

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: MATTHEW MATEIKAT

DATE: OCTOBER 31, 2014

* * * * *

Mindy Davis

Certified Court Reporter

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INDEX

1		
2		Page
3	Cross-Examination By Mr. Maislin	4
	Cross-Examination By Mr. Milligan	11
4	Cross-Examination By Ms. Taggart	16
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
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1 The deposition of MATTHEW MATEIKAT, taken for
2 the purpose of discovery and/or use as evidence in
3 the within action, pursuant to notice, heretofore
4 taken at the Law Offices of Blake Maislin, 2260
5 Francis Lane, Cincinnati, Ohio , on October 31,
6 2014, at 12:10 p.m., upon oral examination, and to
7 be used in accordance with the Ohio Rules of Civil
8 Procedure.

9 * * * * *

10 APPEARANCES

11 ATTORNEY FOR PLAINTIFFS:

12 Blake R. Maislin, Esq.

14 ATTORNEY FOR DEFENDANTS:

15 Richard J. Rinear, Esq.

16 Carolyn A. Taggart, Esq.

17 John M. Milligan, Esq.

18 John K. Benintendi, Esq.

19 ALSO PRESENT: Mark Mateikat

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

5 CROSS-EXAMINATION

6 BY MR. MAISLIN:

7 Q. Could you state your full name for the
8 record?

9 A. It's Mark Matthew Mateikat.

10 Q. And do you go by Matt?

11 A. I go by Matt, yes.

12 Q. Is it okay if I call you Matt?

13 A. That's fine.

14 Q. And you were able to sit through your
15 dad's deposition?

16 A. Uh-huh.

17 Q. So just remember, we've got to say things
18 audibly, verbally. If you don't, I'm going to pick
19 on you and make you restate it, okay?

20 A. Right.

21 Q. If you don't understand a question, just
22 let me know. If you don't know the answer, just say
23 you don't know, okay?

24 A. Okay.

25 Q. So you live with your dad?

1 A. Yep.

2 Q. And how old are you?

3 A. I'm 19.

4 Q. And what is your date of birth?

5 A. It's 5/3/95.

6 Q. Were you born and raised in Cincinnati?

7 A. Yes.

8 Q. And what's the farthest you've gone in
9 school?

10 A. Farthest I've gone, I just graduated in
11 2013. I'm getting ready to start college in
12 November.

13 Q. Where did you graduate from?

14 A. Oak Hills and Diamond.

15 Q. And where are you going to school next
16 year?

17 A. Ohio Center for Broadcasting.

18 Q. And where is that?

19 A. That's in Norwood, I believe.

20 Q. Are you already registered?

21 A. Yes.

22 Q. Tell me about your employment history.

23 A. Virtually I just did a lot of volunteer
24 work. I mean, I used to work part-time seasonal
25 jobs. We had General Custer's. It's kind of a mini

1 golf course. Then I'd had OKL Can Line, which I was
2 subcontracting for his work. I did volunteer work
3 for the Museum Center too a while back. Other than
4 that, that's about it.

5 Q. As far as money earning positions, the
6 mini golf course --

7 A. Yes.

8 Q. -- and the place where your dad works?

9 A. Yes, OKL.

10 Q. And for volunteer work, Museum Center,
11 Dungeons of Delhi?

12 A. Yeah.

13 Q. Anywhere else?

14 A. That's all for volunteer.

15 Q. What other extracurricular activities do
16 you do?

17 A. I do a little bit of photography here and
18 there. It's nothing paid, but I'll do photography
19 for people, video making projects, acting obviously.
20 That's about it.

21 Q. Any formal acting jobs? I don't
22 necessarily mean for pay, but in local plays,
23 productions?

24 A. Not in plays or productions. I worked
25 with the NKU film team, which is Indie films, which

1 are on YouTube, so it's kind of little short films.

2 Q. And your dad testified that you have
3 worked with the Dungeons of Delhi haunted house
4 since about nine years old?

5 A. Yes.

6 Q. And you're currently there working there
7 this season, correct?

8 A. Yes.

9 Q. I don't want to have to go through the
10 whole thing, but do you accept and agree with
11 everything that your dad said about all the training
12 and meetings and instruction that you received?

13 A. Yes.

14 Q. Is there anything that you feel needs to
15 be added to make his testimony complete?

16 A. No.

17 Q. What about with the rules of how to
18 operate the haunted house?

19 A. What do you mean?

20 Q. Do you agree with everything that your dad
21 said? Is there anything you would want to add or
22 delete to make his testimony more accurate?

23 A. Oh, no, I agree.

24 Q. And same thing with the physical layout of
25 the haunted house?

1 A. Yes.

2 Q. Do you agree with everything your dad
3 said?

4 A. Yes.

5 Q. Anything you'd want to add or delete to
6 make his testimony even more complete or accurate?

7 A. No.

8 Q. Just saved us about an hour. Do you know
9 Mckenzie Davis?

10 A. I do not.

11 Q. Have you ever talked with her?

12 A. I have never even said a single word to
13 her.

14 Q. Ever communicate with her or anything?

15 A. Never.

16 Q. Would you know what she looks like if you
17 ever saw her?

18 A. No.

19 Q. What about her mom or dad?

20 A. No.

21 Q. Do you remember seeing her run or fall on
22 that evening?

23 A. I do not know.

24 Q. Other than your dad, do you know anybody
25 who did see her run and fall?

1 A. No, not that I know of, no.

2 Q. Are you friends with any of Mckenzie's
3 friends?

4 A. Not that I know of, no.

5 Q. Have you talked to anybody who said that
6 they saw Mckenzie fall?

7 A. No.

8 Q. Or in any regard regarding this incident
9 whatsoever?

10 A. No.

11 Q. Other than your dad.

12 A. Other than my dad, no.

13 Q. Do you know who was working on the evening
14 of her fall offhand?

15 A. Inside, outside? I mean, I know everyone
16 that works there, but I don't know --

17 Q. But particularly on that evening in 2012?

18 A. Not in 2012, no.

19 Q. Your dad mentioned there was a woman who
20 was the ticket taker, correct?

21 A. Yes.

22 Q. What was her name, Linda?

23 A. Linda, yeah.

24 Q. Do you specifically recall anybody else
25 working that evening?

1 A. In the ticket booth or --

2 Q. Anywhere.

3 A. Just anywhere, no, it's just our current
4 actors. I mean, basically everyone that's there
5 every night. We get new ones. They kind of come
6 and go every year, so...

7 Q. Have you ever chased anybody outside in an
8 attempt to scare them?

9 A. I have not, other than an actor for a
10 YouTube video.

11 Q. What did that actor look like?

12 A. She was kind of short. She had long kind
13 of brownish hair and she had a chainsaw gash across
14 her face which you can clearly see in the video.

15 Q. Are you chasing her with a chainsaw?

16 A. Yeah.

17 Q. Are you aware of anybody else chasing
18 anybody around outside of Dungeons of Delhi --

19 A. I have never seen it, no.

20 Q. Have you ever seen anybody get hurt at the
21 Dungeons of Delhi?

22 A. I have not, other than actors.

23 Q. And tell me what you've seen with the
24 actors.

25 A. Basically, I mean, just kind of scrapes

1 kind of thing, so just cuts and bruises. I've never
2 seen anything serious.

3 MR. MAISLIN: Okay. I don't have
4 anything further.

5 CROSS-EXAMINATION

6 BY MR. MILLIGAN:

7 Q. Matt, my name is John Milligan. You
8 probably heard that. I represent the township,
9 Delhi Township, and the trustees.

10 A. Uh-huh.

11 Q. I'm just going to have a few questions for
12 you as well. Did you ever directly interact or
13 communicate with Sergeant Schloemer or anybody else
14 at the police department?

15 A. I have talked to him, yes, in person.
16 We're not like friends or anything.

17 Q. Sure. Did you speak with them in your
18 role as a volunteer or actor of Dungeons of Delhi?

19 A. No, other than just when they're down, an
20 occasional hi and bye kind of thing. That's it.

21 Q. Was Sergeant Schloemer there frequently?

22 A. Last season he was. This season not so
23 much.

24 Q. And in 2012, do you remember him being
25 there frequently?

1 A. Yes.

2 Q. Were any other police officers there?

3 A. Not that I know of.

4 Q. And that was kind of a bad question. Did
5 any other police officers, other than Sergeant
6 Schloemer, come there on a regular basis?

7 A. Like I said, I'm inside so I don't really
8 see much outside.

9 Q. That's fair. And in your training, the
10 scare school and the instructions that you receive
11 in how to proceed as an actor at the Dungeons, who
12 gives you those instructions?

13 A. Virtually it's just kind of a self-taught
14 kind of thing. I mean, it's kind of commonsense of
15 what not to do to customers. You can't grab them,
16 choke them out or anything like that. You just know
17 what to do basically, so...

18 Q. And you said not touch?

19 A. Right, not touch.

20 Q. And your father typically kind of trains
21 and gives those instructions every day and at the
22 beginning and during the scare school?

23 A. Yes.

24 Q. Does anybody from the police department
25 come down and give you guys instructions on how to

1 act?

2 A. Not on acting, no.

3 Q. I think we've already really covered this,
4 and I'll do it really quick. You did not see the
5 plaintiff get injured?

6 A. I did not.

7 Q. You did not see the plaintiff waiting
8 outside?

9 A. I did not.

10 Q. You obviously did not chase the plaintiff?

11 A. I did not.

12 Q. You were not instructed to chase anybody?

13 A. I was not.

14 Q. In fact, you're discouraged from chasing
15 anybody?

16 A. Yes.

17 Q. In regards to hiring -- well, accepting
18 actors or volunteers as actors, who makes the
19 decision as to who can be a volunteer and who
20 cannot?

21 A. That's the police department and my dad.

22 Q. And when you say the police department,
23 what role do they play?

24 A. The background checks.

25 Q. Is your dad the one who actually meets

1 with the volunteers?

2 A. Yes.

3 Q. Is he the one who actually makes a
4 decision as to who can be a volunteer?

5 A. Yes.

6 Q. Does your dad then, if you know, does your
7 dad then pass on the information of who he's
8 accepted as a volunteer to the police department?

9 A. Yes.

10 Q. If they're over 18, the police department
11 then performs a background check?

12 A. Yes.

13 Q. Do any candidates or volunteers who are
14 under 18, do their names get passed on to the police
15 department?

16 A. I believe so being a volunteer, yes.

17 Q. I was going to say if you know?

18 A. Yeah.

19 Q. Your dad said that you work in the front
20 room of the haunted house; is that correct?

21 A. Yes.

22 Q. Are you always in the front room?

23 A. I'm always in the front room.

24 Q. Why are you always in the front room?

25 A. Well, because I started like way farther

1 in the house when I started. When I first started,
2 I was in the first room as a victim with him. And
3 then basically as the years went by, I got my own
4 team which is actually four rooms back. And then
5 finally we just kind of switched, his room that was
6 in the first room, and then we made it into mine.
7 So ever since then, I've just stayed in front I
8 guess basically because I am one of the longest
9 running actors there now and basically I know how to
10 control group flow and everything like that, so...

11 Q. And that was my next question, you
12 controlled the group flow?

13 A. Yes.

14 Q. You determine how many customers come in
15 at a time?

16 A. I do not, I just -- how fast they come in.
17 So actually our ticket taker up at the front decides
18 how many are in the group.

19 Q. Okay. And you let a group in at a time.
20 So it may be a group of friends of five or two or
21 six?

22 A. Right. The most we've ever had actually
23 was last weekend. That was a group of 10.

24 Q. And you let them all in at once?

25 A. Yeah.

1 Q. Inside the haunted house do you chase or
2 run after people?

3 A. I do not.

4 Q. Do you jump out and scare them?

5 A. Yes.

6 Q. Is it safe to assume that people come to
7 the haunted house to be scared?

8 A. Yes.

9 Q. Is it safe to assume that a reasonable
10 person comes to the haunted house with the
11 expectation that they will be frightened or scared?

12 A. Yes.

13 MR. MILLIGAN: I don't think I have any
14 further questions.

15 CROSS-EXAMINATION

16 BY MS. TAGGART:

17 Q. Matt, I'm Carol Taggart. I represent the
18 Boy Scouts. Do you have a nickname Mad Matt?

19 A. Yes.

20 Q. How did that come about?

21 A. Basically that was kind of -- that was my
22 first or second year there. We actually an actor
23 that's really high up in the industry. His name is
24 Damien Reaper, and basically he just kind of gave it
25 because my character had acted mad and crazy, so it

1 was kind of Mad Matt, MM. My initials are actually
2 MMM so it just kind of went.

3 Q. Do most people who come to the haunted
4 house know that that is your nickname?

5 A. Yes.

6 Q. And do you know how they've learned that?

7 A. My guess is just through interacting with
8 me as a character, basically through the YouTube
9 videos, through the reviews. I'm mentioned in haunt
10 reviews that come through.

11 Q. All right. Is your nickname included in
12 the videos?

13 A. Yeah, I think it is on a couple. So just
14 like the walk-through videos, I know there's one on
15 YouTube that says Mad Matt demands attention or
16 something.

17 MS. TAGGART: Thank you. That's all I
18 have.

19 MR. BENINTENDI: I don't have any
20 questions.

21 MR. RINEAR: No questions.

22 MR. MAISLIN: No follow-up.

23 (Witness excused.)

24 (Deposition concluded at 12:32 p.m.)

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Signature expressly waived

MATTHEW MATEIKAT

DATE

1)

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 14th day of November, 2014.

20

21 MINDY DAVIS

22 Notary Public

23 My Commission expires: 04/03/16

24

25