And that is Jennifer's daughter?

7 A. Yes.

8 Q. So you are her stepfather?

9 A. Correct.

10 Q. Is Mckenzie's natural father involved in  
11 her life at all?

12 A. No.

13 Q. When's the last time she's had contact  
14 with her natural father, if you know?

15 A. She never has as far as I know.

16 Q. Okay. Have you essentially been raising  
17 Mckenzie as if she were your own daughter; is that a  
18 fair characterization?

19 A. Yes, sir.

20 Q. Well, we're going to be talking about an  
21 incident that happened on October 12th of 2012. But  
22 before we talk about that, I want to ask you about  
23 things before that date, okay, so this is  
24 pre-October 2012, okay?

25 A. Uh-huh.



1 Q. You understand?

2 A. Yes, sir.

3 Q. You're doing fine. Prior to that date,  
4 was Mckenzie generally in good health?

5 A. Yes, sir.

6 Q. Did she have any ongoing health concerns  
7 related to her legs or ankles that you're aware of  
8 prior to October 12th of 2012?

9 A. No, sir.

10 Q. Was she an active kid?

11 A. She was.

12 Q. And what kind of things was Mckenzie into?

13 A. She liked to jump rope. She liked to ride  
14 bikes, play volleyball, play basketball, go for  
15 walks, play with the dog, go to the park.

16 Q. The volley and basketball, did she play on  
17 organized teams?

18 A. She played for Seton basketball up until I  
19 believe she was a sophomore, so that would have been  
20 when she was 15 or 16.

21 Q. All right.

22 A. Volleyball she never played for anyone  
23 organized. She did play in some sand volleyball  
24 leagues with us.

25 Q. Are those summer leagues that you get a

1 group of your friends together and you play?

2 A. Yeah. I don't remember the park, what it  
3 was, but it was out off of Colerain and we would go  
4 out there once a week and play against other co-ed  
5 teams, but nothing more formal than that.

6 Q. Okay. And then the basketball that she  
7 was doing at Seton that you think she may have  
8 played into her sophomore year, what was the reason  
9 that she didn't play going into her junior and  
10 senior year; was it just once you get to that level,  
11 you're varsity and your skill levels have to be a  
12 little higher?

13 A. Yeah. And I think at that age you, you  
14 know, have some issues about knowing exactly what  
15 you're capable of, and maybe some other girls were  
16 just a little bit better than her but it was hard  
17 for her to deal with, I guess.

18 Q. Sure.

19 A. But, yeah, I think you'd have to ask her  
20 that because sometimes teenage girls don't go and  
21 share everything that's on their mind.

22 Q. Fair enough. Prior to October 12, 2012,  
23 are you aware of whether or not Mckenzie had ever  
24 gone to what I'm just going to kind of generically  
25 call a haunted house? Had she ever been to one

1 before October of 2012 that you know of?

2 A. Yes, I know that she's gone to the one out  
3 on Harrison. Is it the Dent Schoolhouse? I believe  
4 that's what it's called. She's been on haunted  
5 hayrides with us before. I don't know if I'd call  
6 it a haunted house, but we went on a walking haunted  
7 history tour in New Orleans in the French Quarter  
8 when we were down there. She went to a place  
9 outside of Louisville called Waverly Hills, which is  
10 an old closed down sanatorium, which is a big, I  
11 guess you would call it a mecca for ghost hunters,  
12 paranormal experience. So she's been at places like  
13 that before. I guess the only true haunted house  
14 that she has been to would be the one out on  
15 Harrison, the Dent Schoolhouse.

16 Q. These other experiences that you're  
17 familiar with, are you aware of whether or not --  
18 did she express to you that she enjoyed those  
19 experiences?

20 A. She did.

21 Q. Did she ever have any problems or issues  
22 with any of those visits to those places you  
23 described?

24 A. I don't think so. I mean, obviously with  
25 any girl that age, you're in that teenage girl

1 realm. There's going to be some excitement and  
2 anticipation, but I don't think she had problems.

3 Q. Okay. Are you aware in her prior  
4 experiences had she ever been chased by an employee,  
5 whether it be the haunted house or some employee of  
6 the different places you had gone to?

7 A. No, sir.

8 Q. As far as you know, she had not been  
9 chased; is that correct?

10 A. As far as I know, she has not been chased  
11 at any of those experiences or events.

12 Q. Okay. Had she ever been injured in any of  
13 those events?

14 A. No, sir.

15 Q. Well, let's go to October 12 of 2012. As  
16 you know, this case involves an injury she sustained  
17 in a fall at this place called Dungeons of Delhi.  
18 On that particular day, were you aware -- first of  
19 all, you weren't with her that day when this  
20 occurred; is that correct?

21 A. No, I was not with her.

22 Q. Prior to her going, were you aware that  
23 she had planned to do this?

24 A. Vaguely. I remember that they were  
25 talking about it. I believe they had plans

1     beforehand where her and her boyfriend Joe went to  
2     the Elder game that night or event at Elder, and  
3     then they decided to go there. I know that some of  
4     her friends, Allison, she was with her. She had her  
5     cousin Elizabeth with her. They were planning on  
6     meeting up with them eventually, but I don't know  
7     when they came into the picture. I know that she  
8     was with her boyfriend and then her friends met her  
9     there later, I believe.

10        Q.     Okay. Prior to this happening, had you  
11     ever been personally to the Dungeons of Delhi?

12        A.     When it was a Thriftway many, many, many  
13     years ago, but not as the Dungeons of Delhi, no,  
14     sir.

15        Q.     Okay. Well, when did you first hear or  
16     find out that some problem had arisen with Mckenzie  
17     that night?

18        A.     I got a call from her cousin Elizabeth  
19     saying I should come up to the Dungeons of Delhi,  
20     that Mckenzie had fallen, had injured her ankle, and  
21     I need to come and pick her up. So I came up and  
22     probably got up there about, I don't know, 15 or 20  
23     minutes later.

24        Q.     About what time of the evening are we  
25     talking about, approximately?

1           A.     It was after dark, but I can't say exactly  
2 when it was.  If they went to the Elder game, then I  
3 would assume it was probably around 9:30 or 10:00,  
4 but I can't say for sure.

5           Q.     But you remember it was dark?

6           A.     It was dark, yes.

7           Q.     And when you got this call, you were at  
8 home, I presume?

9           A.     I was.

10          Q.     And did Elizabeth tell you anything else  
11 about what had happened just during that phone  
12 conversation, besides what you've told us about  
13 already?

14          A.     My memory's pretty vague, but I know that  
15 she said you need to come up and pick her up, she's  
16 hurt her ankle, she fell and come right away.

17          Q.     All right.  So you did that?

18          A.     Uh-huh.

19          Q.     Yes?

20          A.     Yes, sir.

21          Q.     And did you go by yourself?

22          A.     I did.

23          Q.     And how long of a drive is that from your  
24 home to where the Dungeons of Delhi are?

25          A.     I'd say it's probably around 10 minutes.

1 Q. And when you got there, you got out of  
2 your car. And if you could tell us, what did you  
3 observe, kind of the scene you came up on?

4 A. I saw her there on the ground. And as I  
5 got up closer, I could tell she was upset. There  
6 was a group of people around her, maybe, I'd say, in  
7 the eight to 10 range. Once again, I can't say for  
8 sure. My focus really wasn't upon them when I first  
9 got there, it was upon her. Did I answer your  
10 question or should I get keep going?

11 Q. You did. I'm going to ask you more  
12 detail, though, but you did. So when you come on  
13 the scene, there's a number of people and, if I  
14 understood you correctly, Mckenzie is actually on  
15 the ground?

16 A. Yes. It wasn't a perfect circle, but  
17 there was a group that was gathered around her and  
18 just observing what was going on.

19 Q. Was anybody rendering medical attention to  
20 her at that point?

21 A. No, sir.

22 Q. And as far as persons that you knew, who  
23 was in that group of eight or so people around her?

24 A. Joe Giovanetti, her boyfriend, Elizabeth  
25 Schradin was there, her cousin, and Allison Sweet,

1 one of her friends. I didn't recognize anyone else  
2 besides that.

3 Q. The other folks who were standing around  
4 whose name you don't know, were any of them police  
5 officers or EMTs?

6 A. There was -- and I remember speaking to a  
7 gentleman. He was -- he couldn't have been any  
8 older than in his early 20s, maybe 21 or 22, and he  
9 had said that he was some sort of volunteer fireman  
10 or EMT or an Explorer. He wasn't a certified guy  
11 with a badge or anything, but he was basically some  
12 sort of EMT, fireman in training, a young guy,  
13 young -- like I said, he couldn't have been any more  
14 than 21 or 22 years old, maybe even younger than  
15 that, honestly now that I think about it.

16 Q. Do you remember any of the conversation  
17 you had with that gentleman?

18 A. I did. I do. I basically asked him, I  
19 said, well, what happened? He said that he didn't  
20 see what happened. And I asked him about his  
21 opinions of what Mckenzie had done. I asked him,  
22 well, how bad do you think this is, do you think  
23 it's broken, do you think this is something I need  
24 to get the life squad and get her to the ER right  
25 away. And he said that in his opinion he didn't



1 think that it was anything severe enough to have to  
2 run her to the hospital right away. After that, I  
3 looked at Mckenzie and I could tell that she was  
4 upset and in pain. Her ankle was swollen much more  
5 than what it normally is. So I made a decision  
6 to -- we got some people to help her. I pulled the  
7 SUV up and got her into our SUV and took her home.  
8 Her mom was at work that night. So I decided to  
9 take her there and get her back on the couch,  
10 because I was going to wait for her mom to come home  
11 to make the final decision on whether or not to take  
12 her to get her looked at that evening.

13 Q. Okay. Going back to the scene with the  
14 folks who were there at least initially when you  
15 first came on the scene, in the group of folks  
16 around Mckenzie, were there any persons who you were  
17 able to determine looked like they were employees or  
18 were working at the haunted house; in other words,  
19 they're in costume or did they have a nametag or  
20 anything like that?

21 A. No, sir. There was some guys, a few guys  
22 with flashlights, but I don't remember any kind of  
23 badge or nametag or T-shirt that said event staff or  
24 haunted house staff or anything like that.

25 Q. Okay. And so you scoop up your

1 stepdaughter and you get her back to your car. How  
2 do you get her back to the car, do you have to  
3 assist her in walking or how does that work?

4 A. She was in an open area, so I pulled the  
5 SUV pretty much right up next to her. I think maybe  
6 the volunteer firefighter, Explorer, EMT guy, maybe  
7 he helped. I can't remember if her boyfriend  
8 helped. I remember that some people helped, got her  
9 underneath basically the shoulders here and the  
10 armpits and helped her, lifted her up that way. We  
11 have a SUV, a Honda Element, where it's got suicide  
12 doors so you can open it wide. We set her in there.  
13 She wasn't in a seated position. She was kind of  
14 laying down, at least she had her legs out and then  
15 her back was against a part of the seat there, and  
16 then we proceeded from there.

17 Q. Okay. Are you able to give an estimate in  
18 time from the time that you show up on the scene  
19 until the time McKenzie is now in your vehicle and  
20 you're going home, how long were you there?

21 A. We didn't stay long. If I was going to  
22 give an estimate, I'd say it would be, I'd say about  
23 five minutes, maybe five to seven minutes. I  
24 remember feeling that, well, this can't be any good  
25 that all these people are standing around looking at

1 her, because it would just make a bad situation  
2 worse. I don't think anyone likes to have all kinds  
3 of people with strange faces staring at them, but,  
4 you know, I felt that it would just be a good thing  
5 to get her out of there and get her back home to an  
6 environment where she didn't have so many eyeballs  
7 locked on her.

8 Q. Okay. Understanding, of course, you're  
9 concerned about her physically at that time, but at  
10 the scene did you ask Mckenzie, hey, what happened?

11 A. I did.

12 Q. And what did she say?

13 A. She was still pretty upset so I couldn't  
14 really get the whole story out of her. She had said  
15 that she had been chased and she ran and she fell.  
16 That was pretty much the gist of what I got out of  
17 her.

18 Q. Okay. In that five to seven minutes or so  
19 that you're on the scene, did you have conversations  
20 with anybody else besides the guy we'll call the  
21 Explorer guy, your daughter, or your stepdaughter,  
22 Mckenzie, did you talk to anybody else there?

23 A. I think I talked to her boyfriend briefly.  
24 He's kind of a soft-spoken guy. He just said, well,  
25 yeah, she fell and she hurt herself, and that was

1 pretty much it.

2 Q. Do you believe you talked to anybody at  
3 the scene of the accident, if you will, who was  
4 associated with the business, this haunted house?

5 A. No, sir. There could have been someone  
6 there but, no, I don't recall talking to anyone who  
7 worked for the haunted house or represented the  
8 haunted house.

9 Q. You didn't interact with anybody there  
10 that day that represented themselves to you, put  
11 themselves out to you as, hey, I work here, this is  
12 my haunted house, or anything like that?

13 A. No, sir.

14 Q. After that night, have you ever been back  
15 to the Dungeons of Delhi?

16 A. No, sir.

17 Q. Have you ever talked to anybody who has  
18 held themselves out to you to be somehow associated  
19 with the Dungeons of Delhi?

20 A. No.

21 Q. I'll represent to you there was some  
22 testimony from a man in this case by deposition.  
23 His name is Mark Mateikat, M-A-T-E-I-K-A-T. Does  
24 that name sound familiar to you at all?

25 A. No, sir. Besides what was sent to me by

1 you and Blake and what we talked about during a  
2 conference call, no, sir.

3 Q. Correct. We talked about what  
4 Mr. Mateikat had said during his deposition; is that  
5 right?

6 A. Yes, sir.

7 Q. And we had asked you whether or not,  
8 number one, whether or not he had called you after  
9 this accident; is that correct?

10 A. Uh-huh. Yes, sir.

11 Q. And I'll represent to you that in his  
12 testimony he said that he called you after your  
13 stepdaughter fell to say what had happened. That's  
14 your understanding of what he said, correct?

15 A. Yes.

16 Q. Okay. That didn't happen?

17 A. No, sir.

18 Q. He also testified that the weekend after  
19 this occurred, that you actually stopped by the  
20 business, if you will, and you all had a  
21 conversation. Did that ever occur?

22 A. No, sir.

23 Q. Okay. I presume that you and Mckenzie,  
24 after the events, talked in more detail about how it  
25 happened, what happened at the haunted house; is

1 that right?

2 A. Yes.

3 Q. Can you just tell us, what did she tell  
4 you had occurred?

5 A. She said that she was in line or waiting  
6 with her boyfriend and that someone had come out  
7 behind a door and was running towards her or  
8 pursuing her and then she ran and fell and hurt  
9 herself.

10 Q. Did she tell you why she ran from the  
11 person who was approaching her or chasing her?

12 A. No, sir.

13 Q. In this case there will be testimony, I'm  
14 quite sure, from medical professionals. I  
15 understand that you're not a doctor, of course --

16 A. No, sir.

17 Q. -- but as a layperson and as someone who I  
18 presume has watched Mckenzie over the last two  
19 years, can you just describe for us generally what  
20 she's been going through physically since the event  
21 that we just talked about?

22 A. It's been a very trying ordeal for her.  
23 She's in pain every day. She's had two surgeries,  
24 getting ready to have a third coming up. She's been  
25 through rehab. She's been through the spinal cord

1 shots. She's been through -- it's been pretty  
2 terrible for her. She cries every day. Every night  
3 she cries. She certainly has not had nearly the  
4 chance to go out and enjoy life like a kid her age  
5 can do. She's certainly been a lot more homebound  
6 and restricted because of the injuries and trouble  
7 that she suffers with.

8 MR. WEISENSEL: Okay. So those are all  
9 the questions I had for you. These other  
10 folks here at the table will likely have some  
11 questions for you.

12 CROSS-EXAMINATION

13 BY MR. RINEAR:

14 Q. Mr. Blum, my name is Rick Rinear. I  
15 represent the Dungeons of Delhi in this lawsuit.  
16 You had never been there to the haunted house,  
17 right?

18 A. No, sir.

19 Q. Do you know anybody that works there or is  
20 involved with running that?

21 A. I don't, no, sir.

22 Q. Do you know if your daughter's ever been  
23 there before?

24 A. Not to my knowledge, no.

25 Q. Okay. Do you know how it was that they

1 chose to go to that haunted house that night?

2 A. I don't, no, sir.

3 Q. But you said she had been to the Dent  
4 haunted house on Harrison Avenue?

5 A. Yes, sir.

6 Q. And she had been to some other places  
7 around the country that have to do with ghosts and  
8 things like that?

9 A. Yes, sir.

10 Q. You would agree that she was a bright  
11 enough girl to understand what a haunted house is,  
12 right?

13 A. I don't really understand the question.

14 Q. Is there any question in your mind that  
15 when your daughter went to the haunted house on  
16 Harrison Avenue or the Dungeons of Delhi, that she  
17 had some understanding what a haunted house was?

18 MR. WEISENSEL: Objection. Go ahead.

19 You can answer. Sometimes people will make  
20 objections just for the record. Just go ahead  
21 and answer.

22 A. She's a bright girl. I would think that  
23 she would know what a haunted house was.

24 Q. And that --

25 A. But --



1 Q. And that the reason you go to a haunted  
2 house is the thrill of being frightened, right?

3 A. I don't think that's the only reason that  
4 someone would go, but, sure, that would be a reason  
5 why some people would do it.

6 Q. Okay. Well, I mean, you know Mckenzie far  
7 better than any of us do. We haven't even met her  
8 yet. At the time of this incident back in 2012, she  
9 was how old?

10 A. Seventeen.

11 Q. She was a junior or senior in high school?

12 A. Yes, sir.

13 Q. Good grades?

14 A. Yes, sir.

15 Q. What kind of student was she? What kind  
16 of grades did she get?

17 A. I know that she was A's and B's pretty  
18 much across the board.

19 Q. Is there any reason that you can think of,  
20 knowing Mckenzie, that you think she would have gone  
21 to the Dungeons of Delhi that night not  
22 understanding that there's going to be people  
23 dressed up in costumes and creatures and people  
24 attempting to frighten the patrons?

25 MR. WEISENSEL: Objection.

1           A.     The costumes part and the scary characters  
2 from movies, yes, I would think that she would  
3 understand that that was going to be part of the  
4 aurora, part of the event.

5           Q.     Has she ever explained to you to this day  
6 what happened that was so unexpected that it caused  
7 her to run and ultimately fall?

8           A.     No, sir.

9           Q.     Has she ever explained to you what it is  
10 that she thinks the people at the haunted house did  
11 improperly to cause this injury to her?

12          A.     She hasn't, no, sir.

13          Q.     Joe Giovanetti sat in the same seat you're  
14 in a few weeks back and we took his deposition and  
15 he told us about kind of a running family story that  
16 he's heard. He wasn't there at the time, but he's  
17 heard more than once about Mckenzie's trip to the  
18 haunted house in Dent, the Dent Schoolhouse?

19          A.     Yes, sir.

20          Q.     And he told us the story he's heard was  
21 that Mckenzie essentially freaked out so badly that  
22 you had to physically carry her out of the haunted  
23 house?

24          A.     I do remember that. We were in line  
25 probably for about 20 minutes. There was a long

1 line, so I think there was a buildup, an  
2 anticipation, because you could hear the sound  
3 effects. You could hear -- basically the way it  
4 was, there was an outside courtyard that you would  
5 have to start in and then go into the haunted house.  
6 So she asked if I could go in with her. And  
7 basically we got into the courtyard and the music  
8 had gotten louder as you had gotten closer to this  
9 entrance, and then there was some characters that  
10 she had seen up ahead. And she basically said, I  
11 don't want to do this. So I said, okay, well, what  
12 do you want to do? And she said, I want to leave.  
13 So I remember she not hugged me, but she kind of  
14 held me close. I didn't have to carry her. I know  
15 that there was an initial time where she -- you  
16 know, her heart was racing. I don't think she was  
17 upset. She was just kind of wound up, I guess  
18 that's the way I would describe it. So basically  
19 she was right here, and her and I walked out to  
20 the -- where my wife was waiting for us and we left  
21 and that was that. But she wasn't upset after the  
22 fact. She had had that initial, you know, I don't  
23 want to do this, I want to go, and we left. But,  
24 no, I didn't have to, you know, physically carry her  
25 out as if it was the wedding night kind of deal,

1 but, you know, she was initially upset, we left and  
2 she had calmed down and that was that.

3 Q. Did you actually get inside the building  
4 at that time?

5 A. No, sir. There was a line that we were  
6 waiting in. It was a line that ran back and forth.  
7 I would say the way it was, it was at least 20  
8 minutes, maybe a half hour. It was a pretty crowded  
9 night. We got a few steps inside of the outside  
10 courtyard. You'd start out there before making it  
11 into the building. And she had seen these  
12 characters up ahead and she said that she didn't  
13 want to do it.

14 Q. Was anybody else with you and Mckenzie in  
15 line at that time, friends, family, anybody with  
16 you?

17 A. I want to say that there was a friend with  
18 her, but I honestly can't remember who it was.

19 Q. When was this? If the Dungeons of Delhi  
20 was October of 2012, in relation to that when was  
21 your trip to the Dent Schoolhouse?

22 A. I think she was in junior high, maybe  
23 around the 6th, 7th, 8th grade. I don't think she  
24 was in high school yet.

25 Q. Was that experience at the Dent

1 Schoolhouse, to your knowledge, the first haunted  
2 house that Mckenzie had ever gone to, if you know?

3 A. I can't say for sure. I know that she's  
4 been to other, not haunted houses, but haunted style  
5 events, like we had talked about, before then. So  
6 it wasn't her first experience with the -- it's kind  
7 of a paranormal genre, I guess is the best way to  
8 describe it, or haunted ghost kind of genre. And  
9 she had watched movies before that with her friends,  
10 scary movies, the Scream movies, that kind of deal.

11 Q. Did she have bad reactions to those  
12 movies?

13 A. No, sir. She still watches them from time  
14 to time.

15 Q. From the time of your trip to the Dent  
16 Schoolhouse up until the time that she went in  
17 October of 2012 to Dungeons of Delhi, do you know if  
18 Mckenzie went to any other haunted houses in the  
19 area?

20 A. No haunted houses like that, that I know  
21 of. I know that she was on -- I think they have a  
22 Newport ghost tour. She's gone on that. We took  
23 her to the places that I had described before, the  
24 Waverly Hills in Louisville which is a big mecca for  
25 ghost hunters, people like that. People like to

1 bring in their recording devices. We went to see a  
2 paranormal ghost hunting speaker at one of our  
3 libraries down in Kentucky. So it's not  
4 something -- it's not a genre that she has  
5 completely avoided or just tried to have nothing to  
6 do with.

7 Q. But those type of things, the ghost  
8 hunting places and the other events that you've told  
9 us about, are not facilities where people dress up  
10 in character and attempt to frighten the patrons;  
11 would you agree with that?

12 A. The dressing up part, yes. The trying to  
13 frighten people, no. I think they know what kind of  
14 place that they are and they try and exacerbate the  
15 history, maybe try and put spotlights on parts of  
16 history. Even though it's not the complete history  
17 of the place, they like to shine the spotlights on  
18 those kind of events. Does that make sense?

19 Q. Yeah. But the other places, other than  
20 the Dent Schoolhouse and the Dungeons of Delhi, are  
21 areas that are more either historical in nature or  
22 educational; would you agree with that?

23 A. No, sir.

24 Q. No?

25 A. No.

1 Q. Tell me what they are. Tell me what these  
2 places are then.

3 A. Well, Waverly Hills, it was a tuberculosis  
4 hospital. I know that the estimates are thousands  
5 of people had died there. And in the promotional  
6 video that they show you beforehand, they certainly  
7 talk about that. They let you know that this is a  
8 place where a lot of bad -- not bad stuff, but a lot  
9 of people lost their lives there. They also  
10 included recordings of these paranormal  
11 investigators where they try and convince you that  
12 these places are haunted, they're paranormal,  
13 there's something going on here. So they certainly  
14 play up to the fact that these places are supposedly  
15 haunted or supposedly paranormal.

16 Q. Okay. Do people dress up in character?

17 A. Not there, no. I think it's a scary of  
18 enough place as it is that they don't really need to  
19 dress up to get people to feel the vibe.

20 Q. But it's not the kind of place where you  
21 go from one room to the next and somebody jumps out  
22 and tries to frighten you and screams or hollers or  
23 that sort of thing; is that fair?

24 A. No, I don't think so because it's part of  
25 it too. One of the stops on our Waverly Hill tour

1 was the morgue, so they still have the metal slabs  
2 that slide in and out. And part of the deal is when  
3 they're telling the story, the guy slams it back in  
4 there and of course it makes this loud screeching  
5 sound. Like I said, they play into the hype and  
6 have these -- set up parts of the tour where, all  
7 right, let's try and get people riled up, let's try  
8 and get a little scare, a little rise out of them.

9 Q. Okay. And Mckenzie had been to those  
10 types of places between the time she went to Dent  
11 Schoolhouse and the time she went to Dungeons of  
12 Delhi; is that correct?

13 A. Yeah. I'm not 100 percent sure on exactly  
14 when she was at the Dent Schoolhouse, but it was  
15 several years that had passed from the Dent  
16 Schoolhouse to the Delhi haunted house night.

17 Q. And am I correct, I think you said this,  
18 that you've never really had a discussion with  
19 Mckenzie where she told you in any detail what  
20 happened on the evening of this incident at the  
21 Dungeons of Delhi?

22 A. She did tell me what happened, but she  
23 didn't really tell me the reasoning for her to.

24 Q. Okay. Well, what did she tell you  
25 happened?



1           A.     She said that when she was in line with  
2 her boyfriend Joe, that someone had come out behind  
3 the door and was chasing her, and this person was in  
4 some sort of outfit. And that's really -- and then  
5 she had ran and she had fallen down and she said it  
6 just happened, it happened pretty fast.

7           Q.     Did she ever tell you that this person in  
8 costume ever touched her?

9           A.     I don't recall.

10          Q.     Did she tell you that this person in  
11 costume knocked her down or pushed her down?

12          A.     No, sir.

13          Q.     She told you that she ran from this  
14 person, this character, and fell, right?

15          A.     Yes.

16          Q.     Did she tell you that there was anything  
17 about the facility itself that caused her to fall,  
18 uneven pavement or trip over something, did she ever  
19 say anything like that?

20          A.     I don't recall.

21          Q.     Did Joe Giovanetti ever tell you his  
22 version of what happened that night?

23          A.     No, sir.

24          Q.     Did her friend Allison or her cousin  
25 Elizabeth ever tell you their versions of what

1 happened that night?

2 A. They said that she was being chased.

3 That's really what I remember what they had said.

4 Q. Did they make it sound as though Mckenzie  
5 was being chased or somebody was chasing the whole  
6 crowd and she just ran or did they not say?

7 A. They didn't really say.

8 Q. Okay. Did they tell you anything about  
9 how many other people were out there, how many  
10 people were in the area when this happened?

11 A. I think they said that there were a lot  
12 less people there when they first got there as  
13 opposed to the time that I had arrived, because  
14 there was a decent crowd there when I got there.  
15 But they had said there were far fewer people there  
16 when they first arrived.

17 Q. Do you know a young man by the name of  
18 Matt Mateikat who works in the haunted house?

19 A. No, sir.

20 Q. In this lawsuit Matt has been named as  
21 specifically the person in character who chased  
22 Mckenzie. Do you have any evidence or knowledge at  
23 all whether that's true?

24 A. I remember Mckenzie and Jenny had gone to,  
25 I believe, a Facebook page and saw him. And they

1 basically said that's him, that's the guy. They  
2 wanted to confirm that this was the person, and they  
3 had got onto social media and were looking at maybe  
4 his Facebook page or a Facebook page of a friend of  
5 his or from the Dungeons of Delhi. I don't remember  
6 what specific Facebook page they went to, but that's  
7 where she confirmed, she said that's the guy.

8 Q. So they looked at the Facebook page and  
9 Mckenzie said that's the guy that chased me?

10 A. Uh-huh.

11 Q. Is that correct, that's your  
12 understanding?

13 A. That's my understanding, yes, sir.

14 Q. Okay. Do you know when that was that that  
15 happened?

16 A. I don't. It's hard to say. Forgive me  
17 for not recalling all the specifics, but it's been a  
18 few years.

19 Q. Are we talking within a day or two of this  
20 incident or months later?

21 A. I can't say for sure.

22 Q. Did you ever attempt to conduct any  
23 investigation into what happened that night?

24 A. No, sir.

25 Q. Did you contact anyone with the Dungeons

1 of Delhi to ask what happened?

2 A. No, sir.

3 Q. Did you contact anyone with Delhi Township  
4 or the Delhi Police Department to ask what happened?

5 A. No, sir.

6 Q. Do you know if your wife did any of that?

7 A. It's possible, yes. I would say that with  
8 this, I defer to her judgment and pretty much  
9 trusted what she thought was the best course of  
10 action.

11 Q. Do you know if your daughter did any  
12 investigation into what occurred?

13 A. Not that I know of, no, sir.

14 Q. Do you know who your wife may have  
15 contacted or spoken to in investigating what  
16 occurred?

17 A. No, sir. My wife certainly took a  
18 leadership role when it came to the decision-making  
19 of what course of action would be best, and I'd say  
20 she probably be more likely to be able to answer  
21 these kind of questions.

22 Q. Do you know from discussions with your  
23 wife what she believed from her investigation  
24 happened that night?

25 A. Can you ask the question again, I'm sorry?

1 Q. You said you believe your wife did  
2 something to try to investigate what occurred,  
3 right, you believe she did?

4 A. I don't know if investigate is the right  
5 word. I mean, she certainly looked into things.

6 Q. Okay. Has she ever told you, based on  
7 whatever it was she did to look into this, what she,  
8 she being your wife, concluded happened that night?

9 A. Yes.

10 Q. What did she tell you?

11 A. She believed that she was chased by a  
12 Dungeons of Delhi employee.

13 Q. Okay. And --

14 A. Or a character I guess would be the better  
15 way to describe it.

16 Q. Okay. And assuming that happened, if  
17 she's correct that happened, did she ever explain to  
18 you why it is she felt that that action was  
19 improper?

20 A. Yes.

21 Q. And what did she tell you?

22 A. She believed that the person was out of  
23 line, the character, the employee was out of line,  
24 and it was well-beyond what you would expect when  
25 you go to a haunted house or an experience like

1 that.

2 Q. Do you know if as part of your wife's  
3 investigation she spoke to anyone who owned or  
4 operated any other haunted houses in the area?

5 A. No, sir, I can't say one way or the other  
6 if she did or not.

7 Q. Okay. Well, do you know if it was simply  
8 her personal opinion that this employee was out of  
9 line in what he did or did she get that from some  
10 source that says what the proper standard is for  
11 people/actors at a haunted house?

12 A. I don't know what she based it on.

13 Q. But you personally never reported any  
14 issue or problem to the people that operate the  
15 Dungeons of Delhi haunted house, correct?

16 A. Me, no, sir.

17 Q. And you didn't report anything to the  
18 Delhi Township?

19 A. No, sir.

20 Q. Or the Delhi police?

21 A. No, sir.

22 Q. Or anyone involved in the haunted house?

23 A. No, sir.

24 Q. Do you know if your wife did?

25 A. I don't know if she did or not. I would

1 say that it's possible, but I can't say for sure one  
2 way or the other.

3 Q. A gentleman by the name of Mark Mateikat  
4 runs the haunted house. Mark has testified that he  
5 was outside and witnessed the entire event occur;  
6 are you aware of that? Are you aware that's that  
7 what he said?

8 A. No. No, sir.

9 Q. You haven't read his deposition testimony?

10 A. I have not.

11 Q. Okay. Mark testified that he spoke with  
12 you at the scene that night when you arrived. Do  
13 you recall speaking with him?

14 A. No, sir. I'm assuming he's an older  
15 gentleman, unless he was the --

16 Q. He's not in his 20's, no.

17 A. Then, no, sir, I didn't speak with him.

18 Q. Okay. Did anyone at the scene offer to  
19 call an ambulance for Mckenzie?

20 A. I don't recall.

21 Q. Mr. Mateikat testified that he offered to  
22 you to call an ambulance and you said, no, that's  
23 okay, you'll bring her home. Does that sound  
24 familiar to you at all or do you not believe that  
25 occurred?

1           A.    I didn't have a conversation with this  
2 gentleman.  I did make the decision to take her  
3 home, but, no, I don't recall having a conversation  
4 with someone saying, hey, do you want me to call the  
5 life squad for her.

6           Q.    Okay.  Who was Mckenzie's family doctor  
7 before this incident, do you know?

8           A.    I want to say it was Dr. Braun, B-R-A-U-N,  
9 but don't --

10          Q.    And where was Dr. Braun located?

11          A.    I believe she's real close to the corner  
12 of Westbourne.  Their office is behind the Perkins  
13 which is across the street from the Western Bowl  
14 down there --

15          Q.    Family Medical Group?

16          A.    That sounds familiar, yes.

17          Q.    Did Mckenzie have any ongoing health  
18 issues before this incident?

19          A.    No, sir.  I know that she had a shoulder  
20 issue in high school, but she hadn't had that  
21 problem.  Up to the haunted house in Delhi, she  
22 didn't have a shoulder issue as far as I could tell.

23          Q.    Have you accompanied Mckenzie on any of  
24 her medical appointments for her ankle injury since  
25 this incident?



1           A.    I have.

2           Q.    Have you discussed with any of her doctors  
3 the nature and extent of her injury and why she's  
4 having all these problems?

5           A.    Yes.

6           Q.    What is your understanding of the issue,  
7 the medical issue?

8           A.    I've taken her to Dr. Lee's a few times  
9 which is up in West Chester, and he talked about how  
10 RSD is a prevailing issue and why she's going  
11 through what she's going through as long as it has,  
12 you know, because I would think that an ankle issue  
13 wouldn't take this long to clear up, but he believes  
14 that RSD is a big factor in why she continues to  
15 have these issues. I have taken her to have the  
16 spinal cord injections up at Christ Hospital, but we  
17 didn't really talk -- I didn't really talk with the  
18 doctors about the extent of the injury. Basically  
19 we talked about what they thought the spinal cord  
20 injections would do and how it would help her, but  
21 it turned out that it didn't.

22          Q.    What is the upcoming surgery that you said  
23 she's scheduled to have?

24          A.    It's with Dr. Amis through Lone Star  
25 Orthopaedics. I believe he's out of Good Sam

1 Hospital, their medical building wing, not out of  
2 the hospital itself.

3 Q. And what is it that you understand that  
4 surgery is to do?

5 A. I believe it has something to do with a  
6 reconstruction or perhaps a fusion, fusion  
7 reconstruction. I'm not a doctor so I may be  
8 getting this wrong, but I know that that's been  
9 discussed. We did have a second opinion done over  
10 at St. Elizabeth in Northern Kentucky. I believe it  
11 was Commonwealth Orthopaedics. We took all of her  
12 scans and x-rays over there and got a second opinion  
13 from him.

14 Q. Who was that doctor, do you recall?

15 A. I don't recall. I know that the doctor  
16 knew of Dr. Amis and he considered Dr. Amis to be a  
17 really good doctor. He even said that if it was his  
18 daughter or if he had to have a surgery himself,  
19 that that's who he would go to.

20 Q. And did this second opinion agree that RSD  
21 was the diagnosis?

22 A. RSD did not come up with the meeting that  
23 we had with him, but we really didn't talk about  
24 anything in terms of what had happened before. We  
25 pretty much said here she is, here's her x-rays and

1 her MRIs, what do you think. We didn't want him to  
2 have a predisposition, I guess. We just wanted him  
3 to take a look with an honest and clear opinion  
4 basically.

5 Q. As far as what the proper treatment should  
6 be?

7 A. What his opinion was of what was wrong  
8 with her and whether or not the surgery was the  
9 right thing to do.

10 Q. Is that this upcoming surgery we're  
11 talking about or one of the other surgeries?

12 A. Yes, sir, the upcoming one.

13 Q. Did this doctor at Commonwealth  
14 Orthopaedics put his second opinion he was giving  
15 you in writing as far as you know?

16 A. I don't recall if he wrote it down or not.  
17 He gave us his opinion, but I can't say that he --  
18 he may have, but I don't know if he wrote it down  
19 for sure or not, sir.

20 Q. Did he agree with the surgery plan?

21 A. He believed that he would do more rehab  
22 and not have the surgery quite yet, and we expressed  
23 to him how much rehab and therapy and injections and  
24 all the stuff that she's already gone through. He  
25 said that that would be his course of action, but at

1 the same time he trusts Dr. Amis and he would go to  
2 Dr. Amis if he had an issue himself. It was kind of  
3 a conundrum for him because he has great respect for  
4 Dr. Amis, but at the same time he would lean towards  
5 trying to rehab it more.

6 Q. When is this surgery planned?

7 A. I believe it's the week of Christmas on  
8 December 23rd, December 24th.

9 Q. Were you involved in the family decision  
10 of whether or not to file this lawsuit?

11 MR. WEISENSEL: Objection. Go ahead.

12 A. No. No. I mean, we talked about it, but  
13 I basically defer to my wife's judgment when it came  
14 to the lawsuit. She had told me why she wanted to  
15 do it and her reasoning, and I agreed with her and  
16 understood and said, okay, let's do it. She pretty  
17 much took the leadership role when it came to the  
18 lawsuit.

19 Q. In your discussions with your wife about  
20 that issue, did the topic come up of what it was  
21 that she or you or the family felt that the haunted  
22 house did improperly that warranted them being sued?

23 MR. WEISENSEL: Objection. I think it's  
24 been asked and answered. Go ahead.

25 A. She did, yes.

1 Q. Okay. What did she tell you?

2 A. She told me that she shouldn't have been  
3 pursued and chased like she was. It was, I guess,  
4 you know, nothing that could have been anticipated  
5 by Mckenzie. I think that she felt as if it was  
6 just a huge shock and surprise of someone coming out  
7 from behind a door and chasing her like they did.

8 MR. RINEAR: I think that's all the  
9 questions I have.

10 CROSS-EXAMINATION

11 BY MS. TAGGART:

12 Q. I have just a couple questions. We met  
13 earlier, Mr. Blum. I represent the Boy Scouts of  
14 America.

15 A. Yes, ma'am.

16 Q. The person who you described as a younger  
17 person who appeared to have some medical background  
18 I take it or EMT background, what about him gave you  
19 the impression that he had some type of background  
20 in that area?

21 A. He had, I guess, introduced himself  
22 briefly. I don't recall what his name was, but he  
23 had said I'm with the Explorers or I'm with EMT fire  
24 training crew or class. I wish I could remember  
25 more specifically, but I do remember he said that he

1 had had -- you know, that they had had training in  
2 EMT and wanted to be a fireman eventually or wanted  
3 to work with the fire department or perhaps he was  
4 already working with the fire department in some  
5 sort of Explorer program.

6 Q. Was he wearing any type of a uniform?

7 A. No, sir. I'm sorry, no, ma'am.

8 Q. That's all right.

9 A. No, ma'am. He probably had a flashlight.  
10 I think that was about it.

11 Q. So your impression, as best as you  
12 remember from talking to him, is that he had some  
13 association with a fire department?

14 A. Yes.

15 Q. Did you have an indication of what fire  
16 department that might be?

17 A. No, ma'am. I assumed Delhi since we were  
18 in Delhi. I know that I've seen and read about  
19 Delhi Fire Explorers and EMT Explorers and people  
20 that get their scuba training with -- or the air  
21 apparatus training with the fire department from  
22 Delhi, so I assume that it was Delhi. But that  
23 really wasn't a big concern of mine that night. I  
24 just wanted to see if she was okay, and I wanted to  
25 get his opinion of her injuries and if we needed to

1 get the life squad there or if I could take her home  
2 and we could decide from there.

3 Q. And so you acknowledge that it's possible  
4 that he could have been a patron from another area  
5 of town who happened to be with another fire  
6 department; is that right?

7 A. Sure. Yeah.

8 Q. Have you made any steps or taken any steps  
9 to follow up with the local fire department to see  
10 if they have any records of this happening?

11 A. No, ma'am. I haven't personally, no.

12 Q. Do you know if your wife or daughter has  
13 done that?

14 A. I don't.

15 Q. Are you aware of any incident report that  
16 was prepared as a result of your daughter falling?

17 A. No, ma'am.

18 Q. I'm sorry, your stepdaughter. I'm using  
19 the word daughter loosely. I know you live  
20 together. She was treated for anxiety before this  
21 accident happened; is that right?

22 A. Yes, ma'am.

23 Q. When did her treatment for anxiety start?

24 A. I can't say for sure. I think maybe when  
25 she was 14 or 15, but don't etch that in stone.

1 Q. What symptoms was she exhibiting that led  
2 to her getting treatment for anxiety?

3 MR. WEISENSEL: Objection. Go ahead.

4 A. I think that was a case where I deferred  
5 to my wife's judgment. It's probably better off if  
6 she answered that.

7 Q. Well, I'm just asking based upon your  
8 observations. Was your stepdaughter exhibiting any  
9 signs of anxiety that you observed?

10 A. I think more depression than anxiety. You  
11 know, it's one of those deals where, you know, I  
12 felt it was best to follow my wife's judgments and  
13 say she's a woman. Not to sound like a sexist, but  
14 she's her mom and no one knows her better than her  
15 mom. I trusted her judgment and let her decide the  
16 best way to handle it. I tried to offer my opinion  
17 and say, hey, listen, this is something where not  
18 every teenage girl but, I said, most teenage girls  
19 have issues like this, similar issues, and maybe  
20 it's just a phase, but she thought it was a good  
21 idea to look into treatment.

22 Q. All right. And did she treat with a  
23 professional person, either a physician or a mental  
24 health professional?

25 A. Yes.



1 Q. Who was that, please?

2 A. I don't recall who it was, but I know that  
3 she went to a facility on North Bend Road.

4 Q. Do you know what the facility is called?

5 A. I think if I had Google maps I could  
6 probably get it for you, but I can't say if it was  
7 UC or Mercy or who it was. It was a facility on  
8 North Bend Road.

9 Q. Is it a mental health facility?

10 A. I know that they deal with issues like  
11 that, I believe specifically teenagers. They  
12 specialize in that age group.

13 Q. Is there a Riverhills facility there; does  
14 that sound familiar?

15 A. I think Riverhills was the facility that  
16 put in her spinal cord stimulator. I don't think it  
17 had anything to do with the anxiety or the  
18 depression.

19 Q. All right. So did she begin taking some  
20 antianxiety medications then?

21 MR. WEISENSEL: Just for the record, if  
22 you would permit a continuing objection to  
23 questions pertaining to any prior diagnosis of  
24 depression or anxiety and medications taken,  
25 if we can have that on the record and I'll let

1           you ask your questions.

2           MS. TAGGART: That's fine. I think it's  
3           certainly relevant to some of the symptoms  
4           that she's continuing to have, so I'll just  
5           ask the question again.

6           Q.    Was she taking or did she began taking  
7           antianxiety medications then after consulting with  
8           some of these professionals?

9           A.    I believe so. I can't be specific on  
10          which medications. I know my wife could help with  
11          that more than I can.

12          Q.    And had she been taking antianxiety  
13          medications for at least a year or so before her  
14          fall?

15          A.    I can't say for sure one way or the other.

16          Q.    I think you said you thought, although  
17          it's not etched in stone, that she started a  
18          treatment for anxiety when she was 14 or 15. If  
19          that were true and this incident happened when she  
20          was 17, then she had been on that for more than a  
21          year; is that right?

22          A.    Yes. If she had taken the medication  
23          continually from when she had first got the  
24          treatment for that, then yes.

25          Q.    And that was going to be my next question.

1 Do you know if she did take medication on a  
2 consistent basis after she was first diagnosed up  
3 until the time of the fall?

4 A. I don't know.

5 Q. Do you know if she was taking that  
6 medication in October of 2012?

7 A. I don't. I don't know.

8 Q. Is she taking antianxiety medication now,  
9 do you know?

10 A. Not that I know of, no. It's possible,  
11 but I don't really, you know, look at the bottles  
12 that she's getting her medication out of. I would  
13 say that my wife would know more than what I would.

14 Q. Did you have any concerns when you heard  
15 your stepdaughter talking about going to the haunted  
16 house back in October of 2012, knowing of the  
17 anxiousness that she showed when she was with you at  
18 Dent and knowing that she was being treated for  
19 anxiety, did you have any concerns about her going  
20 to the haunted house that night?

21 A. I did. I remember having a conversation  
22 with her basically saying, you going to be okay with  
23 this, you know, this is something where there are  
24 people that are going to be there in scary costumes,  
25 there's going to be probably some loud noises and

1 screaming. So, yeah, I wasn't completely just  
2 oblivious to the fact that she was going to a  
3 haunted house. I basically said, are you sure that  
4 this is something that you want to do and are you  
5 going to be okay with this.

6 Q. And did she reassure you that she would be  
7 okay with it?

8 A. Yeah, she had said that she was going with  
9 her boyfriend and her cousin and her friend was  
10 going to be there. She had expressed the fact that  
11 she was looking forward to spending time with her  
12 friends and her boyfriend out, out of the house. I  
13 don't think it was a for sure thing that she was  
14 going to go that night. I know that their first  
15 plans were to go to the event at Elder, whether it  
16 was a game or some sort of a -- I know they had  
17 mixers, student dances there. It was some sort of  
18 an event at Elder or Seton that she was at. And you  
19 know how teenage girls are, sometimes plans come  
20 together right before they happen, but eventually  
21 they wound up at the Dungeons of Delhi.

22 Q. Let me ask you: I understand that your  
23 wife approached someone at Delhi Township about the  
24 time of the -- I think it's called the Skirt game  
25 this last summer --

1           A.    Uh-huh.

2           Q.    -- asking for a contribution towards your  
3 stepdaughter's medical expenses?

4           A.    Uh-huh.

5           Q.    Are you aware of that?

6           A.    I think there were three people that came  
7 over the house. One of them was a man and I think  
8 two were women that were with the Skirt game. And  
9 we have a dog that is kind of a pain in the ass  
10 sometimes, pardon my language. But the dog was  
11 barking, so I decided to take the dog out back while  
12 she had the conversation with these people from the  
13 Skirt game in our house.

14          Q.    Who had approached people associated with  
15 the Skirt game to cause them to come to your house?

16          A.    I believe my wife did. She had seen an  
17 article in the paper or the community press or  
18 somewhere that had said, hey, the Delhi Skirt game  
19 is looking for people who may need help or if you  
20 knew someone who is in need of assistance, contact  
21 this number or these people or this e-mail or  
22 website or phone number.

23          Q.    And for whom was your wife seeking  
24 assistance?

25          A.    For the mounting medical bills for

1 Mckenzie's ailment.

2 Q. Let me ask you: Is Mckenzie covered under  
3 her mother's health plan?

4 A. She's covered under mine.

5 Q. And what health plan is that, please?

6 A. Anthem Blue Cross & Blue Shield.

7 Q. And is that through your employment at the  
8 library?

9 A. It is.

10 Q. So that would be Hamilton County then?

11 A. Kenton County.

12 Q. Kenton County, I'm sorry. Thank you.

13 A. Yes.

14 Q. Kenton County, Kentucky?

15 A. Yes.

16 Q. Thank you. I misheard you when you first  
17 said that then.

18 A. The Kenton County Public Library to be  
19 more specific.

20 Q. And are there medical bills that Mckenzie  
21 has incurred that have not been covered by your  
22 healthcare plan?

23 A. It's not that they haven't been covered,  
24 but we are responsible for a certain percentage, so  
25 it has to do with our percentage. And, yes, there

1 have been issues where we've gotten these bills and  
2 I'll call up Anthem and I'll say, hey, what's going  
3 on with this, I thought this was going to be covered  
4 or at least covered more than what it has, and it  
5 turns out to be some sort of either clerical mistake  
6 or just the bills that we haven't been able to pay  
7 yet.

8 Q. Well, what percentage are you responsible  
9 for under your healthcare plan?

10 A. Can you be more specific?

11 Q. You said the medical bills had been paid  
12 except for the percentage you were responsible for,  
13 and I wondered what that percentage is?

14 A. It's a couple different ways to look at.  
15 I know for emergency room visits we have to pay \$250  
16 for the visit plus 20 percent. I know that  
17 outpatient services, I believe, are at 20 percent.  
18 I can get you a rundown sheet. But there's the  
19 percentages, plus we have out-of-pocket expenses  
20 that we have to meet for a family, not to mention  
21 the cost of the insurance itself which has gone up  
22 and up and up.

23 Q. So you're saying your premium has  
24 increased in the last two years, is that what you're  
25 saying?

1           A.    Absolutely, yeah.  It goes up -- I think I  
2   asked our HR representative and they said it  
3   increases about 16 or 17 percent a year.

4           Q.    Do you attribute that increase to the  
5   expenses that your daughter or your stepdaughter's  
6   incurred?

7           A.    No, ma'am, that's just for the cost of the  
8   insurance that is deducted out of my paycheck.

9           Q.    All right.  Have you tried to keep track  
10  of the out-of-pocket expenses that your wife or your  
11  stepdaughter are claiming in this lawsuit?

12          A.    I have not, but my wife has done a better  
13  job than I have with keeping track of the bills that  
14  come in.

15          Q.    And if I understand, you are the  
16  policyholder of this health plan; is that right?

17          A.    Yes, ma'am.

18          Q.    And so ultimately you are responsible for  
19  paying the bills, is that right, any bills that are  
20  left over after the insurance company pays?

21          A.    Yes, but my wife is usually the one who  
22  will either get online or send a check to them when  
23  the bills come in or statements come in afterwards.

24          Q.    Does Mckenzie currently have her own  
25  health insurance or is she still under your plan?



1 A. She's still under my plan.

2 Q. Is your plan one that she can stay under  
3 it until she's 26?

4 A. It is.

5 Q. And she's only what?

6 A. She'll be 20 in January.

7 Q. Do you have a good relationship with her  
8 boyfriend Joe?

9 A. I do. He's kind of quiet and shy, but I  
10 would say that I do.

11 Q. Are he and Mckenzie romantically boyfriend  
12 or girlfriend or are they more just friends?

13 A. I would say that they're in classy terms  
14 boyfriend and girlfriend. I mean, I know that they  
15 try not to -- you know, when you're walking on eggs,  
16 you don't hop when it comes to girls and their  
17 boyfriends, but I know that they hold hands and  
18 they've kissed before and lay in bed together, that  
19 kind of deal.

20 Q. All right. So they seem to have more of a  
21 romantic relationship than just purely a friendship?

22 A. Yeah, I think you can say that. That's  
23 fair to say.

24 MS. TAGGART: Okay. Those are all the  
25 questions that I have now. Thank you.

CROSS-EXAMINATION

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BY MR. KNABE:

Q. Mr. Blum, my name is Bruce Knabe. I represent Del-Fair, Incorporated. I'm pinch-hitting for Mr. Benintendi today. Now, you said you and Mckenzie at one point in time had gone to the Dent Schoolhouse on Harrison Avenue, correct?

A. Uh-huh.

Q. And have you, yourself, ever been inside the Dent Schoolhouse?

A. I have.

Q. On how many occasions?

A. Once or twice.

Q. Was that before the time you went there with Mckenzie or after?

A. Before.

Q. All right. So the time you were there with Mckenzie was the last time you ever been to the Dent Schoolhouse?

A. Yes, sir.

Q. The Dent Schoolhouse is a pretty scary haunted house, isn't it?

A. I don't really get into the whole scary thing. I mean, it's more of a seasonal event to go out and check out.

1 Q. But it's real popular, isn't it?

2 A. Oh, yeah, it is.

3 Q. When you arrived to retrieve Mckenzie from  
4 the Dungeons of Delhi, you said she was on the  
5 ground, correct?

6 A. Yes.

7 Q. Was she seated or laying on the ground?

8 A. She was laying on the ground not flat. I  
9 think she maybe had her elbows out like this where  
10 her legs were extended, but she was kind of propping  
11 herself up with her elbows held back.

12 Q. Seated on her rear end and her back to the  
13 ground as opposed to laying facedown on the ground?

14 A. Correct.

15 Q. Was she like in the parking lot?

16 A. It wasn't that far from the street where  
17 she was laying. I mean, if I was going to estimate,  
18 it was probably from the street to where she was  
19 laying, maybe 15 or 20 feet. It wasn't that far  
20 away. I mean, it wasn't as close to where, hey, we  
21 need to get her back away from traffic. She was far  
22 enough away that I wasn't concerned about that.

23 Q. And what street are we talking about?

24 A. Anderson Ferry.

25 Q. How far is she from, say, the entrance or

1 the line to Dungeons of Delhi when she's laying on  
2 the ground?

3 A. I would say that she was maybe -- from  
4 where she was laying to the entrance?

5 Q. Uh-huh.

6 A. I don't remember exactly where the  
7 entrance was so I can't say for sure. I would say  
8 that she was closer to the street than she was the  
9 building, but not by much. Maybe it was, you know,  
10 60, 40, that kind of distance. It wasn't that much  
11 further.

12 Q. And is the entire area from, say, the  
13 entrance or the line for the Dungeons of Delhi to  
14 where she was laying, is that all paved?

15 A. Yeah. I remember some maybe uneven  
16 pavement or -- I don't know if there were potholes or  
17 anything, but it certainly wasn't a laid out great,  
18 flat thing. I remember there was maybe some  
19 unevenness. Then again it was dark, so I can't say  
20 for sure.

21 Q. Was the area lit?

22 A. No, there were guys with flashlights, but  
23 the area wasn't -- there weren't any spotlights or  
24 any kind of overhead lighting that would have  
25 illuminated the situation.

1           Q.    Was this a parking lot area where there  
2 were like marked parking spaces or were there cars  
3 parked in this area, is it wide open? Describe it  
4 for me.

5           A.    There were cars on the side, but where she  
6 was there weren't any cars around her. I would say  
7 it was more out in the open part of the lot where  
8 there weren't marked parking spaces.

9           Q.    And were there any cars between where  
10 Mckenzie laid and the line or the entrance to the  
11 Dungeons of Delhi, to your recollection?

12          A.    Not to my recollection, no.

13          Q.    Did you see any defects in the pavement  
14 around where Mckenzie was laying?

15          A.    No. I would -- I mean, it wasn't a bombed  
16 out crater of a parking lot, but it wasn't certainly  
17 something that had been freshly paved in the last --  
18 you know, it looked like it could have been 10 years  
19 since someone touched it with asphalt or concrete.

20          Q.    You don't have any idea when the last time  
21 someone touched it with asphalt --

22          A.    No, I don't.

23          Q.    All right. So around the area where she  
24 was, you don't specifically recall any defects in  
25 the pavement; is that fair to say?

1           A.    That's fair to say, yeah.  I mean, it was  
2 dark out.  Besides the flashlights, you really  
3 couldn't see a whole heck of a lot.  And I believe  
4 they have dark pavement or dark asphalt there, so it  
5 would probably make it harder to see if there was.

6           Q.    When you got there, Mckenzie's laying on  
7 the ground.  Is that where she fell?

8           A.    I don't know if that's where she fell for  
9 sure.

10          Q.    You don't know if she had been moved from  
11 the time she fell to the time you arrived; is that  
12 fair?

13          A.    I don't.  I assume that that's where she  
14 fell, but I can't say for sure if that's the truth  
15 or not.

16          Q.    And she never told you she fell over any  
17 defect in the parking lot, did she?

18          A.    No, sir.

19          Q.    Did you see anybody from Del-Fair around  
20 Mckenzie, anybody from Del-Fair, Incorporated?

21          A.    No, sir.

22          Q.    Do you even know what Del-Fair,  
23 Incorporated is?

24          A.    I assume it's the shopping center that the  
25 haunted house is a part of.  Am I right or --

1 Q. Do you know what it is? Do you know if  
2 Del-Fair, Incorporated is an owner or what it is?

3 A. When I hear Del-Fair, I think of that  
4 shopping center.

5 Q. Is that the name of the shopping center?

6 A. Yeah, not just the old Thriftway, but if  
7 you go around down a little bit more, there's a  
8 family doctor, there's a liquor store. I think  
9 there's some sort of Fashion Bug kind of place. So  
10 that's what I would assume when I hear Del-Fair.  
11 There used to be a Del-Fair bowling alley down in  
12 the basement there. I don't think it's there  
13 anymore, but that's what I would assume when I think  
14 of Del-Fair.

15 Q. Is this at the intersection of Anderson  
16 Ferry and Delhi Pike?

17 A. Yes, sir. It extends beyond that, but,  
18 yeah, that's where -- I guess that Walgreens is  
19 there now and then the Del-Fair shopping center.  
20 The Del-Fair area that I think of is behind there.

21 Q. Have you ever talked to anybody from  
22 Del-Fair about this incident?

23 A. No, sir.

24 Q. Do you know if your wife has ever talked  
25 to anybody at Del-Fair about this incident?

1           A.    I don't know if she's talked to anyone or  
2 not about it.

3           Q.    Do you know if Mckenzie has talked to  
4 anybody from Del-Fair about this incident?

5           A.    No, sir.

6           Q.    Do you have any evidence that Del-Fair  
7 controlled the Dungeons of Delhi in any way?

8           A.    I don't, no.  It was a pretty frantic  
9 scene that night.  I remember after assessing her  
10 condition, I remember thinking, well, it'd probably  
11 be best if we get her away from, you know, a big  
12 crowd that was circled around her and looking at  
13 her.  I remember thinking we're probably better off  
14 being somewhere else sooner than later.

15          Q.    I understand that.  Do you have any  
16 evidence or idea or reason to believe that Del-Fair  
17 had any control over the Delhi trustees or Delhi  
18 police?

19          A.    No.  No, sir.

20          Q.    Or any reason or evidence to believe that  
21 Del-Fair, Incorporated had any control over Boy  
22 Scouts of America, Dan Beard Council or the  
23 Explorers or anything like that?

24          A.    No, sir.

25          Q.    Okay.  I think you've indicated that



1 Mckenzie said someone came from behind a door and  
2 chased her; is that fair to say?

3 A. Yes.

4 Q. Did she say how far she was chased?

5 A. No, sir.

6 Q. So you don't know if she was chased for  
7 one or two steps or if she was chased all the way  
8 out to where she fell; is that fair to say?

9 A. I don't think it was just a step or two.  
10 I mean, I think that it was, you know, a distance in  
11 which -- it's not from me to you or even me to this  
12 gentleman. At least from what she had said, it was  
13 a longer distance than that. But to be specific, I  
14 can't say for sure how long it was.

15 Q. And it's your understanding this person  
16 was in costume?

17 A. I don't know if they had a mask or not,  
18 but, yeah, she said it was some sort of costume of  
19 some sort.

20 Q. Did she tell you what the person was  
21 dressed up as?

22 A. No.

23 Q. Couldn't tell you whether it was  
24 Frankenstein or Dracula or a mummy or --

25 A. No, sir.

1 Q. If the person who chased her had a mask  
2 on, do you know how she was able to then identify  
3 that person on Facebook?

4 A. No, sir.

5 Q. Has she ever told you that she or any of  
6 her -- you know, Joe or any of her friends that were  
7 there had any conversations with the person that  
8 chased her?

9 A. No, sir.

10 Q. Do you have any idea after she fell what  
11 happened to the person that chased her?

12 A. I don't. You mean like immediately  
13 afterwards?

14 Q. Yeah. Did they go back in the Dungeons of  
15 Delhi, did they leave the scene --

16 A. No, I don't. They had come back up  
17 when -- they had started, you know, the process of  
18 this lawsuit, but not that night or anytime soon  
19 afterwards.

20 Q. Did Mckenzie or Joe or any of her friends  
21 tell you this character that chased her said  
22 anything as it chased her?

23 A. No, sir.

24 Q. Did Mckenzie or Joe or anyone, did it have  
25 anything in its hands, an axe or knife or anything

1 like that, that would represent some sort of weapon?

2 A. No, sir.

3 Q. Which ankle was it that Mckenzie injured,  
4 right or left?

5 A. Right ankle. I look at it every day and I  
6 can't even -- I'm sorry, I'm drawing a blank.

7 Q. You think it's her right ankle but you're  
8 not absolutely certain?

9 A. Not absolutely. I can't believe this  
10 because I see it every day, but I'm drawing a blank  
11 on this one, I'm sorry. That's kind of bothering me  
12 now because I'm sitting here trying to picture it  
13 and I can't come up with which one it is.

14 Q. Had you ever been to the Dungeons of Delhi  
15 before this incident? You may have been asked this,  
16 I just forget.

17 A. No, sir. I was there years before when it  
18 was a Thriftway, but I don't think that part of the  
19 building was there or was -- I think it was a  
20 restricted area or that's where the loading docks  
21 were. You couldn't go there as just a regular  
22 customer.

23 Q. So this area which uses the Dungeons of  
24 Delhi is behind what would have been the Thriftway;  
25 is that fair to say?

1           A.     That's how you get into it. I don't know  
2 if once you go in, if it's part of the old Thriftway  
3 or not, but at least the entrance to this is around  
4 the corner from the entrance to the old Thriftway.

5           Q.     All right. I think you said Mckenzie was  
6 upset when you got there. Tell me how you know she  
7 was upset.

8           A.     She was -- I could see the look on her  
9 face. She was in pain. She was also flustered.  
10 She was still kind of breathing heavy. She wasn't  
11 relaxed.

12          Q.     Was she crying?

13          A.     Yes. Yeah, she was definitely upset. And  
14 after taking a quick glance at her ankle, I could  
15 tell that it was certainly more swollen than what it  
16 normally was, at least before this incident.

17          Q.     All right. Since this incident, have you  
18 been back to the area where Mckenzie fell?

19          A.     I have not. I drive by it sometimes, but  
20 I haven't gotten out or parked there or anything  
21 like that.

22          Q.     Do you know if your wife or Mckenzie have  
23 gone back there?

24          A.     Not that I know of, no.

25          Q.     The place where Mckenzie had some

1 treatment for anxiety you said was on North Bend  
2 Road?

3 A. Uh-huh.

4 Q. Where on North Bend Road?

5 A. I mean, I could tell you exactly if I had  
6 Google maps in front of me.

7 Q. Do you remember something, any businesses  
8 close by or street intersections?

9 A. No. If you're heading north on North  
10 Bend, or was it Winton Road? It's on the right side  
11 as you're heading north.

12 Q. Okay. Is it near the intersection of  
13 North Bend and Winton Road?

14 A. It could be, yeah.

15 Q. So it's out that far on North Bend?

16 A. Yeah. Like I said, if I had Google maps  
17 in front of me, I could tell you exactly where it's  
18 at in just a few moments.

19 Q. Do you go past La Salle High School  
20 through College Hill and you're almost to where you  
21 might go to St. X High School and it's out in that  
22 area?

23 A. Yes, sir.

24 MR. KNABE: Thank you. I don't have any  
25 further questions.

## 1 CROSS-EXAMINATION

2 BY MR. MILLIGAN:

3 Q. Mr. Blum, we met earlier. My name is John  
4 Milligan. I represent Delhi Township and the  
5 trustees. They did such a good job that I don't  
6 have that many questions for you remaining, but I do  
7 want to bring you back to going to the Dungeons of  
8 Delhi to pick up Mckenzie. When you arrived, and  
9 we've kind of already -- this might be rehashing a  
10 little bit, when you arrived, did you speak with or  
11 see any Delhi Township police officers?

12 A. No, sir.

13 Q. Did you see or speak with any Delhi  
14 Township officials?

15 A. The guy that I had referred to, the young  
16 Explorer guy, was about the most official person  
17 that I remember talking to. It doesn't sound very  
18 official, but he was at least the person who had, at  
19 least in my mind, the best knowledge of not the  
20 situation, but of her condition and he was the one  
21 who was there to talk to for me.

22 Q. Sure.

23 A. He had a flashlight. That's what I  
24 remember for sure.

25 Q. Did you see or speak with any Delhi

1 Township trustees?

2 A. No, sir. I wouldn't know them if I --

3 Q. Sure.

4 A. I'm a bad Delhi Township citizen, but I  
5 don't know their faces.

6 Q. They didn't identify themselves as such?

7 A. No, sir.

8 Q. Okay. You mentioned that you had been to  
9 a haunted house before, that Mckenzie is kind of  
10 into paranormal stories, videos, stuff like that?

11 A. Uh-huh.

12 Q. And that you guys had been to the Dent  
13 haunted house, we've kind of discussed that?

14 A. Uh-huh.

15 Q. In your opinion, would you say it would be  
16 normal for a character at a haunted house to run up  
17 to somebody to try to scare them?

18 MR. WEISENSEL: Objection.

19 A. No. I mean, I could see where they would  
20 be lurking, but I don't think that someone would  
21 actually just run at them, no, sir.

22 Q. And you would agree that it would be  
23 probably outside their scope of a haunted house to  
24 actually touch somebody, correct?

25 A. I would think that would be inappropriate,

1     yeah.

2           Q.     Sure.  And, in your opinion, would popping  
3     out of a disclosed or hidden area be appropriate to  
4     a haunted house?

5           A.     Can you ask your question again?

6           Q.     In your opinion, would it be appropriate  
7     for a haunted house character to pop out of a hidden  
8     area in order to scare patrons?

9           MR. WEISENSEL:  Objection.

10          A.     Yeah.  I mean, it's a slippery slope.  
11     Like I said, you have people that, you know, are  
12     lurking behind corners or getting ready to pop out  
13     of an area that has been artificially dressed up to  
14     look like a scary scene out in the woods or some old  
15     basement or something.  So I would say, yeah,  
16     there's going to be a certain element of that, but I  
17     don't think it would be something that, you know,  
18     you want to fill your whole show with.  Does that  
19     make sense?  No?

20          Q.     No, but is there sort of -- I guess I'll  
21     let you discuss this, in your opinion, what the  
22     extent of -- I've got to figure out how I want to  
23     phrase this.  I think we seem to be disagreeing on  
24     maybe the tactics that would be taken at a haunted  
25     house and maybe what would be too much.  Is there



1 sort of a degree of, for lack of a better term,  
2 scariness that is expected at a haunted house?

3 MR. WEISENSEL: I'm going to object to  
4 the question, but go ahead.

5 A. Well, I mean -- yeah. Yes.

6 Q. Do you understand the question?

7 A. Go ahead and ask it one more time, I'm  
8 sorry.

9 Q. Sure. Is there a certain expectation at a  
10 haunted house -- this is actually a different  
11 question. Is there a certain expectation at a  
12 haunted house, there is a certain level of scariness  
13 that a patron would expect?

14 MR. WEISENSEL: Objection.

15 A. I mean, there's degrees of scariness,  
16 right. So I would say to answer the question, yes,  
17 you would expect for it to be -- you know, some  
18 scary parts. That's why they have the characters  
19 that they do. They're not going to have characters  
20 from Disney movies. They're going to have  
21 characters from slasher movies. So, you know, I  
22 think that, yeah, you would expect there to be some  
23 scary parts. You would expect that there would be  
24 some thrilling surprises, but I don't think that you  
25 would expect there to be any safety issues. Does

1 that make sense?

2 Q. Sure.

3 A. Okay.

4 Q. When Mckenzie said that the character came  
5 out of the door and in your words chased her, did  
6 she ever tell you that she looked back as she was  
7 running away?

8 A. She didn't say.

9 Q. Did she say how quickly she turned around  
10 and ran after he came out of the door?

11 A. No, sir.

12 Q. Did she ever tell you or are you aware of  
13 whether or not the character was running or on all  
14 fours or crawling on all fours or his method of  
15 movement?

16 A. No.

17 Q. Has anyone told you to sue the township?

18 A. No, no one's told me.

19 Q. Are you aware of anyone telling your wife  
20 to sue the township as a result of this accident  
21 other than the attorneys?

22 A. Not that I know of, but that doesn't mean  
23 that it didn't happen.

24 Q. Sure. You describe that three members of  
25 the Skirt game came to your house?

1 A. Yes.

2 Q. And you went outside and you took the dog  
3 outside, I believe?

4 A. Right.

5 Q. Are you aware of what was discussed?

6 A. I know that my wife talked to them about  
7 what Mckenzie's been dealing with and, you know, the  
8 mounting medical bills that we were incurring, but  
9 that was the main part of the conversation. I think  
10 that she wanted to let them know that we were having  
11 a pretty hard time with this and if they were  
12 willing to help, that would be great, we certainly  
13 wouldn't turn it away.

14 Q. Do you know why the Skirt game declined to  
15 help?

16 A. I don't, no.

17 Q. Are you aware of any advice the Skirt game  
18 gave your wife?

19 A. No, sir. I was introduced and then the  
20 dog was going crazy and pretty much came back in and  
21 they were getting ready to head out. I think that  
22 my wife had left it as, well, let's wait and see  
23 what they have to say.

24 Q. Are you aware of any volunteers of the  
25 haunted house, including what you identified as the

1 Explorer, are you aware of any connection between  
2 any of those volunteers at the haunted house, the  
3 Explorers, the township and township trustees?

4 A. No, sir. I know that the Explorer guy  
5 that we had talked about, you know, I had assumed  
6 that he was with Delhi Fire, but I don't remember  
7 him specifically coming out and saying that. But he  
8 had said that he was training to be an EMT, was in  
9 Fire Explorers group, but that was pretty much the  
10 extent of it.

11 Q. Okay. So you're not aware of any township  
12 or trustee direction or control over the haunted  
13 house?

14 A. No. No, sir.

15 Q. On March 28th of 2013, so taking you back  
16 a little bit, Mckenzie had been seen by Lone Star  
17 Orthopaedics; do you recall that?

18 A. Not the specific day, but I know that she  
19 was seeing them.

20 Q. Okay. And throughout her treatment, at  
21 least up until this point, she had been diagnosed  
22 with a grade one or grade two sprain; is that  
23 correct?

24 A. I can't say for sure.

25 Q. Okay. That's fine. Are you aware that on

1 March 28, 2013 Lone Star Orthopaedics had an  
2 assessment that Mckenzie had been progressing as  
3 expected, that she's back in regular shoes and  
4 increasing her activities and at that time had no  
5 restrictions?

6 A. No, I wasn't aware of that.

7 Q. Are you aware in May of Mckenzie twisting  
8 her ankle again?

9 A. This was May of --

10 Q. 2013.

11 A. -- last year? I know that she's  
12 re-aggravated it a few times, but I don't remember  
13 that specific event in May, no.

14 Q. Do you recall on May 21, 2013, I'll just  
15 be more specific to see if it jogs your memory, her  
16 going back to Lone Star Orthopaedics and reporting  
17 that she was wearing platform shoes and as a result,  
18 she twisted her ankle?

19 A. No, sir. Platform shoes? I usually try  
20 to stay away from women and their shoe issues.

21 Q. Understandable. It looks like Lone Star  
22 had her do some more physical therapy, wanted her to  
23 continue wearing a boot. Do you recall her in May,  
24 June or July of 2013 being back in a boot?

25 A. In that specific time period I can't say

1 for sure. I know that she's been in a boot off and  
2 on. She also has an orthopaedic shoe with a brace  
3 that runs up both sides of her leg. I don't recall  
4 exactly when that happened, so I can't say if it was  
5 during that time period or not.

6 Q. Sure. And at some point in time in 2013,  
7 it looks like perhaps June or July, did Mckenzie go  
8 to Italy?

9 A. She did.

10 Q. And why did she go to Italy?

11 A. She went with her boyfriend and his  
12 family. I guess they're Italian and it's a regular  
13 tradition to go over there. I don't know if they go  
14 every year, maybe every other year or -- regularly  
15 they go. If it goes a few years, they'll try and  
16 get back there. As far as why she went, that was  
17 the question? I'm sorry, what was the question?

18 Q. Just why she went to Italy.

19 A. Well, I know that her boyfriend and his  
20 family wanted her to go. She had never been there  
21 before. And they had talked about some of the  
22 places that they wanted to go while they were there,  
23 Venice and Florence maybe and another place. I  
24 think the main reason that she went is because her  
25 boyfriend and his family were willing to help out so

1 we didn't have to foot the whole bill for it.

2 Q. By help, you mean cover the cost of  
3 travel?

4 A. Not all. I mean, we had to pay for the  
5 plane ticket and give her spending cash, but they  
6 helped out with buying her meals and taking her  
7 shopping. They may have even helped out with  
8 letting her stay in one of their hotel rooms that  
9 they had got.

10 Q. And during her trip in Italy, did she  
11 reinjure her ankle?

12 A. I don't remember if she did or not. I  
13 know that she had had -- she had recurring pain that  
14 she had to go through pretty much every day. So my  
15 wife had talked to Joe's mom about what to do and  
16 what medications she can take and when she should  
17 take it and the best ways to administer that.

18 Q. Sure. Are you aware of her visiting Lone  
19 Star Orthopaedics again in July of 2013 after her  
20 Italy trip as a result of twisting her ankle while  
21 in Italy?

22 A. No, I'm not aware of that. It doesn't  
23 mean it didn't happen, but it's possible, sure.

24 MR. MILLIGAN: Mr. Blum, that's all the  
25 questions I have for you.

## RE-EXAMINATION

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BY MR. WEISENSEL:

Q. Sorry. I have a couple follow-up questions for you. Let's talk about the trip to the Dent Schoolhouse haunted house. And I think a couple folks asked you questions about it. If I mischaracterize at all what you said, let me know, but as I understood what you said, it sounds like Mckenzie would have been in junior high during that trip to the Dent Schoolhouse, that was your recollection?

A. Yeah, I'd say somewhere in between 7th, 8th, 9th grade.

Q. Okay. So she was 11, 12, 13 years old, approximately?

A. Yeah.

Q. And then when this incident happened, she was 17. Was she a junior or senior in high school when this happened?

A. It was October of 2012.

Q. So did she graduate the next summer or did she just finish up this past summer?

A. Yeah, she graduated the next summer, so I guess she would have been a junior.

Q. Well, if she graduated the following



1 summer, she would have been a senior; is that  
2 correct?

3 A. Right, yes, senior, sorry.

4 Q. That's all right. I just want to make  
5 sure I understand. So when she goes to the Dungeons  
6 of Delhi, she's a senior in high school. When you  
7 go to the trip to Dent, she's likely in junior high.  
8 And the way you described it, and I have a junior  
9 high daughter so I'm trying to imagine this myself,  
10 you're standing in line to get into the Dent  
11 Schoolhouse, correct?

12 A. Uh-huh.

13 Q. And your daughter, I'm just going to call  
14 her your daughter, your daughter is with you; is  
15 that right?

16 A. Yes.

17 Q. And you can hear all the sounds and the  
18 commotion and everything that's going on inside the  
19 haunted attraction, correct?

20 A. Well, not just that, the line zigzagged  
21 back and forth. So if you were at Kings Island and  
22 you had to cross the same people, and I know that  
23 there were people in line too that were, this is so  
24 scary and this is this, this is great, this is going  
25 to be bad. There was definitely some buildup and

1 anticipation. It wasn't just something that she had  
2 walked into. I think like most places do the hype  
3 was being built as you got closer and closer to the  
4 entrance, whether it be from their doing or just the  
5 people who were talking about it, getting excited,  
6 outside line.

7 Q. Okay. So as you're winding your way  
8 through this line, between the sounds of the  
9 attraction and folks in line getting all excited  
10 about, oh, this is going to be good and stuff like  
11 that, your daughter's grip on you kind of increases  
12 as you get closer to the door; is that kind of a  
13 fair characterization?

14 A. No. No, I don't think that she was -- she  
15 was not being clingy or anything. I didn't see any  
16 negative reaction out of her in line while we were  
17 heading towards the entrance. She was definitely  
18 getting more excited and more bright eyed. It  
19 wasn't a situation where she was, you know,  
20 experiencing any negative aspects, at least while we  
21 were making our ways towards the entrance.

22 Q. Okay. But before you actually enter the  
23 attraction, before you actually go inside, she says,  
24 you know what, I don't think I want to do this, and  
25 then you all left; did I understand that correctly?

1           A.     Pretty much, yeah.  Once we got into the  
2 courtyard entrance, right when you basically entered  
3 the area where it started is where she said, I don't  
4 want to do this, I want to go, and we left.

5           Q.     Okay.  And at that time your daughter's  
6 11, 12, 13 years old or something thereabout; is  
7 that correct?

8           A.     Sure.

9           Q.     Okay.  Now, we jump forward and she's a  
10 senior in high school, she's 17 years old, and we're  
11 now talking about the Dungeons of Delhi.  In between  
12 that time she's done some of the other things that  
13 you mentioned?

14          A.     Yeah.

15          Q.     She enjoys horror movies probably at the  
16 appropriate time of the year and that type of thing;  
17 is that right?

18          A.     Oh, yeah.  Her and her friends, the Scream  
19 movies and, you know, the places that we went, the  
20 Waverly Hill down in Louisville or the walking  
21 haunted history tour down in New Orleans, no issues,  
22 she's enjoyed it and she said, oh, I'd like to come  
23 back, this is pretty interesting.

24          Q.     Okay.  And you had testified that when it  
25 came up that maybe she was going to be going to

1 Dungeons of Delhi, you said you had some concern and  
2 you were saying are you sure this is what you want  
3 to do, are you sure, and she gave an affirmative  
4 answer, she said, yeah, it will be fine?

5 A. Yeah. She said, you know, I'm going out  
6 with my friends and boyfriend and he'll be there  
7 and, yeah, that's something that she was looking  
8 forward to doing.

9 Q. And you weren't concerned for her physical  
10 safety in her going there, were you?

11 A. No.

12 Q. You weren't worried that she would be  
13 injured, were you?

14 A. Huh-uh.

15 Q. Did you ever imagine that she would be  
16 chased and then fall and be injured while she was  
17 there?

18 A. No, sir.

19 Q. And you also testified when you came up on  
20 the scene, I guess we'll kind of characterize it as  
21 a parking lot area where she's laying; is that fair?

22 A. Sure. Yeah, I think it's fair.

23 Q. Okay. And I think Mr. Knabe was asking  
24 you these questions. Where she's sitting when you  
25 get there, that area is dark?

1           A.    Yes.  There was a few guys with  
2  flashlights, but besides that and maybe a light on  
3  top of a telephone pole or one of those big  
4  industrial poles, but it wasn't -- certainly wasn't  
5  a well-illuminated place.

6           Q.    Last question I guess I wanted to ask you  
7  is about the gentleman that you talked to there.  We  
8  keep calling him the Explorer perhaps.  My question  
9  to you is, I think you were the first one that said  
10 Explorer.  Did he identify himself as being in the  
11 Explorers program?  Did he have a badge or a patch  
12 or something that said Explorers or is that  
13 something you just deduced, knowing what the  
14 Explorers are, that he was an Explorer; do you  
15 remember?

16          A.    I don't recall him having any kind of  
17 uniform on that said that he was with them, but  
18 just -- he was older than the -- a little bit older  
19 than the crowd of people that were there.  And the  
20 guy had a flashlight, so that kind of led me to  
21 believe that he wasn't there to go through, he was  
22 just there to -- I don't know if he was in some sort  
23 of volunteer capacity or if he was working through  
24 the volunteer Explorer, EMT, training to be a  
25 firefighter program that he was with, but that's

1 what I had assumed when I had talked to him.

2 Q. Okay. But you don't recall him actually  
3 saying, hey, I'm with the Explorers and here's what  
4 happened, you don't recall him saying those words;  
5 is that correct?

6 A. Not specifically, no. I mean, I do  
7 remember him saying that he had some sort of EMT  
8 volunteer firefighter training. I thought he said  
9 Explorer, but honestly I can't say for sure whether  
10 he did or not, it's just too long ago.

11 MR. WEISENSEL: Those all the questions I  
12 have. Thank you.

13 (Witness excused.)

14 (Deposition concluded at 1:25 p.m.)

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19 MICHAEL BLUM

DATE

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2 STATE OF OHIO )

3 )

4 I, Mindy Davis, Notary Public for the State of  
5 Ohio, do hereby certify:

6 That the witness named in the deposition, prior  
7 to being examined, was by me duly sworn;

8 That said deposition was taken before me at the  
9 time and place therein set forth and was taken down  
10 by me in shorthand and thereafter transcribed into  
11 typewriting under my direction and supervision;

12 That said deposition is a true record of the  
13 testimony given by the witness and of all objections  
14 made at the time of the examination.

15 I further certify that I am neither counsel for  
16 nor related to any party to said action, nor in any  
17 way interested in the outcome thereof.

18 IN WITNESS WHEREOF, I have subscribed my name  
19 and affixed my seal this 29th day of December, 2014.

20

21 MINDY DAVIS

22 Notary Public

23 My Commission expires: 04/03/16

24

25