

IN THE COURT OF COMMON PLEAS

HAMILTON COUNTY, OHIO

CIVIL DIVISION

CASE NUMBER: A1402190

MCKENZIE DAVIS & JENNIFER BLUM

PLAINTIFFS

vs.

DELHI TOWNSHIP, OHIO

DEFENDANTS

DBA DUNGEONS OF DELHI, ET AL.

* * * * *

DEPONENT:

GARY SCHLOEMER

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 GARY SCHLOEMER, 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 1:30 p.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 GARY SCHLOEMER,
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. WEISENSEL:

7 Q. Mr. Schloemer, good afternoon. My name is
8 Mike Weisensel. I'm one of the plaintiffs'
9 attorneys in this case called Mckenzie Davis versus
10 Dungeons of Delhi, et al. Why don't you start by
11 giving us your full name and your address, please.

12 A. It's Gary Schloemer, S-C-H-L-O-E-M-E-R.
13 And home or work?

14 Q. You can just give your business address,
15 that's fine.

16 A. It's 934 Neeb Road, Cincinnati, Ohio
17 45233.

18 Q. Mr. Schloemer, I presume, given your
19 profession, you've probably given a deposition
20 before; is that fair?

21 A. No, I have not, 20 years.

22 Q. Wow. Lucky you today. I'm sure you've
23 been kind of advised on what we're going to do here.
24 It won't take terribly long, but the basic rules are
25 this. You've been put under oath. I presume you've

1 testified in court before?

2 A. That's correct.

3 Q. The rules apply the same here. You're
4 under oath. You have to tell the truth to the best
5 of your ability, understand that?

6 A. Yes.

7 Q. We're going to ask you questions and
8 you're going to give truthful answers as best you
9 can. No one here is trying to trick you or get you
10 to say something you don't mean to say. We're
11 trying to get information. So if we ask a question
12 that you're uncertain what is meant by the question,
13 it's confusing, I'm mumbling, whatever it might be,
14 please ask us to say the question again or say it a
15 different way. We're happy to do that to make sure
16 we have a clear question --

17 A. Gotcha.

18 Q. -- is that fair?

19 A. Yes.

20 Q. If you answer a question, we're all going
21 to presume you understood it; is that fair?

22 A. Yes.

23 Q. You're doing a great job giving audible
24 responses. Say things like yes and no. Try to
25 avoid shoulder shrugs and uh-huhs and things like

1 that which are difficult to transcribe, okay?

2 A. Yes.

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

4 A. It is 8/29/1974.

5 Q. And you grew up in the Cincinnati area?

6 A. Correct.

7 Q. Where did you go to high school?

8 A. Elder.

9 Q. What year did you graduate?

10 A. '92.

11 Q. And then after you graduated Elder in '92,
12 did you go on to get any post high school education?

13 A. I did, two years at University of
14 Cincinnati.

15 Q. Did you get a degree or certification?

16 A. I did, associate's degree in, I think they
17 call it applied science.

18 Q. What year would that have been?

19 A. I guess I graduated in '94.

20 Q. And then what about after your associate's
21 at UC, did you go out and get any other education?

22 A. No, I got hired in June of 1995 with Delhi
23 police.

24 Q. Okay. So you are and have been employed
25 by Delhi Police Department since 1995?

1 A. Yes, June of 1995.

2 Q. Did you have to go to the police academy,
3 I presume?

4 A. I did, yes.

5 Q. And when you got hired on in 1995, I
6 presume you were hired as a patrol officer?

7 A. That's correct.

8 Q. How large of a department is Delhi?

9 A. We're about a 29-man department.

10 Q. Are those all full-time officers?

11 A. Correct.

12 Q. And as an officer with Delhi police, do
13 you also belong to certain professional
14 organizations?

15 A. Some do, the FOP and so forth like that.

16 Q. And do you?

17 A. No, I do not.

18 Q. Okay. What is your current rank or
19 position at Delhi police?

20 A. Currently I'm a sergeant, second shift.

21 Q. This is obviously a full-time position?

22 A. Correct.

23 Q. Now, the 29 officers, those mostly are all
24 full-time officers?

25 A. They're all full-time, correct.

1 Q. How long have you been a sergeant?

2 A. Since last January.

3 Q. So January of 2014?

4 A. I'm sorry, yes, just this year.

5 Q. Okay. So here next month it will be the
6 one year anniversary?

7 A. Correct. Yes.

8 Q. And immediately before that, what was your
9 position?

10 A. It was a corporal.

11 Q. How long were you a corporal?

12 A. Approximately about four, four and a half
13 years.

14 Q. Okay. We're going to be talking about
15 some events that happened in October of 2012. You
16 would have been a corporal then?

17 A. That's correct.

18 Q. And what kind of job duties does a
19 corporal at the Delhi Police Department have?

20 A. Basically you're assistant squad leader.
21 The way our off days rotate, if the sergeant's not
22 there, you assume the responsibility of the squad.

23 Q. Okay. So you do have some
24 supervisory roles?

25 A. That's correct. It's a supervisory

1 position, you're just not the head person of that
2 particular squad.

3 Q. Okay. Being an officer at Delhi Police
4 Department, in addition to your duties, which I
5 presume are obviously enforcing the law, do you go
6 out on the road as well?

7 A. That's correct.

8 Q. Okay. Are you also involved in some
9 organizations that the police department is
10 associated with?

11 A. With the Explorer Post.

12 Q. Okay. Tell me about the Explorer Post,
13 what is that?

14 A. Well, basically it's an organization for
15 kids between the age of 14 and 21. And basically
16 it's a learning process that they go through in
17 terms of learning what police officers do, they do
18 training, and they go to competitions and so forth.

19 Q. Okay. So if I'm a resident of Delhi and I
20 want to join the Explorers, what do I do?

21 A. You fill out an application. We have an
22 interview process, make sure you don't have any
23 criminal background or anything that would
24 jeopardize the police department.

25 Q. Okay. And so as long as I pass kind of

1 those tests, if you will, you've got a clean
2 criminal record, generally I could probably get into
3 the program; is that right?

4 A. Yeah.

5 Q. And this program, at least Delhi has its
6 own version of the program. If someone comes
7 through Delhi, they're going to be in the Delhi
8 Explorers Program; is that correct?

9 A. That's correct. You just don't have to be
10 a resident. Pretty much -- we have Green Township
11 because they don't have a post and so forth like
12 that.

13 Q. Okay. Other police agencies have their
14 own Explorers program?

15 A. That's correct.

16 Q. And has this been a program that's gone on
17 for a long time?

18 A. Joe Middendorf started I think back in
19 '93. I was actually an Explorer back then as well.

20 Q. And the purpose of the Explorer program, I
21 presume, is to get young men and women interested in
22 policing?

23 A. That's correct.

24 Q. And hopefully they'll become good Delhi
25 police officers maybe?

1 A. Yes.

2 Q. Okay. So Delhi gets kind of a benefit of
3 bringing up these nice young men and women and
4 showing them the ropes and hopefully encouraging
5 them into a --

6 A. That's correct.

7 Q. -- nice career as a Delhi police officer?

8 MR. MILLIGAN: Object to the question.

9 A. Four of our last five hires were from the
10 Explorer Post.

11 Q. Okay. So a lot of your officers have come
12 through the Explorer program?

13 A. Some. Four of the five just happened to
14 be when we were hiring. It's just by luck that you
15 time it right where you get through the academy and
16 we have an opening and so forth like that.

17 Q. Okay. What are some of the things that
18 the -- once you're in the program, I guess you're
19 called an Explorer?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes. Sorry.

23 Q. That's okay. When you're an Explorer,
24 what are some of the things that you do as an
25 Explorer?

1 A. Certainly we train in events. There's a
2 regional program, training and competition, we go to
3 every year. There's 10 events and they compete just
4 as we would in law enforcement. They do all kind of
5 community service, provide security for several
6 festivals. They do the Skirt game. They do the
7 parade. They do a lot of community service that
8 way.

9 Q. Okay. Is there a national organization of
10 Explorers?

11 A. There is.

12 Q. And so then is Delhi Township Police
13 somehow -- it's almost like you have a franchise or
14 are you somehow associated with them?

15 A. It's basically what I consider a
16 sponsorship. The township sponsors the name for the
17 Explorer post.

18 Q. Okay. So is this an organization that the
19 township set up, the Explorers Program?

20 A. Yeah. Ultimately back when we did
21 organize it, it was through Howard Macon who was the
22 chief then who wanted to start the program.

23 Q. I see. But this was done with the
24 blessing of the township?

25 A. I would have to assume, but...

1 Q. Okay. Is there someone within Delhi
2 police who kind of heads the program?

3 A. Yes.

4 Q. And who is that person?

5 A. Generally right now it's me, but for 20
6 years it was Joe Middendorf.

7 Q. When did Joe stop being the person --

8 A. He retired last June, which I guess would
9 have been 2013.

10 Q. And his name is Joe?

11 A. Middendorf.

12 Q. Spell the last name.

13 A. M-I-D-D-E-N-D-O-R-F.

14 Q. And he retired when, I'm sorry,
15 approximately?

16 A. June of 2013.

17 Q. Okay. So, again, we're going to talk
18 about this event that happened in October of 2012.
19 Number one, was he still a police officer then?

20 A. He was.

21 Q. Was he still running the Explorers program
22 then?

23 A. Me and him were both, yes.

24 Q. Were you kind of transitioning, that you
25 knew you were going to take it over and so --

1 A. Yeah, eventually. We had been working
2 together, well, since I started, but with the
3 Explorer Post for about 12 years. So it was one of
4 those where what I could do he could do and, you
5 know, if he couldn't do it one day, then I would do
6 it. So it was kind of a two-headed monster, if you
7 want to say that.

8 Q. Gotcha. Is Joe still involved in the
9 program even though he's retired?

10 A. No.

11 Q. He's enjoying his retirement?

12 A. He is.

13 Q. Does he still live in Delhi?

14 A. He does.

15 Q. Does the Explorer program have, in your
16 understanding, do they have any affiliation or
17 relationship with the Boy Scouts or the Daniel Beard
18 Council?

19 A. In a sense, we have to do -- recharter
20 every year to continue with the organization, and
21 that's where the paperwork and everything comes for
22 us to recharter.

23 Q. I see. Just so I understand, there's a
24 national organization of Explorers; is that correct?

25 A. Yes.

1 Q. And then when you say you have to
2 recharter, every year you have to get permission
3 again to use the Explorer name and have the program;
4 is that correct?

5 A. Correct.

6 Q. And when you make that application every
7 year, it goes through the Dan Beard Council and the
8 Boy Scouts?

9 A. Dan Beard and how it's affiliated with the
10 higher-up I don't know, but we get the paperwork.
11 We have all the applications. We send everything
12 back to them.

13 Q. Okay. And so locally, when you send the
14 paperwork back, it's going to the Daniel Beard
15 Council which I think is here in Cincinnati, isn't
16 it?

17 A. Yes.

18 Q. Where it goes from there, you're not sure?

19 A. Correct.

20 Q. And then hopefully your charter is renewed
21 and the program continues?

22 A. Yes.

23 Q. The activities that you do for the
24 Explorers program, do you do those while you're on
25 the clock?

1 A. Generally, yes.

2 Q. Okay. So it's approved to do this while
3 you're on duty?

4 A. Correct.

5 Q. We're going to talk about the Dungeons of
6 Delhi. You're familiar with that?

7 A. Yes.

8 Q. Okay. First of all, do you know when the
9 Dungeons of Delhi began?

10 A. It was either '93 or '94.

11 Q. That would be shortly before you became an
12 officer?

13 A. Correct.

14 Q. What's your understanding of why the
15 Dungeons of Delhi began?

16 A. It started -- it is the only fundraiser
17 generally we do for Exploring. And every other year
18 there's a national competition somewhere in the
19 United States, and that was our way of paying for
20 nationals to get to and from.

21 Q. I see. So the purpose of creating this
22 haunted house, Dungeons of Delhi, is to raise money
23 for the Explorers program?

24 A. Correct.

25 Q. And then you can do whatever you want to

1 do with that money, I suppose, to support the
2 program?

3 A. Correct.

4 Q. Okay. Has the Dungeons of Delhi always
5 been in the same location?

6 A. Yes.

7 Q. And where is that?

8 A. The technical address is 362 Anderson
9 Ferry.

10 Q. Okay. And what is it? I mean, is it an
11 old mall, is it an old --

12 A. It's an old grocery. Where we originally
13 first started the first year was actually an old
14 aquarium store, fish store, that went out of, not
15 business, but had to move.

16 Q. Okay. But for a number of years it's been
17 in this old grocery store?

18 A. Yes. Since the beginning, we've been --
19 it's kind of two floored and there were two separate
20 businesses. The up store was Thriftway and below
21 was the Old House of Tropics.

22 Q. Okay. And were you involved in kind of
23 picking this location?

24 A. No, that was Joe.

25 Q. Joe was involved in that?

1 A. Yes.

2 Q. Do you know what arrangement was made with
3 the folks who own the property as far as using it?

4 A. It was, as far I know, here you go, you
5 need to use the space for Exploring and we consider
6 it our charity in terms of, you know, for the
7 Exploring, and that's how it went down.

8 Q. Okay. As far as you know, the police
9 department or Delhi isn't paying for the use of that
10 property?

11 A. No.

12 Q. That's correct?

13 A. That's correct.

14 Q. Okay. So we'll call it charitable. The
15 property owner is permitting use for your event?

16 A. Yes.

17 Q. How long does the Dungeons of Delhi last
18 as far as start to finish, is it about six weeks or
19 so that you run it?

20 A. Yeah, approximately.

21 Q. And when it was started, was it put under
22 the banner of any kind of legal entity; is it
23 Dungeons of Delhi, Incorporated or LLC?

24 A. No.

25 Q. But it was created by the -- the haunted

1 house was created by the Delhi Police Department to
2 fund this --

3 A. It was created by the Explorers, like I
4 said, so we can buy equipment and go to national
5 competition.

6 Q. Okay. Is it a pretty successful
7 fund-raising?

8 A. It has been.

9 Q. Approximately, how much annually can you
10 hope to get from an event like this?

11 A. Generally it's about 10,000 a year, but
12 that's gross, not net. There's a lot of other
13 expenses that go into it that eat away from that.

14 Q. And who advances those expenses when
15 you're setting it up? Where does the money come
16 from?

17 A. The Explorer bank account.

18 Q. Okay. So the Delhi charter or the group
19 of Explorers, they have their own bank account?

20 A. Correct.

21 Q. Is the only money that goes into that bank
22 account from the running of this fundraiser or other
23 fundraisers?

24 A. That is mostly. We do -- like I said,
25 down on 128 there's a church that we go down and

1 help for Trunk or Treat and they give us a \$100
2 donation, but that's -- all the money comes from the
3 haunted house.

4 Q. Okay. Does the township contribute any
5 monies?

6 A. No.

7 Q. Does the police department use any of its
8 physical resources as far as when they set this up,
9 do they contribute tools and things like that to
10 building?

11 A. No, just me and Joe.

12 Q. Okay. I presume when it starts every
13 year, you guys just don't hit the ground running,
14 there's some lead time where you have to prepare
15 every year; is that right?

16 A. Yes.

17 Q. Got to make sure the site is still
18 available, correct?

19 A. Yes.

20 Q. And you have to do setup; is that right?

21 A. Yes.

22 Q. Is some construction involved in that?

23 A. Depends on the year, what we have
24 available money-wise. Generally when we come back
25 from nationals, we're broke.

1 Q. Okay. And as far as who's actually doing
2 that, the setup, are you as the person running the
3 Explorers program, is that something that you're in
4 charge of?

5 A. Not the actual, we'll say, decoration and
6 changing plans. Mark does that. But for all the
7 fire inspections and the alarm system inspections, I
8 do all that.

9 Q. Okay. You make sure that --

10 A. We have to get an annual inspection. We
11 have to -- you know, sprinkler systems and all that,
12 we have to have that checked every year.

13 Q. All right. Do you know a man named Dave
14 Espage?

15 A. Uh-huh.

16 Q. Who is Dave Espage?

17 A. He was -- well, here's how it went. He
18 lives across the street in a little suburb and he
19 had a house that he always decorated for a haunted
20 house. He got with Joe and that's how they kind of
21 came up with the whole haunted house. So he was
22 kind of, in essence, the curator for the first,
23 we'll say, eight or nine years. So he would do all
24 the setup, decorations and everything like that.

25 Q. But Dave is not involved anymore; is that

1 correct?

2 A. No.

3 Q. Do you know about how long it's been since
4 Dave has been involved?

5 A. I came back to the Explorers probably
6 about 12 years and he was fading out then, so it's
7 probably been 10 years.

8 Q. Do you know a gentleman by the name of
9 Mark, I'm going to mispronounce his name, Mateikat?

10 A. Yes.

11 Q. How do you pronounce his name, do you
12 know?

13 A. I always call him Mark. I have him in my
14 phone as Mark.

15 Q. Well, just so we're clear we're talking
16 about the same person, I have his name as Mark, this
17 is the spelling of his last name, M-A-T-E-I-K-A-T.

18 A. Correct.

19 Q. Does that sound right?

20 A. Yes.

21 Q. I'm just going to call him Mark.

22 A. That's fine.

23 Q. So how do you know Mark?

24 A. Through the haunted house.

25 Q. Okay. How is Mark involved in the haunted

1 house?

2 A. As Dave left, somebody else kind of took
3 over running the operations, you know, getting
4 volunteers, redecorating everything. And then he
5 kind of came in and that person left and then Mark
6 kind of swung into that position to make everything
7 run.

8 Q. Okay. But would it be fair to describe
9 him as kind of the pointman at the haunted house?

10 A. Yes. Yes.

11 Q. And he's a volunteer, correct?

12 A. Correct. Everybody is.

13 Q. He's volunteering for the Explorers
14 program?

15 A. Correct.

16 Q. Because he wants to help raise money for
17 the Explorers, correct?

18 A. Correct.

19 Q. And in those weeks leading up to when you
20 have to get everything set up, I presume Mark is
21 involved in that?

22 A. Yes.

23 Q. And I presume that you are involved in
24 that as well?

25 A. The general setup, no. Whatever he wants

1 to do down there he does, but I have to, like I
2 said, make sure everything done with the fire
3 inspections and alarm systems and everything are
4 done.

5 Q. Okay. But at the end of the day, he has
6 to answer to you as to what's going on over at the
7 haunted house?

8 A. Generally, yeah, but handles -- the only
9 time he would ever come to me is if there's an issue
10 he can't handle.

11 Q. Have you talked to Mark in the last couple
12 of weeks or month or so?

13 A. It's probably been about a month.

14 Q. Did you have the haunted house this year?

15 A. Yes, we did.

16 Q. Do you generally shut it down on
17 November 1?

18 A. We did this year, just however the
19 calendar falls. So each year we start different and
20 end different based on where Halloween kind of
21 falls.

22 Q. Have you talked to him since you guys shut
23 down this year?

24 A. Yes.

25 Q. Did he tell you that he's testified in

1 this case in a deposition like you're doing?

2 A. We had talked before he came here. He had
3 told me that he was going the next week or something
4 like that.

5 Q. But you haven't talked to him since then?

6 A. I don't believe so, no.

7 Q. Well, Mark had said a few things in his
8 deposition, which I'll just kind of represent to you
9 that he said a couple things, and I'm going to ask
10 you questions about whether or not you agree with
11 some things that Mark said, okay?

12 A. Okay.

13 Q. One of the things that Mark said is that
14 the Dungeons of Delhi's owned by the Delhi Police
15 Department. Do you agree with that statement?

16 A. No, I wouldn't say that. I would say it's
17 more the Explorer post and the police department has
18 really no bearing other than, you know, we're doing
19 it for the Explorers.

20 Q. So the way you would characterize it is,
21 well, no, it's actually owned by the Explorers --

22 A. Yes.

23 Q. -- it's our haunted house?

24 A. Yes.

25 Q. Does the Delhi branch of the Explorers, do

1 they have their own liability insurance?

2 A. Just with what we carried for the haunted
3 house.

4 Q. Okay. So your understanding is they're
5 covered under a policy through the haunted house?

6 A. Correct.

7 Q. Okay. Do you know whether or not the
8 Explorers are covered under a policy that the
9 township has or that the police department has?

10 A. No, they are not.

11 Q. Your understanding is they are not
12 covered?

13 A. They are not.

14 Q. All right. Mark had also said that the
15 sign-up sheet for volunteers who want to participate
16 in the haunted house, that's actually done through
17 the Delhi police?

18 A. It's done through me, yes.

19 Q. Okay. So if someone wants to be an actor
20 in the haunted house, they come to you?

21 A. Yeah. I give him all the paperwork and
22 then he essentially gives it to me and then I go
23 through the checklist of making sure it's somebody
24 that we want down there.

25 Q. Okay. So that's a fair statement?

1 A. Yes.

2 Q. Mark had also said that the Delhi police
3 basically handles all the money in getting
4 whatever's needed for the haunted house; is that
5 fair?

6 A. That's correct, yes.

7 Q. Okay. So if something is needed, he comes
8 to you and you provide it whether it be money or
9 some form of assistance, et cetera?

10 A. Correct.

11 Q. And a lot of this, I presume, is done
12 while you're on duty as a Delhi police officer?

13 A. It depends if I'm working or not.
14 Generally, like this year, my head Explorer took the
15 money on Friday and Saturday night and deposited it
16 Monday.

17 Q. Okay. But certainly you've done work on
18 the haunted house while you've been on duty?

19 A. That's correct.

20 Q. And that's not abnormal nor is it frowned
21 upon by the department?

22 A. That's correct.

23 Q. In fact, I imagine it's encouraged by the
24 department?

25 A. Yeah, I mean, whatever basically -- if

1 it's got to get done, then there I am.

2 Q. Okay. Mark had also said that he kind of
3 reports to you and to the chief about what's going
4 on?

5 A. To me, not to the chief.

6 Q. Okay. He would report directly to you?

7 A. Yes.

8 Q. And he said that when he was asked like,
9 well, who's your supervisor. And he referred to, he
10 said, well, I report to Mr. Schloemer and to the
11 chief. And you're saying it's really you?

12 A. Yeah. We had one incident a couple years
13 ago that the chief called us both in just to ask
14 what happened down there, and that's the only time
15 he's ever met with the chief. So everything was
16 done through me or Joe.

17 Q. Okay. Are other officers in the
18 department involved in the haunted house?

19 A. Not really. They do -- they help with
20 training and so forth like that in the meetings, but
21 we're phasing another guy in that will help next
22 year, but generally it was me or Joe.

23 Q. Okay. Tell me about the -- you said
24 there's some training. What's the training involve?

25 A. We set up scenarios for like burglary in

1 progress or domestic violence, and that's how they
2 learned it when we go to competitions.

3 Q. Okay. So the training you're referring to
4 is training with the Explorers?

5 A. Correct.

6 Q. Did you or anyone from your department
7 give any training or instructions to the, I'll call
8 them the actors at the haunted house?

9 A. When I'm down there, and otherwise Mark
10 does it, and it's only about fire emergencies. And
11 that's the only training that they get from me when
12 I'm down there.

13 Q. Okay. So you don't give them any
14 instruction on how to engage with the guests and
15 things like that?

16 A. Correct. No.

17 Q. Have you and Mark ever talked about any
18 rules that are needed or necessary for the actors
19 interacting with the guests?

20 A. The only ones that we have in place is you
21 just don't touch patrons.

22 Q. Okay. There was testimony from Mark too
23 that one of the things you don't do is you don't
24 chase a guest also. Have you heard of that rule?

25 A. Generally they're not supposed to. The

1 only time they ever engage people outside is what
2 they consider working the line.

3 Q. Okay.

4 A. But there have been times when people do
5 it, but it would be something like I know John
6 Smith's coming down, he's my friend, I'm going to
7 scare him.

8 Q. Okay. Your buddy's coming down, you know
9 he's in the line --

10 A. Right. You put a mask on and --

11 Q. And you scare him?

12 A. Right.

13 Q. But if it's a stranger to you, the
14 protocol would be you don't chase the person?

15 A. Yeah, generally they -- what they consider
16 working the line, entertain them while they're in
17 line to get inside.

18 Q. But entertaining wouldn't include chasing
19 them, correct?

20 A. No. Correct.

21 Q. Okay. Is it fair to say that you as being
22 in charge of the Explorers program, that you're kind
23 of the final word on what goes on at the haunted
24 house?

25 A. To a certain extent, yeah. Mark pretty

1 much handles everything unless it's something
2 outrageous or anything that I would have to come in
3 and take care of.

4 Q. But at the end of the day, you have to,
5 not physically, but you sign off on it?

6 A. Correct. Yes.

7 Q. Okay. And I guess the example I was going
8 to use, if there was some exhibit down there that
9 maybe it's in poor taste or we're not really sure,
10 should we do this, if you ultimately said, no, let's
11 not do that, your call is the final call?

12 A. That's correct.

13 Q. So when the haunted house is running, are
14 there young men and women from the Explorers program
15 that are on duty, if you will?

16 A. Yeah, they're down there. They make sure
17 that the monsters get water, you know. They're just
18 down there for presence to make sure if something
19 goes wrong, the compressor goes down, they do all
20 the what I would consider like grunt work to make
21 sure that Mark and his monsters are doing what
22 they're supposed to in terms of scaring people and
23 we're doing all the stuff behind the scenes.

24 Q. Okay. Are there officers, Delhi police
25 officers, who work security detail down there?

1 A. No.

2 Q. Have you ever had any problems with
3 security down there where it would be necessary?

4 A. No. We'll stop in, but that's just, you
5 know, stop in, make sure everything's good and then
6 leave.

7 Q. Sure. Would other Delhi police do that
8 too?

9 A. Yeah.

10 Q. I mean, it's an event that benefits the
11 police, so they'll stop by and check it out. That
12 wouldn't be unusual, right?

13 MR. MILLIGAN: Objection.

14 A. It's not a benefit to the police
15 department, but it's an event going on, as we would
16 anything, party-wise or anything like that, make
17 sure everything's -- and most of them would be like
18 the people that were former Explorers that have come
19 from there, will just stop in, make sure everything
20 is good and then go.

21 Q. Sure. Well, you'd agree with me it's an
22 indirect benefit to the police department because
23 it's raising money for the Explorers program which
24 benefits the police department; is that right?

25 MR. MILLIGAN: Objection.

1 A. I mean, we're raising money for the
2 Explorer post.

3 Q. Sure. So when you stop by, you're
4 probably checking on security, make sure everything
5 looks safe, correct?

6 A. Generally they don't go in. Usually they
7 stop at the ticket booth, make sure everything's
8 good there. They may check -- I don't know, they
9 may check with Mark to make sure everything's good.
10 Certainly they would make sure whoever's in charge
11 of Explorers needs anything, make sure that they're
12 good and then --

13 Q. Right. And probably checking to see how
14 long is the line, are we making money tonight, that
15 kind of thing, too, right?

16 A. Sometimes they will, yeah.

17 Q. Okay. And sometimes that's done while an
18 officer, yourself or one of your colleagues, would
19 be on duty?

20 A. Correct. Yes.

21 Q. Are there any other organizations that are
22 present at the haunted house? Sometimes your
23 officers may stop by or you might stop might. We've
24 got folks from the Explorers program. Are the Boy
25 Scouts or the folks from Daniel Beard Council, are

1 they involved at all on premise?

2 A. No.

3 Q. Is the only relationship that they have to
4 the operation of the haunted house is just the fact
5 they approve your charter?

6 A. Correct.

7 Q. They're not actively involved in what's
8 going on at the haunted house?

9 A. No. They're not really actively involved
10 in anything we do other than, you know, we recharter
11 through them.

12 Q. Do they know that you operate a haunted
13 house?

14 A. Couldn't tell you.

15 Q. Is there any reason why you would have to
16 get permission from them to run a fundraiser for
17 your program?

18 A. Not that I'm aware of.

19 Q. Okay. Well, let's kind of jump to
20 October 12, 2012. That's when this event happened
21 that we're going to talk about. When did you first
22 hear that something had happened out at the Dungeons
23 of Delhi?

24 A. I received an e-mail from the Delhi Skirt
25 game requesting to come talk to me about an incident

1 that occurred up there.

2 Q. And, I'm sorry, you said an e-mail from?

3 A. Clyde Kober with the Delhi Skirt game
4 committee.

5 Q. And what did the e-mail say?

6 A. Basically that the lady's alleging that
7 she got hurt there and they were seeking money from
8 the Skirt game. And when he knew that it happened
9 there, he came to me knowing that we had insurance.

10 Q. Okay. So do you remember about when that
11 was? If the fall was in October of 2012, when is
12 this you're hearing it?

13 A. This year.

14 Q. Okay. So this year was the first time you
15 had heard that Ms. Davis had fallen and got hurt?

16 A. Correct.

17 Q. Mr. Mateikat, or Mark, had never mentioned
18 it to you before?

19 A. No.

20 Q. And nobody else either it sounds like?

21 A. No.

22 Q. Okay. So this gentleman sends you an
23 e-mail that Mckenzie's mom was looking for some
24 financial assistance?

25 A. Correct.

1 Q. Okay. And what did you tell him or what
2 was that conversation?

3 A. I said I don't know anything about it.
4 I'm not just going to file a claim and let somebody
5 that alleges, you know, that they got hurt there and
6 I have no knowledge of it. So that's where we left
7 it.

8 Q. Okay. Is there some protocol for when
9 someone is hurt at the haunted house? Is there an
10 incident report that's supposed to be filled out?

11 A. No. If we would get called there, police
12 and fire, then, yes, we will generate an incident
13 report. But just generally if somebody, you know,
14 says they got hurt and they don't require police or
15 medical assistance, there's nothing done.

16 Q. So generally speaking, if someone were to
17 be hurt in the haunted house, police or fire might
18 respond and they would have their own report of it?

19 A. Correct. Yes.

20 Q. But Dungeons of Delhi doesn't have their
21 own system to report it --

22 A. No.

23 Q. -- is that correct?

24 A. Correct.

25 Q. How do you know the gentleman that sent

1 you the e-mail?

2 A. He's a citizen of the Delhi Skirt game.

3 Q. Okay. Have you talked to Mark about the
4 events of that night?

5 A. After we got the lawsuit, yes.

6 Q. Okay. And what did Mark tell you about
7 what happened?

8 A. Basically he said that some girl was
9 somewhere on the property, turned and ran and fell.

10 Q. Okay. Did he tell you anything else?

11 A. Just what she allegedly told him, that she
12 got scared and ran, but that was it. I wasn't
13 there, so...

14 Q. It's my understanding that Mark's son
15 works outs there too?

16 A. That's correct.

17 Q. He's worked out there for a number of
18 years?

19 A. Yes.

20 Q. Have you talked to Mark's son at all?

21 A. Huh-uh.

22 Q. No?

23 A. Not about this incident.

24 MR. MILLIGAN: Make sure you're audible.

25 A. Yeah, I caught myself.

1 Q. No problem. Since you found out about the
2 allegations, albeit a fairly long period of time
3 after it occurred, have you or your office conducted
4 any kind of investigation into what happened?

5 A. No.

6 Q. Fair to say you're just letting the
7 lawyers and the insurance companies look into it?

8 A. Yeah. At that point, it was however it's
9 going to go.

10 Q. Okay. So there's no police investigation?

11 A. No.

12 Q. And did you make any private inquiries to
13 ask around about, hey, did you hear what happened
14 and what do you know?

15 A. No.

16 Q. Have you talked to anybody who says that
17 they witnessed this event?

18 A. No.

19 Q. Have you heard from somebody who said,
20 hey, I talked to somebody who saw it?

21 A. No, not that I -- the only one I've ever
22 talked to was with Joe Middendorf, if he knew
23 anything about it, and then Mark. That's the extent
24 of...

25 Q. And what did Joe say?

1 A. I think he was under the same impression
2 with me. He had no knowledge about it.

3 Q. Okay. And did he find out through Mark as
4 well?

5 A. I may have told him. Actually, I think he
6 found out from the township when they received
7 whatever the paperwork, lawsuit, they called him.

8 Q. Okay. Are you aware in the history of the
9 haunted house whether or not there's been other
10 folks that have been injured there?

11 A. No.

12 Q. You're not aware of any other injuries
13 occurring there?

14 A. Nothing -- I mean, scrapes and stuff like
15 that, but nothing --

16 Q. Anything where someone had to leave in an
17 ambulance?

18 A. No, I don't think so.

19 Q. Are you aware of any other claims that
20 have ever been made against the haunted house for --

21 A. There is none.

22 MR. WEISENSEL: Sir, I don't have any
23 other questions for you, but some of these
24 folks at the table likely will.

25 CROSS-EXAMINATION

1 BY MR. KNABE:

2 Q. All right. Sergeant Schloemer, my name is
3 Bruce Knabe. I represent Del-Fair, Incorporated.
4 My understanding, is Del-Fair the owner of the
5 shopping center?

6 A. Yes. Jack Michaels, I guess, is who I
7 would consider the owner of that.

8 Q. Okay. Does Mr. Michaels or Del-Fair own
9 actually the old Thriftway store, the old Tropical
10 Aquarium, the building itself?

11 A. I believe so, yes. That's my
12 understanding.

13 Q. Fair enough. And I think what you
14 indicated is the Explorers aren't charged any rent,
15 but Del-Fair or the owner of the property allows
16 them access to use it as a charitable gift; is that
17 fair to say?

18 A. Correct. Yes.

19 Q. And is there any type of control that
20 Del-Fair exerts over the Explorers and the Dungeons
21 of Delhi or the Delhi Police department or Delhi
22 trustees?

23 A. No.

24 Q. The parking lot area outside the entrance,
25 how would you describe that area; is that asphalt,

1 pavement, what --

2 A. Blacktop, yeah.

3 Q. Is it in generally good condition?

4 A. Most of it. There's several spots that
5 are, you know, deteriorating a little bit.

6 Q. The Explorers or no one ever made to any
7 complaints to Del-Fair about that as far as you're
8 aware; is that fair?

9 A. That's fair.

10 MR. KNABE: I don't think I have any
11 further questions for you.

12 CROSS-EXAMINATION

13 BY MR. RINEAR:

14 Q. Sergeant, my name is Rick Rinear. Let me
15 take you back on this haunted house a little bit.
16 When the haunted house, when you first started
17 getting involved with it, how was it decided what
18 the setup would be, how many rooms you would have,
19 how many actors you would have, how was all that
20 decided?

21 A. I couldn't tell you. I was an Explorer
22 when it started and it was we basically went in
23 there and started building rooms and off it went.

24 Q. About how many rooms does it have today?

25 A. I'm guessing maybe 30.

1 Q. Did you go through it this year?

2 A. Not when it was live, no.

3 Q. Okay. Have you in the past?

4 A. Yes.

5 Q. Just give us an idea of what each of these
6 rooms are and what's going on in each room as a
7 patron goes through.

8 A. They send them through about four or five
9 people at a time because if you get any longer, the
10 first people get to scare but then the last group
11 doesn't get to scare. Do you want each individual
12 room or just --

13 Q. Just generally as you go through.

14 A. Each room is different. It's a different
15 theme. It's a different setup, different props, and
16 generally there's one to two people. And there's
17 some rooms that don't have anybody in it, it's just
18 a natural scare. The room itself does its thing.

19 Q. And most of the rooms contain actors; is
20 that correct?

21 A. Yes.

22 Q. And most of the rooms contain props?

23 A. Yes.

24 Q. And is the purpose of each of these rooms
25 to, for entertainment purposes, frighten the

1 patrons?

2 A. Yes.

3 Q. And you would expect that most people who
4 go to a haunted house know that, right?

5 A. Correct.

6 Q. So the idea is to scare. That's what a
7 haunted house is, right?

8 A. Yes.

9 Q. Have you over the years that you've been
10 involved ever had complaints from the community that
11 it was too scary?

12 A. No, just the front where we had people get
13 tired of driving past and seeing it, but other than
14 that, no.

15 Q. Okay. Have you ever had complaints from
16 the community that while people are waiting in line,
17 they're being chased?

18 A. No.

19 Q. Have you ever had complaints that the
20 actors are acting improperly towards the patrons?

21 A. We've had some where people allege they
22 were touched and stuff like that, but some of that
23 is incidental contact where they got too close or
24 they -- they're not supposed to touch, but very few
25 incidences where people came out and said that they

1 were touched.

2 Q. Okay. And how old, generally, are the
3 actors and actresses that are working in here?

4 A. Generally we have a policy, I think they
5 have to be over age 16.

6 Q. And up to how old?

7 A. As long as you can -- it doesn't --
8 there's no age past that.

9 Q. Okay. How do you evaluate or determine if
10 a certain person says I'd like to be an actor in the
11 haunted house this year, whether they are somebody
12 that you'll permit to do that?

13 A. Basically Mark will give them paperwork
14 and they'll give me their name, information, and
15 they'll sign some forms stating liability and so
16 forth like that. And then what I'll do is I'll go
17 back and run them through the blotter system, which
18 we have, if we've had any contact with them, and
19 then I run them through clerkofcourt.org to see
20 their criminal record, and then I run them through
21 the Department of Justice, I guess, Sexual Offender
22 Registration to make sure that none of that's in
23 play.

24 Q. Let's go through that again. You went
25 through that kind of quickly.

1 A. Sorry. We have --

2 Q. So first thing that happens, if somebody
3 wants to volunteer, is they'll be referred to Mark?

4 A. Yes.

5 Q. Okay. So step one is Mark. And they have
6 to fill out paperwork?

7 A. Just a generic application, where they
8 live, their name, address, anything like that.

9 Q. Okay. So they fill out the application
10 and then they have to sign a liability waiver,
11 right?

12 A. Yes. And if they're under 18, then they
13 have a permission slip for their parents to be there
14 allowing them to be there.

15 Q. Okay. All the paperwork's done. Mark now
16 gives that to you, right?

17 A. Yes.

18 Q. So step two is you get the paperwork. And
19 then go through those steps again of what you do.

20 A. Basically there's three things that I look
21 at. It's our Pamet system which is any incident we
22 get dispatched to or traffic stops or anything like
23 that gets put into the Pamet system.

24 Q. I'm sorry, the what system?

25 A. It's Pamet, P-A-M-E-T. It's a police

1 program that does all our paperwork basically.

2 Q. So you run their name through that?

3 A. Correct.

4 Q. Just to make sure you don't get a hit?

5 A. Correct, or, I mean, if we've had contact,
6 to see what kind of contact it's been, make sure
7 it's nothing, you know, that would make me think
8 probably shouldn't let them down there.

9 Q. Okay. So if they fail that step, they're
10 out?

11 A. Correct.

12 Q. If they pass that step, then what's your
13 next step?

14 A. Generally what I'll do then is run them
15 through clerkofcourt.org, see what kind of criminal
16 history they have.

17 Q. That's the Hamilton County Common Pleas
18 website?

19 A. Yes.

20 Q. Municipal website?

21 A. Yes.

22 Q. Okay. So you run the name through there.
23 And, again, if they fail that, they're out. If they
24 pass it, they move on to the next step?

25 A. Yeah. It's all kind of -- I kind of do it

1 in stages where I don't have to go from here to here
2 to here. I kind of do everybody in one group and so
3 forth. Certainly if anything comes up on anything,
4 they're out.

5 Q. Okay. And what's the third step then?

6 A. I guess it's Department of Justice Sexual
7 Registry or offender's list. You can log on and put
8 anybody's name in it and it will tell you if they've
9 ever --

10 Q. So you run them through that and then
11 you'll get back to Mark and approve or disapprove --

12 A. Correct.

13 Q. -- those individuals?

14 A. Uh-huh.

15 Q. Then is it up to Mark from that point
16 forward as to where they work in the house and what
17 their particular duties and functions are?

18 A. Yes.

19 Q. About how many volunteers actually work on
20 the haunted house project each year?

21 A. Every given night there's probably 30, 40
22 people.

23 Q. Out of that 30 to 40, what's your estimate
24 of how many of those are actually in makeup or in
25 costume?

1 A. Probably 95 percent because the other ones
2 would be my Explorers or the makeup ladies that are
3 there that actually don't do the actual, per se,
4 haunt, or actors is what you want to call them.

5 Q. And the people that are in makeup or in
6 costume are dressed to be scary, aren't they?

7 A. Yes.

8 Q. I mean, they're not dressed like Disney
9 characters, right?

10 A. No.

11 Q. Each year you're approaching the beginning
12 of the haunted house, do you do a walk-through of
13 the various rooms just to see if you feel that
14 there's anything dangerous or inappropriate in
15 there?

16 A. I can't say that I do it right before, but
17 we use that also as our training for the Explorers
18 so we're always generally in there and around. So
19 if there is anything dangerous or outlandish, then
20 we do. But we do -- the fire department does go
21 through every year and signs off on their
22 inspections that there's nothing obstructing that
23 would be -- you know, and make sure all the
24 lighting, emergency lighting works, and then they
25 take all my certificates for the sprinkler systems

1 and alarm systems and all that.

2 Q. The application forms for the actors, the
3 parental forms, all of that, who keeps that
4 paperwork?

5 A. I do until the end of the haunted house
6 and then I get rid of it.

7 Q. So if we wanted paperwork from the haunted
8 house back in 2012, that's no longer in existence?

9 A. No.

10 Q. And is that the same as far as any
11 background paperwork, any of that, that's all gone?

12 A. For the actors, no, but any of the
13 Explorers I retain.

14 Q. Tell me about the exterior entrance area
15 and the lighting back there. How well is that lit?

16 A. Where the patrons go in?

17 Q. Yes, the whole area in the back.

18 A. There's really -- the front part where
19 I'll say the ticket booth is, is generally lit. We
20 have a row of fencing that's out by the street so
21 cars don't pull in. That's lit more than the actual
22 walkway, but they put generally rope lighting up on
23 top and that's about what the lighting is.

24 Q. Is it well enough lit that after dark you
25 can see to walk around back there?

1 A. Generally. I mean, it's kind of like a
2 fenced area where they -- it's up against the
3 building. And if you're going to go into the haunt,
4 that's where you would go in. So that's part lit.

5 Q. Okay. Any complaints at any time over the
6 years about the lighting in that area being
7 substandard?

8 A. No.

9 Q. Let me ask you about Mark Mateikat. How
10 long have you known Mark?

11 A. Probably 10 years.

12 Q. Do you know how it is that he got involved
13 and became elevated to the post of the guy running
14 the place?

15 A. Couldn't tell you, other than I know he
16 was there and I guess he was willing to step up and
17 help out.

18 Q. And he's a volunteer, correct?

19 A. Yes.

20 Q. He's not paid for anything --

21 A. No.

22 Q. -- he does?

23 MR. MILLIGAN: Let him finish the
24 question.

25 Q. From your experience, does he take his job

1 seriously at the haunted house?

2 A. He loves what he does.

3 Q. Is he concerned about patrons and safety?

4 A. Yeah, I would think so. I mean, he's
5 there and he makes sure everything runs good. Any
6 issues he takes care of them.

7 Q. How many years, in your estimation, has
8 Mark been running the haunted house?

9 A. Probably close to 10. I don't know exact.

10 Q. Have there been any issues with injuries
11 or problems with patrons of any significance during
12 that time?

13 A. Not that I'm aware of.

14 Q. Do you recall any police runs to the
15 haunted house during that time?

16 A. I know we had one incident where there was
17 a gentleman, and that's kind of where all the
18 paperwork came, that was having issues with girls
19 that we found out later. But other than that, no.
20 And that was just strictly actors, but that wasn't
21 anything to do with patrons or anything like that.

22 Q. Do you know what Mark, what he does
23 generally during an evening while the haunted house
24 is running?

25 A. When he first gets there, whoever comes to

1 volunteer, then he'll disburse them to whatever
2 rooms. Generally people like to do certain rooms,
3 so he'll try to accommodate them that way. In
4 year's past he actually was an actor and did the
5 front room, but probably the last three or four
6 years he gave that up and then he's outside at the
7 line where people come in.

8 Q. Does he stay outside at that line area
9 most of the night, as far as you know?

10 A. Yeah, as far as I know.

11 Q. So if something was to happen, you would
12 expect that he would be out there to take care of --

13 A. Yeah, the only time he wouldn't be is if
14 we got a slow period where we'd clear the actors,
15 let them go get water and relax a little bit in the
16 lobby and then he would put them back and then go
17 back outside.

18 Q. Okay. What do you remember Mark telling
19 you, as much detail as you can recall, about this
20 particular incident that we're here about?

21 A. Well, after the township called me and
22 told me that we were getting sued, I called and
23 asked him if he knew anything about it because I had
24 no knowledge of it. Basically what he told me is
25 there was an incident with a girl that was running,

1 fell and, you know, basically they called her dad.
2 Her dad pulled up, they moved the fence, they got
3 her in the minivan. She kept apologizing and was
4 being hysterical, Dad apologized, and that's pretty
5 much the extent of what he told me.

6 Q. Did he say that her running had anything
7 to do with any of the volunteers or the people in
8 the house?

9 A. That, I don't remember if he said
10 specifically what led up to it other than the
11 incident was that she ultimately fell and he took
12 care of her until Dad got there.

13 Q. I think you've already answered this, but
14 I just want to make sure I'm clear. From the time
15 of this incident in mid October of 2012 up to the
16 point that the lawsuit was served on Delhi, nobody
17 ever contacted you about this incident; is that
18 right?

19 A. In February at some point I got the letter
20 and I met with the guy that runs the Skirt game, and
21 that was the first that I heard that she had fallen.

22 Q. Okay. That would have been February of
23 '14?

24 A. Yes.

25 Q. You said you got the letter?

1 A. The e-mail, I'm sorry.

2 Q. Or e-mail. Okay. There was testimony
3 earlier today by the stepfather of the girl that got
4 hurt that some people representing the Skirt game
5 actually went to their house to talk to them about
6 their request for money. Do you know anything about
7 that?

8 A. I don't. I don't know what they
9 ultimately did. I know they sent the Skirt game a
10 letter. They have some type of committee that does
11 investigate, I don't know if you want to call it
12 that, you know, if people need something.

13 Q. Okay. So at no time before that did this
14 girl who was injured or her parents or anybody in
15 her family contact the Delhi Police Department, as
16 far as you know?

17 A. As far as I know, no.

18 Q. Or the Delhi Township trustees?

19 A. No.

20 Q. What training, as far as you know, what
21 training is given to the volunteers at the haunted
22 house as far as their behavior and what they can and
23 can't do?

24 A. That's generally done through Mark. He
25 kind of lays the ground rules of the dos and don'ts

1 and what they're expected in each room and so forth
2 like that.

3 Q. Do you know how Mark learned the
4 appropriate training to give to the volunteers?

5 A. I think just from being down there and
6 kind of growing with the haunted house and so forth
7 like that.

8 Q. There's no nothing in writing as far as
9 training?

10 A. No.

11 Q. Have you ever met with other haunted house
12 operators to just determine what they're doing
13 compared to what you're doing in running a haunted
14 house?

15 A. I know early, early on Joe did with like
16 St. Rita's and WEBN. And I know Mark knows them. I
17 couldn't tell you what -- I have never personally
18 met with any of them.

19 Q. Yeah, because Mark testified when his
20 deposition was taken that he has met with and knows
21 some of these other operators.

22 A. Yes.

23 Q. I just didn't know if you were involved in
24 any of that at all?

25 A. No.

1 Q. In the years Mark has been involved that
2 you're aware of, have there been any problems with
3 him in running this haunted house?

4 A. No.

5 Q. His son Matt also works at the haunted
6 house, right?

7 A. Correct.

8 Q. Do you know Matt?

9 A. I mean, not -- I mean, we don't have
10 beers, but, of course -- you know what I'm saying?
11 I know who he is and certainly that, but --

12 Q. Any problems, incidents or anything with
13 Matt in the years he's been working there?

14 A. No, not that I'm aware of.

15 Q. Have you ever heard from any source prior
16 to this event that Matt ever chased a patron at the
17 haunted house?

18 A. Not that I've ever seen.

19 Q. Any reason from any source to think that
20 either Mark or Matt Mateikat were problems or for
21 some reason should not have been working at the
22 haunted house?

23 A. Not anything that I know of.

24 Q. Do you know Mckenzie Davis?

25 A. No.

1 Q. Do you know her mother or stepfather at
2 all?

3 A. No.

4 MR. RINEAR: I think that's all the
5 questions I have.

6 CROSS-EXAMINATION

7 BY MS. TAGGART:

8 Q. I just have one or two questions. I'm not
9 going to say one because that never works very well.
10 Sergeant, I'm Carolyn Taggart. I represent the Boy
11 Scouts of America and Dan Beard Council and an
12 organization called Learning for Life. Are you
13 generally familiar with Learning for Life as an
14 organization that provides perhaps some written
15 materials for Explorer programs?

16 A. Yes.

17 Q. Did Learning for Life have any involvement
18 with putting on the haunted house at Dungeons of
19 Delhi?

20 A. No.

21 Q. Does Learning for Life have any
22 involvement in training any of the Explorers for
23 their roles at the haunted house?

24 A. No.

25 MS. TAGGART: Thank you. Those are all

1 the questions that I have.

2 DIRECT EXAMINATION

3 BY MR. MILLIGAN:

4 Q. I have a few direct. Sergeant, do the
5 township trustees, what role do they play in the
6 haunted house?

7 A. They don't.

8 Q. Does the township play any role in the
9 haunted house?

10 A. Just through the sponsorship of the
11 Explorer post, but, per se, no, it's --

12 Q. So does the police department itself
13 directly play any role in the haunted house?

14 A. I can't say they do other than when I have
15 to have involvement with my kids down there.

16 Q. Other than the charter, or I guess the
17 sponsorship between the police department and the
18 Explorers Club, Dan Beard Council, is there any
19 other connection between the township and the
20 Explorers Club?

21 A. I guess not. I mean, they allow officers
22 to participate and help train the kids, but other
23 than that, there's no involvement in the township.

24 Q. Does the township provide any financial
25 assistance to the Explorers Club?

1 A. No.

2 Q. Does the police department provide any
3 financial assistance --

4 A. Just when they allow me to do it on duty.

5 Q. Do you know if there's a ramp leading into
6 the haunted house?

7 A. The exit there's a ramp.

8 Q. Is there a ramp leading into where the
9 patrons would initially go into the haunted house?

10 A. No.

11 Q. Is it flat concrete?

12 A. It's got what I would call a slight grade,
13 but not -- nothing that you would consider a hill or
14 anything.

15 Q. What percentage of your time would you say
16 is spent on the Explorers Club?

17 A. You mean like hours or --

18 Q. Yeah, it's a vague question. Is most of
19 your time spent with the Explorers on duty or off
20 duty as a police officer?

21 A. My personal it's mostly on just because I
22 work second shift, but the other guy that's helping
23 does a lot of it off.

24 MR. MILLIGAN: I think that's all the
25 questions I have. Thank you.

1 A. That's correct.

2 Q. When you are keeping the records, where do
3 you keep them?

4 A. Generally down there somewhere in the
5 control room.

6 Q. At the police station?

7 A. At the haunted house.

8 Q. At the haunted house?

9 A. Yeah.

10 Q. Do you ever keep any of the paperwork at
11 your office at the police department?

12 A. Not for the haunted house.

13 Q. Okay. Mr. Knabe, was asking you questions
14 about -- I'm sorry, it was Mr. Rinear who was asking
15 you about when you are creating the haunted house
16 and you're setting up the these rooms and he was
17 asking about some specifics and you were saying,
18 well, we just started building that. When you say
19 we, who are you referring to?

20 A. Me and another Explorer back in whatever
21 year we started it.

22 Q. Has the layout kind of remained the same
23 over the years?

24 A. Yeah. There's been some additions and
25 subtractions and moving rooms to create hallways and

1 stuff like that.

2 Q. Okay. And when you did that, that's when
3 you were a police officer at that time or were you
4 an Explorer back then?

5 A. An Explorer.

6 Q. Okay. So you were actually an Explorer.
7 Was there a police officer or, you know, a liaison
8 who was helping you with the build-out as well way
9 back then?

10 A. It was actually me and Brad Doerger who
11 were Explorers and we created it under the guidance
12 of Joe.

13 Q. Who is a police officer, obviously?

14 A. Yes.

15 Q. You were asked some questions about any
16 other problems that you had had down there. And you
17 started to describe maybe there were some issues
18 between actors that maybe police had to get involved
19 in, but then you didn't go into any detail. What
20 was that about?

21 A. There was an incident with a gentleman
22 that touched a girl down there, so that was our
23 involvement.

24 Q. Okay. Was that one patron touching
25 another patron?

1 A. No, it was an actor, a guy helping who was
2 down there working.

3 Q. Okay. When was this, by the way, do you
4 remember which Halloween it was?

5 A. No. It would be on record. We would
6 certainly have record of it.

7 Q. Was there an arrest made?

8 A. Yes.

9 Q. Okay. Do you remember the gentleman's
10 name?

11 A. Couldn't tell you.

12 Q. Where was he prosecuted, in Hamilton
13 County?

14 A. Hamilton County, yes.

15 Q. Municipal Court?

16 A. Yes.

17 Q. Was Mark in charge at that time or was it
18 his predecessor, do you remember?

19 A. Couldn't tell you.

20 Q. If I understand correctly, the first time
21 that you heard about this is when you got the e-mail
22 from the gentleman who runs the Skirt game, correct?

23 A. Yes.

24 Q. And that was in February of this year?

25 A. That's correct.

1 Q. Before then, you hadn't heard that this
2 had occurred?

3 A. No.

4 Q. You would have dealt with Mark the prior
5 Halloween, Halloween of 2013, quite a bit, I
6 imagine?

7 A. Yes.

8 Q. Would have had a lot of interaction while
9 you're setting up the haunted house. And he had
10 testified that kind of when this season is going on,
11 you guys are talking to each other five, six times a
12 week; is that right?

13 A. Depends on the week, yeah, depending on
14 what's going on. More so early on than more so
15 while it's going on, but yes.

16 Q. But during that entire Halloween season of
17 2013, he never mentioned the event that had occurred
18 the prior year with Mckenzie?

19 A. No.

20 Q. You were also asked about who's in charge
21 of making up the rules and training, and you kind of
22 said, well, that's kind of Mark's thing, Mark kind
23 of takes care of dealing with the actors as far as
24 training, et cetera, correct?

25 A. Correct.

1 Q. But you had also testified kind of that
2 the buck stops with you. Ultimately you're the
3 supervisor of the project; would you agree with
4 that?

5 A. Yes.

6 Q. And you would insist that whatever those
7 rules might be that Mark's coming up with, that the
8 number one concern would be safety for the guests
9 and safety for the folks who are working there?

10 A. Absolutely.

11 MR. WEISENSEL: Okay. Those are all the
12 questions. I have.

13 RE-CROSS-EXAMINATION

14 BY MR. RINEAR:

15 Q. Just a couple of follow-ups. The
16 Explorers, when they are at the haunted house, do
17 they sign a volunteer sheet to say I'll go there or
18 do they just show up if they want to be involved?

19 A. Our Explorers will -- they're -- I don't
20 say they're required, but it's recommended that they
21 do a couple of weekends down there to help out.

22 Q. Do you keep records of which Explorers are
23 working the haunted house?

24 A. No.

25 Q. Is there any way to look back at 2012 and

1 know which Explorers were there on which days?

2 A. They could probably tell you themselves,
3 but me personally, no.

4 Q. There's no record kept of that?

5 A. No.

6 Q. Do you recall, just off the top of your
7 head, any of the Explorers that you think would have
8 been working on the weekends in 2012 at the haunted
9 house?

10 A. Depending on what group was in at that
11 time. Generally, my upper echelon will be down
12 there more than the younger kids because they know
13 the importance of it.

14 Q. Would you have a record that would show us
15 the names of all of the Explorers that you had in
16 October of 2012?

17 A. Somewhere, yeah.

18 Q. Okay. So that is a record that you would
19 have?

20 A. Yeah. Uh-huh.

21 Q. And when they are at the haunted house,
22 who decides where they're assigned to work?

23 A. Generally the captain. And they rotate.
24 Some are in the lobby, some are at the exit, and
25 some are the upper back door for the fire.

1 Q. Would some of them be stationed out front
2 at the entrance area?

3 A. Generally not, unless they happen to be
4 out there talking to the lady that takes the money.

5 Q. How long does it generally take for a
6 group of patrons to go through the haunted house?

7 A. Probably 20, 25 minutes.

8 MR. RINEAR: That's all I have. Thank
9 you.

10 MS. TAGGART: I don't have anything
11 further. Thank you.

12 REDIRECT EXAMINATION

13 BY MR. MILLIGAN:

14 Q. Real quick clarification. Sorry. You
15 said that a volunteer was arrested, a male
16 volunteer?

17 A. Uh-huh.

18 Q. For inappropriately touching a female?

19 A. Yes.

20 Q. Was the female a volunteer?

21 A. Yes.

22 MR. MILLIGAN: That's all the questions I
23 have.

24 MR. WEISENSEL: Nothing further. Thank
25 you.

1 (Witness excused.)

2 (Deposition concluded at 2:40 p.m.)

3

4

5 Signature expressly waived

6 GARY SCHLOEMER

DATE

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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 29th day of December, 2014.

20

21 MINDY DAVIS

22 Notary Public

23 My Commission expires: 04/03/16

24

25