

IN THE COURT OF COMMON PLEAS

HAMILTON COUNTY, OHIO

CASE NUMBER: A1402190

JUDGE STEVEN E. MARTIN

MCKENZIE DAVIS

PLAINTIFF

vs.

DELHI TOWNSHIP OHIO DBA
DUNGEONS OF DELHI, ET AL.

DEFENDANTS

* * * * *

DEPONENT:

ELIZABETH SCHRADIN

DATE:

APRIL 17, 2015

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Mindy Davis

Certified Court Reporter

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1 The deposition of ELIZABETH SCHRADIN, 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 April 17, 2015,
6 at 9:30 a.m., upon oral examination, and to be used
7 in accordance with the Ohio Rules of Civil
8 Procedure.

9 * * * * *

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28 * * * * *

1 ELIZABETH SCHRADIN,
2 called on behalf of the Plaintiff, after having been
3 first duly sworn, was examined and deposed as
4 follows:

5 CROSS-EXAMINATION

6 BY MR. MAISLIN:

7 Q. Can you state your name for the record?

8 A. Elizabeth Schradin.

9 Q. And how do you spell your last name?

10 A. S-C-H-R-A-D-I-N.

11 Q. And how old are you?

12 A. I'm 21.

13 Q. What's your birthday?

14 A. 5/20/93. It took me a second because I'm
15 about to be 22.

16 Q. Have you ever had your deposition taken
17 before?

18 A. No.

19 Q. You ever give testimony in court for any
20 reason?

21 A. Actually, yes, I have.

22 Q. On what occasion?

23 A. My friend was getting a restraining order
24 taken care of, so I had to testify on her behalf of
25 some things that were going on.

1 Q. Anybody that would have any relation to
2 this case whatsoever?

3 A. No.

4 Q. Well, let me tell you a little bit about
5 the deposition process. It's really a question and
6 answer session. We're going to ask you questions.
7 We'll take turns. We may ask questions more than
8 one time, okay?

9 A. Okay.

10 Q. You raise your hand, swear that you will
11 tell the truth, and then everything that we both say
12 or that we all say is going to be taken down by our
13 court reporter, okay?

14 A. Okay.

15 Q. Couple ground rules just so that our
16 transcript reads well. First is we have to make
17 sure that we speak out loud. So if you shake your
18 head or say uh-huh, huh-uh or something like that,
19 I'm going to ask you to use words. I'm not picking
20 on you, it's just so we can read it.

21 A. Okay.

22 Q. If you don't understand my question, you
23 have to let me know.

24 A. Okay.

25 Q. If you answer the question and we read it

1 later, it will read as if you knew exactly what I
2 was saying.

3 A. Okay.

4 Q. If you don't know the answer, don't guess,
5 just say, hey, I don't really know. Or if you feel
6 it's appropriate to guess or estimate, say I'm
7 guessing or estimating but this is what I think.

8 A. Okay.

9 Q. Otherwise it's going to read as if you
10 knew exactly what I was asking and you really didn't
11 know the answer, all right?

12 A. Okay.

13 Q. We have to make sure that we don't talk
14 over each other. A lot of times hopefully my
15 questions will be simple enough you'll know where
16 I'm going. In casual conversation you may begin
17 your answer before I finish. Just make sure I'm
18 done --

19 A. Okay.

20 Q. -- and I'll try to do the same thing.

21 A. Okay.

22 Q. If you want to take a break for any time,
23 I don't think I'll be that long, you can do that,
24 all right, at any moment, okay?

25 A. Okay.

1 Q. I'm going to ask you questions about --
2 just a little background questions, who you are,
3 your education, work stuff, where you live. And
4 you're related to McKenzie Davis, correct?

5 A. Yes.

6 Q. Okay. So I'm going to ask you about the
7 relationship and what you know about her, and then
8 I'm going to ask about the events that took place at
9 the Dungeons of Delhi haunted house, okay?

10 A. Okay.

11 Q. And what is your home address?

12 A. 1216 Grey, G-R-E-Y, Stable Lane.

13 Q. Where is that?

14 A. That's in Highland Heights, Kentucky.

15 Q. And is that 41071?

16 A. 41076.

17 MR. MAISLIN: And off the record, what is
18 your Social Security number?

19 (OFF THE RECORD)

20 BY MR. MAISLIN:

21 Q. You were kind enough to give us your
22 Social Security number off the record. Just by way
23 of background, did you graduate high school?

24 A. Yes.

25 Q. And where did you graduate from?

1 A. Deer Park High School in Cincinnati.

2 Q. In what year?

3 A. 2011.

4 Q. Are you going to school now?

5 A. No.

6 Q. Have you been to any graduate school,
7 anything?

8 A. Yeah.

9 Q. Where have you gone?

10 A. I went to Eastern Kentucky University and
11 then after that I went to UC.

12 Q. Eastern Kentucky for one year?

13 A. Yes.

14 Q. And UC?

15 A. For a semester.

16 Q. And what are you doing now?

17 A. Working at Buffalo Wild Wings and
18 bartending.

19 Q. Is that the one in Alexandria?

20 A. I work in Florence actually.

21 Q. Did you have any jobs during high school
22 or while you were in college?

23 A. Yeah. Oh, gosh, I've worked at Outback.
24 I've worked at Marco's.

25 Q. Marco's Pizza?

1 A. Yeah. I used to live in Louisville for a
2 couple of months, so I worked at the Mall of St.
3 Matthews.

4 Q. What did you do in the mall?

5 A. I sold like hair straighteners and stuff,
6 and now I work at B-Dubs.

7 Q. Did you ever work at like an amusement
8 park or anything like that?

9 A. No.

10 Q. You ever work moving people through lines?
11 I don't know how better to explain that, standing in
12 a line or being a greeter or --

13 A. I mean, I've been like a greeter and a
14 hostess before.

15 Q. And where have you done that?

16 A. Outback and a little bit at B-Dubs.

17 Q. You ever work at a haunted house before?

18 A. No.

19 Q. Other than living in Louisville for a
20 little bit, have you always lived in Greater
21 Cincinnati/Northern Kentucky?

22 A. Yes.

23 Q. And tell me the dates that you lived in
24 Louisville.

25 A. Let's see, I moved to Louisville in

1 February of 2012, so two years ago, or would that be
2 2013. I don't know. It was very short-lived.

3 Q. And then how long --

4 A. And then I moved back in May of that same
5 year.

6 Q. What brought you down to Louisville?

7 A. Just personal reasons.

8 Q. You are related to McKenzie Davis?

9 A. Yes.

10 Q. And how are you guys related?

11 A. We're cousins.

12 Q. Tell me how you're cousins.

13 A. My dad was adopted so his adoptive mom is
14 McKenzie's grandma, so that would make us cousins.

15 Q. It's McKenzie's mother's grandmother?

16 A. It's McKenzie's grandma. So Jenny, her
17 mom, her mother is Kate and Kate is my grandma's
18 sister; does that make sense?

19 Q. Who's Jenny?

20 A. Jenny is McKenzie's mom.

21 MR. MILLIGAN: Jennifer.

22 A. Jennifer, yeah, sorry.

23 Q. I'm slow. Jenny's McKenzie's mom. What
24 is Jenny's mom's name?

25 A. Jenny's mom's name is Kate.

1 Q. Kate?

2 A. Yes.

3 Q. And Kate's adoptive brother was --

4 A. So Kate, Kate's sister is my grandma Carol
5 and Carol is my dad's adopted mother.

6 Q. And what's your dad's name?

7 A. Steve.

8 Q. How long have you known McKenzie?

9 A. Well, I'll be 22 so almost 22 years. I
10 mean, I've known her my entire life.

11 Q. Okay. Did you guys hang out and like play
12 and stuff, go to parties when you were growing up?

13 A. Yeah, growing up. But as of late, we
14 don't talk.

15 Q. Do you guys not get along too well now?

16 A. Well, because of this whole thing.

17 Q. Really?

18 A. Yeah.

19 Q. Just in general, do you just not agree
20 with the lawsuit idea or --

21 A. It's not that I don't agree with it,
22 there's just been like multiple things that have
23 happened where -- like I think that McKenzie is kind
24 of a hypochondriac in some way. Like she's been in
25 and out of the hospital before. I don't know.

1 There's certain things that have been said between
2 family members that have gotten out to them about
3 things and they don't appreciate how we feel, so...

4 Q. In other words, there's -- we call this
5 family goddamnamics in our house, but it's --
6 correct me if I'm wrong, but essentially your side
7 of the family feels that McKenzie's side of the
8 family is making a bigger deal out of it than it
9 needs to be?

10 A. Yes.

11 Q. And McKenzie's side of the family has
12 heard that and has taken offense to that?

13 A. Yes.

14 Q. Do you or your side of the family, do they
15 have any personal knowledge about the extent of
16 McKenzie's injury or is it based on past experience?

17 A. It's more or less he said she said just
18 because -- like we hear things through McKenzie's
19 grandma because she'll tell things to my grandma and
20 my grandma will relay the message to us. So like it
21 comes up in conversation, like, how is so and so
22 doing, well, this happened, you know what I mean?
23 That's how it goes.

24 Q. Is it one of those ay ay ay, McKenzie
25 again?

1 A. Yeah. Yep.

2 Q. Let me talk to you about the incident at
3 the haunted house.

4 A. Okay.

5 Q. Do you remember the date by any chance?

6 A. No, it was around Halloween.

7 Q. Okay. That makes sense.

8 A. But other than that, I'm not sure.

9 Q. And do you remember, first of all, not to
10 feed you, but it was at the Dungeons of Delhi,
11 correct?

12 A. Yes, I do remember that.

13 Q. And do you recall about what time of night
14 it was or day?

15 A. Well, I remember me running very, very
16 late, and I'm pretty sure it was near closing time
17 because we were running late.

18 Q. Do you remember where you were coming
19 from?

20 A. I was coming from work on the east side
21 and that's on the west side.

22 Q. And how did you get there?

23 A. I drove to McKenzie's house. We met up
24 there. And then I can't remember if I drove or if
25 Joe drove because McKenzie doesn't drive anywhere.

1 Q. And then did you-all drive together to the
2 haunted house?

3 A. Yes.

4 Q. And you said you thought it was, when you
5 were there, it was near closing?

6 A. Yeah.

7 Q. Now, I have some pictures, but I'm going
8 to probably do these out of order. I'm handing you
9 what has been previously marked as Deposition
10 Exhibit 5. Can you identify what that is in that
11 building, or, excuse me, in that picture?

12 A. Well, since it says enter on the wall, I
13 assume that's where you go in.

14 Q. Well, is that the haunted house?

15 A. Yes.

16 Q. That's the Dungeons of Delhi, correct?

17 A. Yes.

18 Q. And do you recall enough to know if
19 there's a ticket booth and where you --

20 A. I remember ordering tickets right here.

21 Q. Okay. And you're pointing to the --

22 A. To the little hut on the side.

23 Q. Below the vortex tunnel circle, if you
24 will?

25 A. Yes.

1 Q. Okay. And then where do you go after you
2 get your tickets?

3 A. Well, we got the tickets here and I think
4 there's like turnstiles or something you have to
5 walk through here to get into the door.

6 Q. Okay. Let me show you another picture.
7 Let me hand to you Exhibit 4. Is that the ticket
8 booth?

9 A. Yes.

10 Q. Okay. And let me hand to you Exhibit 2.
11 And looking at Exhibit 2 and 5 together, I'm just
12 trying to make this fast, but please correct me if
13 I'm wrong at all, do you buy the ticket at the
14 ticket booth and then walk in this area of the gate
15 and then walk through here and then go in --

16 A. Yeah.

17 Q. Okay. And, again, I don't want to feed
18 you. I'm not trying to lead you all, I'm just
19 asking if that's --

20 A. It's jogging my memory a little bit
21 because I've only been there one time, so...

22 Q. Okay. So this was the one and only time
23 that you were at this haunted house?

24 A. Yes.

25 Q. When you were there at the haunted house

1 on the grounds where you see in the pictures, tell
2 me who else was around, if anybody.

3 A. A lot of children, families, I think there
4 was like workers that were working there, and that
5 would be it.

6 Q. When you say a lot of children -- first of
7 all, was it light or dark out when you were there?

8 A. Dark outside.

9 Q. And can you tell me approximately how many
10 people?

11 A. Not very many, because it was like super
12 late, so like near closing time. But I would assume
13 that it's like a family friendly type thing because
14 there were families there.

15 Q. Okay. I don't want you to -- if you're
16 assuming, that's okay, just --

17 A. I would guess, yeah.

18 Q. Okay. So are you guessing as to how many
19 people were there, do you not remember?

20 A. I don't remember, but I don't think that
21 there was very many people.

22 Q. Okay. Do you specifically recall any
23 workers there?

24 A. Yes.

25 Q. All right. Can you tell me what you

1 recall about the workers that were there?

2 A. The only workers that I remember being
3 there -- like if you walk in through here, there's a
4 group of what seemed to be maybe like high school
5 kids that were working inside that had come out.
6 And then there was like a guy over here next to the
7 ticket booth that was kind of like directing
8 traffic, you know what I mean, like taking care of
9 this lady, kind of maybe like a manager.

10 Q. Okay. How would the manager have been
11 dressed, if you recall?

12 A. Jeans and maybe like a bright-colored
13 shirt.

14 Q. Would you happen to know who that was?

15 A. No.

16 Q. So did the four of you all get your ticket
17 at the same time?

18 A. Yes.

19 Q. And then did you guys proceed to go into
20 the line?

21 A. Yes, but there wasn't a line at the time.

22 Q. Okay. Were you the guys the only one in
23 line then?

24 A. Yes.

25 Q. And when you got in the line, did you

1 get -- let me show you Exhibit 3. Now, Exhibit 3, I
2 know, has some railings and stuff in the walkway
3 here, but did you guys walk down Exhibit 3? Or
4 maybe it's easier --

5 A. Do you know if this would be going into
6 the door where you would enter?

7 Q. Yes.

8 A. Because this really doesn't look familiar.

9 Q. Okay. Well, let me ask you: Looking at
10 Exhibit 2, did you walk inside the walkway to get to
11 the entrance?

12 A. Yes.

13 Q. Okay. And tell me what happened as you
14 guys were walking down the walkway.

15 A. Well, as much as I remember, I think I was
16 in the front because I usually lead. And then we
17 all kind of stopped at this door to hand somebody a
18 ticket, and McKenzie took off running because
19 somebody scared her. I handed the guy my ticket and
20 started to walk in the front door, and we didn't
21 even make it in the front door.

22 Q. Describe the guy that scared McKenzie.

23 A. I don't remember what he was wearing, but
24 it was a high school, maybe like a junior high aged
25 person. Definitely a guy.

1 Q. He came out the front door?

2 A. He was standing like next to the front
3 door like crouched down, so I don't think she could
4 see him. I mean, I saw him, but I think that's
5 where he got her, was he was crouched and then ahhh,
6 you know.

7 Q. When you say crouched, describe that for
8 me.

9 A. Like not exactly sitting down and not
10 kneeling, but like bent at the knees all the way to
11 the ground on his feet still.

12 Q. Sort of like sitting on his heels in a
13 catcher's position?

14 A. Yeah.

15 Q. Was he on all fours, like were his hands
16 on the ground?

17 A. No.

18 Q. And did you actually see him come after
19 McKenzie or not?

20 A. No.

21 Q. So did you walk past that crouched guy?

22 A. Yes.

23 Q. And he was still in a crouched position
24 when you walked past him?

25 A. Yes.

1 Q. Okay. So you didn't see him chase
2 McKenzie at all?

3 A. No, because, I mean, I was looking in the
4 front door to kind of see what I was getting myself
5 into, because I'm scared too. I don't really like
6 haunted houses, but I was more or less paying
7 attention to what I was getting myself into rather
8 than paying attention to McKenzie, you know what I
9 mean?

10 Q. I understand. What made you stop from
11 going into the haunted house?

12 A. I heard her screaming and I turned around
13 and she's laying on the ground holding her knee or
14 like her leg, you know.

15 Q. Could you see that from the entrance in
16 the haunted house?

17 A. If I look over and I hear her screaming,
18 then I'm looking for her. And when I found her,
19 then, yeah, I could see it from the door.

20 Q. Okay. Can you tell me on any one of these
21 exhibits, it's so dark, but maybe on Exhibit 5,
22 where McKenzie fell, or any of these photos?

23 A. Well, I mean, I wouldn't know like the
24 exact, because it definitely wasn't by the ticket
25 booth. Because once all was said and done, I called

1 her dad and he came to pick us up in this area.

2 Q. Can you make a circle on Exhibit 5? And I
3 understand it's --

4 A. This big area.

5 Q. Is that a fair --

6 A. That's fair.

7 Q. Now, I marked that circle. Is that a fair
8 circle?

9 A. I think that's fair.

10 Q. Okay. And just for the record, I traced
11 where you traced your finger, correct?

12 A. Yes.

13 Q. Okay. Maybe you already answered this
14 question. Can you describe at all what the worker
15 was wearing that chased McKenzie?

16 A. I mean, some type of costume, because I
17 believe that he was working inside maybe. But he
18 was outside the front door because there was a group
19 of like high school kids like standing there
20 working, you know what I mean? But as for what he
21 was wearing, I don't want to guess because, I mean,
22 I don't know.

23 Q. Fair. Did you know anybody that was
24 working at the haunted house that day?

25 A. No.

1 Q. Do you know anyone who worked at that
2 haunted house at any time?

3 A. No. I didn't even know it existed until
4 that day.

5 Q. Did you talk to McKenzie at all about the
6 event, about how she was chased and fell down?

7 A. No.

8 Q. Did you talk to anybody else in the group
9 about how she was chased and fell down?

10 A. No.

11 Q. After this incident, did you talk with
12 McKenzie at all about her injury?

13 A. Well, after it happened -- you know, I
14 have a mom type thing about me, so I see --

15 Q. Hold on one second. We're talking about
16 the scene, though?

17 A. Yes, at the scene. I see her laying on
18 the ground so I immediately take off and try to make
19 sure she's okay. So Mike, her dad, comes to pick us
20 up and I hop in the car with her. So of course I'm
21 asking, you know, are you okay, what's wrong. She's
22 very hysterical, so trying to get an answer out of
23 her is difficult. So once I got her into the house
24 after this had happened, she said something about
25 her ankle or her leg or something. But that's -- I

1 mean, that's the only time that I've ever talked to
2 her about it was when it happened.

3 Q. Just so we're clear, other than what you
4 just mentioned, you never talked to McKenzie at all
5 about either her being chased or her falling down or
6 her injuries?

7 A. No.

8 Q. Is that correct?

9 A. That's correct.

10 Q. What about her stepdad or her mom?

11 A. No. I mean, other than the occasional
12 like how's it going, like are you okay. I mean,
13 that's one thing. But as for like details, no.

14 Q. Have you known McKenzie to get scared
15 easily?

16 A. Yes.

17 Q. Tell me about that.

18 A. I mean, I've been to multiple like scary
19 movies. I wouldn't say haunted houses because I
20 don't think that that's ever happened but, I mean,
21 maybe scary movies. Every year when we were younger
22 we would go to like -- it's called a creepy
23 campground. It's during Halloween time. People set
24 up their own stuff on their campgrounds and stuff.

25 Q. Well, tell me, what do you know about

1 McKenzie. Are you saying that you went to the
2 movies with her, you went to this campout with her?

3 A. She scares easily when things are meant to
4 be scary, you know. Like sometimes people are like,
5 oh, that's not scary, but to McKenzie I think that
6 everything is scary, you know.

7 Q. Where in line was McKenzie when that guy
8 sort of jumped out and ran at her?

9 A. Behind me for sure.

10 Q. Had you already turned your ticket in?

11 A. I don't know if I still had my ticket in
12 my hand, but I was getting ready to; does that make
13 sense?

14 Q. Yes. So McKenzie never turned her ticket
15 in because she was behind you?

16 A. Yes.

17 Q. Correct?

18 A. Yes.

19 Q. When McKenzie was on the ground, did
20 anybody else come to address her other than you?

21 A. Well, Joe and Allison were with us, but I
22 was so focused on McKenzie at the time. I'm sure
23 that they may have followed me or whatever, but I
24 was so focused on her I don't know.

25 Q. What about anybody outside of the four of

1 you and her dad, did anybody come to her aid or
2 anything?

3 A. The guy that I had mentioned earlier, the
4 older man that may have been the manager, he did.
5 Now, if he offered help or something, I don't
6 remember, but he was -- like he did approach us.

7 Q. Any policemen, ambulance, anything like
8 that?

9 A. No. Now, I offered to call an ambulance
10 because I remember -- like that's just what I go to,
11 do you need an ambulance, like are you okay. And I
12 called Mike, her dad, and he said that wasn't
13 necessary, that he would just take care of it, so he
14 came to pick us up.

15 Q. What did McKenzie say, did she want an
16 ambulance or did she just say call my dad?

17 A. Call my mom. But as far as I can
18 remember, I think that Jenny was working so I called
19 Mike.

20 Q. Any visible injuries on McKenzie?

21 A. No.

22 Q. Did she have trouble at all standing and
23 walking because of her ankle?

24 A. We had to pick her up.

25 Q. Do you know Joe at all?

1 A. A little bit from like family functions.

2 But other than that, no.

3 Q. Tell me about Joe.

4 A. Joe is McKenzie's boyfriend. They've been
5 together for a long time, all through high school, I
6 think. I know that he's in college. But other than
7 that, that's all I know.

8 Q. Is he an honest guy as far as you know?

9 A. Yes, he's a sweet kid.

10 Q. And do you know Allison Sweet?

11 A. No, I only met Allison that one time.

12 Q. Do you and McKenzie get along?

13 A. Yes.

14 MR. MAISLIN: Okay. I don't think I have
15 anything further. Thanks.

16 CROSS-EXAMINATION

17 BY MR. WISE:

18 Q. Elizabeth, my name is Chris Wise. I
19 represent two of the defendants in this case, Mark
20 and Matthew Mateikat. Do you know either one of
21 them?

22 A. No.

23 Q. Going back to the night that you went to
24 the haunted house, do you recall whose decision it
25 was to go?

1 A. If I had to guess, it would be McKenzie
2 because anytime that we have gotten together in the
3 past it's usually done by her and I just go.

4 Q. So despite the fact -- I believe you said
5 she scares easily, she liked going to scary things?

6 A. I don't think that she likes going to
7 scary things, I think it was just something to do.

8 Q. Okay. So she doesn't like going to scary
9 things?

10 A. No.

11 Q. But from what you recall, it was her idea
12 to go that night?

13 A. Yes.

14 Q. And you said that you couldn't recall if
15 you or Joe drove to the haunted house; is that
16 correct?

17 A. Yes.

18 Q. And I believe you also said McKenzie
19 doesn't drive?

20 A. No.

21 Q. Does she have a driver's license?

22 A. Yes. But does she drive places if she
23 doesn't have to and there's somebody else that could
24 drive? Yes.

25 Q. Okay. So she drives but she doesn't -- if

1 you're in a group, she's always the last person to
2 volunteer?

3 A. I mean, as long as I've known her, she's
4 forever getting a ride wherever she needs to go, so
5 grandma picking her up and taking her to school.
6 Like if we go somewhere or have gone somewhere, like
7 Joe will drive because McKenzie doesn't like to be
8 behind the wheel. As for why, I have no idea, but
9 that's just always been McKenzie.

10 Q. But let's say she has to go to work. She
11 will drive herself to work?

12 A. I haven't known her to have a job. You
13 know, like going to school, I don't know that she
14 ever drove herself to school because people would
15 always pick her up.

16 Q. Have you ever seen her drive?

17 A. Yes.

18 Q. Do you have any idea why she doesn't like
19 to drive?

20 A. No. But, I mean, as long as I've known
21 her mom, her mom doesn't really like to drive
22 either. So I think it's just like a family thing,
23 you know.

24 Q. Would you agree that the purpose of going
25 to a haunted house is to be scared?

1 A. Yes, I would.

2 Q. Are there real ghouls and zombies?

3 A. I don't think so, but the thought of it is
4 kind of scary.

5 Q. They're actors, performers, correct?

6 A. Of course.

7 Q. And you knew that before you went?

8 A. Yes. Yes.

9 Q. Do you think McKenzie knew that?

10 A. I think that McKenzie knew that, but my
11 whole thought of the whole thing is you get what
12 you're paying for. And if you're going to a haunted
13 house to be scared, that's what's going to happen.

14 Q. Had you ever been to a haunted house with
15 McKenzie prior to that night?

16 A. No.

17 Q. You testified about going to scary movies
18 with her and to the campout. You said McKenzie, she
19 scared easy. Were there any other times where she
20 ran?

21 A. No, not running. But, I mean, like I can
22 recall a time that I went to a scary movie with her
23 and something suspenseful was about to happen, she
24 would freak out, like it hadn't even happened yet,
25 you know what I mean? So that's what I would

1 consider scaring easily, like it doesn't take much.

2 Q. Did she ever have to leave like in the
3 middle of a movie?

4 A. No.

5 Q. What exactly was the campout, the scary
6 campout?

7 A. It's done by Winton Woods, so it's like
8 the Hamilton County Park program. They have a
9 campground there. It's something that our families
10 would get together. They have like a trick-or-treat
11 thing and like you decorate your site for Halloween,
12 and they have like people that dress up in costumes
13 and stuff. Would I call it scary? No, but when
14 you're little, I mean, yeah. I mean, if somebody's
15 dressed up and it freaks you out, then you're going
16 to be scared. It's nothing like a haunted house at
17 all, it's just a campout.

18 Q. Going to the incident that night, you said
19 that you believe there was no one else in line,
20 correct?

21 A. Yes.

22 Q. If you look at Exhibit 2 that Mr. Maislin
23 provided, do you see the yellow rope right there?

24 A. Yes.

25 Q. That's where the actual entrance is,

1 right?

2 A. Like at that rope or like under this
3 little pathway?

4 Q. Well, does the line form on the left or
5 the right as you're --

6 A. The left, because I -- like I hate
7 standing in line. So if I get to go right in, I'm
8 cool, I remember that. But we had to enter over --
9 like if you look at 5 in this little circle, the
10 ticket booth is right here and then you walk under
11 this little passageway right here.

12 Q. Okay. And I think you said that you
13 believe that the actor who scared McKenzie was
14 outside?

15 A. Yes. He was outside because we didn't
16 make it in the front door.

17 Q. How close to the door was he?

18 A. Oh, gosh, I mean, I don't really feel
19 comfortable answering that because I don't remember.
20 Do you mean if he was in the door or like next to
21 the door?

22 Q. Was he in the doorway, was he outside of
23 the doorway in the aisleway?

24 A. I wouldn't say like -- like if you're
25 looking at the door, like standing in the middle,

1 no, but maybe like off to the side of the door.

2 Q. Closer to the ticket booth or past the
3 doorway?

4 A. It was under the passageway like when you
5 walk in, I mean, like right next to the door, but
6 not directly in the door if that makes sense.

7 Q. And you walked past him?

8 A. Yes.

9 Q. Because you said you were observing the
10 doorway you were walking into?

11 A. Right.

12 Q. And at that point, did you see him jump or
13 was he still in the crouched position?

14 A. When I saw him, he was still crouched. I
15 don't ever remember him taking off and running.

16 Q. Did he make any contact with you?

17 A. No.

18 Q. Did you see him jump at McKenzie?

19 A. No.

20 Q. Did you see him run at McKenzie?

21 A. No.

22 Q. Do you think that he chased her or do you
23 think that he just popped --

24 A. He would have had to of for her to be --
25 as far away as she was when she fell or whatever

1 happened, he would have had to have chased her or
2 ran after her or something.

3 Q. But you didn't see him chase her?

4 A. No.

5 Q. Do you think that there's a possibility
6 she could have been scared enough that he could have
7 jumped at her and caused her to run?

8 A. Maybe.

9 Q. And not chased her?

10 A. I wouldn't rule that out, I mean, just
11 because I know how easily she gets scared, you know.

12 Q. But you can't tell us one way or the other
13 because you didn't see it?

14 A. No.

15 Q. Do you recall the parking lot? I know
16 that it's displayed in a few of these exhibits.

17 A. I do. Actually like where you park is not
18 pictured here. Because if I recall right, this is
19 like an old Kroger or something and you park on the
20 other side of the building and walk to here.

21 Q. Is the parking lot reasonably flat?

22 A. I mean, that's the only time that I've
23 been there. I feel like when you walk around, maybe
24 this might be like -- it's either flat or it's like
25 a small incline to get to here.

1 Q. Incline as you approach the entrance?

2 A. Like as a hill or something.

3 Q. So a decline towards the street?

4 A. Yeah.

5 Q. Do you recall observing any potholes or
6 any --

7 A. Not that I can recall.

8 Q. And I know you said that it was dark at
9 the time. Was there any lighting back there?

10 A. In the parking lot, yes, but back here
11 maybe.

12 Q. What about on Exhibit 5 where you circled
13 generally where you believe McKenzie to have fallen,
14 do you know if there was any lighting in that area?

15 A. I don't recall there being any light here,
16 because this is like the entryway so I feel like
17 this is kind of what's like getting you ready. But
18 if there was any light, it would be coming from the
19 ticket booth because there's lights in the booth and
20 this like flappy door thing is open. But for being
21 lights over here, no.

22 Q. Do you think there was anything about the
23 parking lot which may have contributed to McKenzie's
24 fall?

25 A. No.

1 Q. Did you ever talk to her and ask her,
2 McKenzie, why did you fall or what caused your fall?

3 A. I could have. But do I remember exactly?
4 No. Because I'm so focused on, okay, she's fallen,
5 okay, she's holding her leg, is something broken, is
6 something torn, like are you okay. But as for
7 asking her how did you fall, like obviously she fell
8 so, I mean, no.

9 Q. Did McKenzie ever tell you that the actor
10 chased her?

11 A. Not that I can recall.

12 Q. Did she ever tell you that she tripped?

13 A. No.

14 Q. I believe you told Mr. Maislin you haven't
15 discussed her injuries with her since the accident?

16 A. No.

17 Q. When was the last time you spoke with
18 McKenzie?

19 A. I haven't spoke like over the phone or in
20 person with McKenzie since -- I think the last time
21 I saw her was my grandma's wedding in May of -- this
22 past May. But as for like texting her something, I
23 have texted her about the situation because I wanted
24 to let her know that I spoke with her lawyer about,
25 you know, what we were doing today. But other than

1 that, I haven't talked to her.

2 Q. Can you expound at all further than what
3 you told Mr. Maislin about the differences in
4 opinion between your family and her family in
5 regards to this accident and this case?

6 A. See, because --

7 MR. MAISLIN: Object for the record, but
8 you can answer.

9 A. My opinion of the case is you get what you
10 pay for, you know what I mean? So if I'm going to a
11 haunted house, I'm paying for them to scare me. I'm
12 going there because I either want to be scared or
13 I'm going there like everybody else is going, so I
14 am going to go and suffer through it because that's
15 not my thing. I've made the comment to my family
16 that I don't think it's fair what's happening
17 because -- like I don't know if it's like a Boy
18 Scout troop that puts this on, I don't know the
19 specifics, but I come from a small community and I
20 know like the time and the effort that it takes to
21 put something like this together. So for her to be
22 suing or whatever is going on, I don't know the
23 specifics, but I don't think it's fair because, I
24 mean, she got what she paid for in a way. Like you
25 know what you're getting yourself into and if you

1 can't handle it, you shouldn't go.

2 Q. Do you think it was unreasonable -- let's
3 assume she was chased. Do you think that's
4 unreasonable at a haunted house?

5 A. Not necessarily, no.

6 MR. MAISLIN: Objection.

7 Q. So if it had been you and you had been
8 chased, would you hold any ill will towards the
9 haunted house?

10 MR. MAISLIN: Objection.

11 A. No, I wouldn't.

12 Q. Going back to the time when the two of you
13 were in high school and immediately after the
14 incident, do you recall observing anything about her
15 injuries after the accident?

16 A. Well, I wasn't in high school when it
17 happened but she was. I only ever get together with
18 them maybe two or three times a year, if that,
19 because we live on separate sides of town. So, I
20 mean, have I seen McKenzie since? Yes. Have I seen
21 her in crutches or whatever because of something
22 that's going on with her body? Yes.

23 Q. Did McKenzie play any sports in high
24 school?

25 A. I want to say volleyball. I know that she

1 played soccer and volleyball growing up, but in high
2 school I'm not sure.

3 Q. Do you know if she had any injury history
4 in sports?

5 A. No.

6 Q. Do you know if she had any prior injuries
7 outside of sports before this incident?

8 A. Not that I can recall, no.

9 Q. I think you said that -- and this is your
10 term -- McKenzie might be a hypochondriac. Past
11 that, do you know if McKenzie had any anxiety
12 issues?

13 MR. MAISLIN: Objection.

14 A. I don't know about anxiety. Man, that's
15 hard to answer. I don't feel comfortable answering
16 that.

17 Q. That's fine. So she never talked to you
18 about being on anxiety medicine?

19 A. No.

20 Q. What did you mean by saying that you think
21 McKenzie is a hypochondriac?

22 A. When I think -- I live -- my roommate is a
23 hypochondriac. And when I think of a hypochondriac,
24 I think of I've stubbed my toe and my leg is broken
25 type thing, you know what I mean, just being very

1 dramatic and overexaggerating what actually
2 happened.

3 Q. Outside of this incident, do you have any
4 examples of when she's exhibited that behavior?

5 A. Yes. Specifically one that got me in
6 trouble with McKenzie and Jenny, we were talking
7 about -- every year we go to Brown County, Indiana
8 and we rent like a cabin and we're all together. We
9 were all sitting at the table and McKenzie was using
10 crutches, okay? Well, I don't know why. She said
11 something was wrong with her ankle. And I saw
12 her -- she says that she stubbed her toe or
13 something, but I literally just saw her fall over
14 and start crying because nobody was paying attention
15 to her. And I remember specifically saying that
16 didn't happen, you know.

17 Q. Any other incidents?

18 A. When we were in Brown County, I walked
19 by -- she had been on crutches the whole time, like
20 needed a wheelchair to go anywhere. They weren't
21 going to make her walk. I walked by her room and
22 she was walking without crutches totally fine.

23 Q. Where was that?

24 A. In Brown County in a room in our cabin.
25 And that's why I keep coming back on, well, I don't

1 know if -- I don't know anything about her injuries,
2 but I would need like facts to actually think that
3 there is something wrong.

4 Q. Do you how long, like the time frame, when
5 you saw her walk at the cabin, how much longer was
6 that after the accident?

7 A. Well, that happened two years ago. And
8 the last time -- we didn't go to Brown County this
9 past December -- or the last time they went was in
10 January and we were not invited because of how we
11 feel about this whole thing. So not this past time,
12 but the year before that, so a year ago. And that
13 would have been a year after this had happened, I
14 guess.

15 Q. What month?

16 A. January. It's usually the first week of
17 January.

18 Q. So January 2013?

19 A. '14.

20 Q. I'm sorry to go over this again. I think
21 you said that you don't know any of the actors that
22 work there?

23 A. No.

24 Q. You didn't at the time?

25 A. I'm not from that side of town, so I don't

1 know anybody on that side of town besides their
2 family.

3 MR. WISE: That's all the questions I
4 have. Thank you.

5 CROSS-EXAMINATION

6 BY MR. MILLIGAN:

7 Q. Ms. Schradin, my name is John Milligan. I
8 represent Delhi Township and the trustees and two of
9 the police officers who were named as defendants in
10 this case as well.

11 A. Okay.

12 Q. I don't have a lot of questions for you.
13 They covered pretty much everything. Couple of the
14 basics. Did you happen to see any Delhi Township
15 police officers there that night?

16 A. Not that I can recall.

17 Q. Did you see anybody who was representing
18 themselves as Delhi Township officials at the
19 haunted house?

20 A. The guy that I talked about earlier that
21 could have looked like a manager or something, where
22 I'm from usually that is somebody like from the
23 community, like a mayor or like somebody, part of
24 the trustees or something. So he could have been,
25 but I don't know that for sure.

1 Q. You didn't catch his name?

2 A. No.

3 Q. We've gone over ad nauseam some examples
4 of how you think Ms. Davis was a hypochondriac or
5 overreacted to things. You gave two examples. Are
6 there any other examples that you can think of?

7 A. No.

8 Q. Do you know Ms. Davis to have been in the
9 hospital prior to this incident?

10 A. I mean, it's possible, but I don't know
11 for sure. I mean, she could stub her toe and say
12 that her foot's broken, I need go to the hospital,
13 and they take her, you know.

14 Q. Do you know of any specific times where
15 she went to the hospital?

16 A. No.

17 Q. Quick question. I don't know if we were
18 clear on this or I might have missed it. So if we
19 look at Deposition Exhibit No. 2, did you state that
20 when you went through the line, and there was no
21 line at the time, you were simply going to the
22 door --

23 A. Right.

24 Q. -- that you were inside of that gate?

25 A. Yes.

1 Q. Okay. So you were between the gate and
2 the building wall?

3 A. Yes.

4 Q. How wide is that?

5 A. It's maybe -- well, I mean, I don't know
6 if like inside of here, it looks like there's some
7 type of like railing or something. Like when you're
8 going to amusements like that, there's usually rails
9 to keep people together. I can't remember if that
10 was the case, but I remember it being pretty wide.

11 Q. Okay. Was it wide enough for two people
12 to walk down --

13 A. Side to side.

14 Q. -- side by side?

15 A. Sure. Yeah.

16 Q. And at the time I believe you said
17 Ms. Davis was behind you?

18 A. Yes.

19 Q. Was she with her boyfriend?

20 A. Yes. Well, because Allison and Joe were
21 behind me so, yeah.

22 Q. Allison and Joe were behind you. So --

23 A. I was the head of the pack, like I am
24 ready, I am going to do this, you know. So they're
25 all behind me and I'm trying to go in.

1 Q. Okay. Got you. And you stated the actor
2 who scared Ms. Davis was on the outside next to
3 door; was that correct?

4 A. Yes.

5 Q. What I'm a little confused on, because I'm
6 thinking of prior testimony, is did the actor run
7 past you or were you already past him and he was
8 still crouched?

9 A. Well, if McKenzie is behind me and I'm
10 walking to the door trying to go in, I remember him
11 still being crouched. So I'm trying to go into the
12 door. And if he would have taken off after her,
13 then he would have gone the opposite direction of
14 me.

15 Q. Right. Okay. That makes sense. Are you
16 aware of any other incidents taking place with
17 Ms. Davis at a haunted house?

18 A. No. I've never been to another one with
19 her.

20 Q. Did you ever hear her attending the Dent
21 Schoolhouse?

22 A. I mean, she could have, but I was not with
23 them if that were the case, no.

24 Q. Are you aware of any time where Ms. Davis
25 was at a haunted house and had to leave for whatever

1 reason? I'll leave it that broad.

2 A. No, because the only one that I've ever
3 been to was this and we didn't even make it in the
4 front.

5 Q. Right. Are you aware, though, not that
6 you were with her --

7 A. No. But would I be surprised? No.

8 MR. MILLIGAN: Blake, could we stipulate
9 that there wasn't a ramp there at this time?
10 I mean, do we have to keep --

11 MR. MAISLIN: I don't think there's a
12 ramp.

13 A. Are you talking about like a ramp going
14 in?

15 Q. Leading into the entrance.

16 A. There wasn't one.

17 Q. You've already testified to this, I'll
18 just ask it again. Do you attend a haunted house
19 for the purpose of being scared?

20 A. Yes.

21 Q. So do you assume -- I'm going to get an
22 objection to this -- do you assume that risk of
23 being scared when you go to a haunted house?

24 MR. MAISLIN: Objection.

25 A. I mean, my personal experience, I do not

1 like going to them because I'm afraid of people like
2 touching me or like, you know, getting up in my face
3 type of scared. But I go to them because eventually
4 I get over it and I have a good time, you know what
5 I mean? I have a little bit of anxiety of like
6 going in and being scared. But then once it's all
7 said and done, I'm like that was a good time, you
8 know.

9 Q. Sure. And did anyone at the Dungeons of
10 Delhi touch you?

11 A. No.

12 Q. Are you aware of anyone at the Dungeons of
13 Delhi touching anybody in your party?

14 A. No. Because I think something like that
15 you would have to sign like a waiver or something
16 for them to be able to touch you, and we didn't have
17 to sign a waiver.

18 Q. Okay. Did Ms. Davis ever state that the
19 actor who allegedly chased her touched her?

20 A. Not that I remember.

21 MR. MILLIGAN: Ms. Schradin, I think
22 that's all the questions I have for you.

23 MR. MAISLIN: I have a couple of
24 follow-up.

25 RE-CROSS-EXAMINATION

1 BY MR. MAISLIN:

2 Q. I just want to touch on the hypochondriac
3 stuff. First let's talk about the one -- maybe I
4 was a little confused, but it was at Brown County
5 where you walked by her room in a cabin. Was that
6 after the fall at the haunted house?

7 A. Yes.

8 Q. Okay. And you were saying that for the
9 most part when McKenzie was -- well, describe what
10 that is in Brown County, first of all.

11 A. So I believe it's like their park, like
12 their state park or whatever. You go and you check
13 in at like a lodge and then there's multiple like
14 A-frame type cabins in different areas of like the
15 woods. So you go and you park up here but you have
16 to go down like some stairs like into the woods and
17 then there's a cabin there.

18 Q. Is it just for camping or are there other
19 activities there?

20 A. There's campgrounds and then there's
21 cabins. Like at the lodge there's like a water park
22 type thing, but we go there to go into town and like
23 shop.

24 Q. Okay. And on this trip, what did you guys
25 do? Tell me about the activities that you did.

1 A. Well, they got there the night before I
2 got there because that's usually how it works and --

3 Q. And who is they?

4 A. McKenzie, her grandpa, her grandma, her
5 parents don't usually go, and she usually brings a
6 friend of some sort, not Joe. Joe wasn't there this
7 time, but she usually brings somebody.

8 Q. Did she have a friend with her on this
9 occasion?

10 A. Yeah, she had two.

11 Q. Do you know who those friends were?

12 A. Kara, I don't like Kara, that's how I know
13 she was there, and then another girl, but I don't
14 know her name.

15 Q. Why don't you like Kara?

16 A. I think that there's a lot of things that
17 Kara -- Kara's the type of girl that you don't want
18 your daughter to be friends with because of -- she's
19 different. I mean, I've heard that she's into like
20 drugs, but I don't know that for sure, and she's
21 disrespectful to McKenzie's grandma and that bothers
22 me.

23 Q. Any other reason why you don't like Kara?

24 A. No.

25 Q. And who was the other girl, do you know?

1 A. No.

2 Q. Did you get along with the other girl?

3 A. No, I didn't.

4 Q. Why not?

5 A. Because I'm -- I was raised on like being
6 very respectful. And if somebody asks me to do it,
7 I do it. And her grandma asked her friend to move
8 or do something and she pitched a fit about it and
9 was saying some things she probably shouldn't have,
10 so I didn't like that girl either.

11 Q. Did you bring a friend?

12 A. No.

13 Q. So were there any other young women in
14 your group other than those three and you?

15 A. No.

16 Q. Did that make it kind of frustrating?

17 A. Yeah. I had my grandma and my dad, but
18 that doesn't bother me because growing up -- like I
19 had to grow up very quickly because of things that
20 have happened. So I typically don't get along with
21 people McKenzie's age just because I don't -- I
22 don't do, I don't want to say childish things, but I
23 have a more mature conversation, you know what I
24 mean?

25 Q. Yeah. Do they annoy you?

1 A. Yes.

2 Q. And they seem kind of babyish?

3 A. Yes.

4 Q. And that's sort of how you felt about
5 McKenzie walking with the crutches and the
6 wheelchair stuff?

7 A. I wouldn't say babyish because if she
8 needs it, she needs it, because like I've had
9 surgeries and stuff where like I need crutches to
10 get around. But after -- I saw her fall over when
11 nothing happened and she claims that something was
12 hurting or whatever. She said she stubbed her toe
13 and it hurt her ankle, so she fell over. But I saw
14 her just pick up her foot and flop over, so I know
15 that nothing happened. And then I see her walking
16 with no crutches perfectly fine and then when she's
17 around a group of people she needs a wheelchair to
18 get around and she needs her crutches, I just think
19 that that's skeptical.

20 Q. When you saw her walking you said fine,
21 you said it was when you were walking by her cabin,
22 right?

23 A. Her -- the room in the cabin. Because
24 when we go to these things, McKenzie brings friends
25 and they don't associate themselves with the rest of

1 the group. They're off in a room doing their own
2 thing.

3 Q. Okay. So you weren't like spying on
4 McKenzie, were you?

5 A. No. No.

6 Q. You were just walking by and you looked
7 in?

8 A. Yes.

9 Q. And where were you headed when you were
10 walking by?

11 A. To get something for my grandma from
12 upstairs.

13 Q. I mean, did you stop and poke your head in
14 and go, hey, guys --

15 A. No, I just looked by because I'm nosy. So
16 I looked by and I'm like, oh, okay, and I just kept
17 on walking.

18 Q. And was the door the same size as like the
19 door to this room?

20 A. Yes.

21 Q. So it would have taken you like two steps
22 to get by it?

23 A. Yeah.

24 Q. And as you took those two steps to get by,
25 you looked in and it appeared to you that she was

1 walking normally?

2 A. Yes.

3 Q. Do you recall what she was walking doing
4 or was it too quick?

5 A. Too quick.

6 Q. It was just that she was standing without
7 crutches and no wheelchair?

8 A. Standing -- well, because they were
9 messing around being loud listening to music or
10 whatever, and I saw her walking perfectly fine with
11 no assistance.

12 Q. And then tell me when she stubbed her toe
13 and fell over, was that on this trip too --

14 A. Yes.

15 Q. -- or was that a different time?

16 A. Yes.

17 Q. And those are the only two examples that
18 you're talking about?

19 A. Yes.

20 Q. So you don't have any examples from like
21 before this incident, right?

22 A. No, not that I have seen. I've heard, but
23 I haven't seen none.

24 Q. So rumors?

25 A. Yes.

1 Q. So let's talk about the stubbed toe. Who
2 was walking with you at the time?

3 A. For the incident of the stubbed toe thing?

4 Q. Yeah.

5 A. I wasn't walking. When you walk into the
6 cabin, there's like a bathroom. There's stairs that
7 you have to go up to get to like bedrooms and
8 there's a kitchen. So I was sitting at the table
9 with my dad and my grandma and I believe her grandma
10 on this side. I could see the rest of the room
11 because there wasn't anybody sitting directly behind
12 me. So her and her two friends were sitting on the
13 couch. And she got up and they walked in front of
14 her and she says, ow, and I look over. And before
15 she said ow, I just saw her pick up her foot -- you
16 know like if you stub your toe, you pick up your
17 foot and like if you hurt your ankle, you pick up
18 your foot because you don't want to be on it?

19 Q. Yeah.

20 A. It was like that. And then she says, ow,
21 and she falls over and starts crying like something
22 had happened and they all rush over to her, you know
23 what I mean?

24 Q. So you actually saw her make the motion
25 like she really did stub her toe?

1 A. Yeah, before she even said anything about
2 it. Because like I said earlier, I'm nosy so I
3 watch what people are doing, you know.

4 Q. So you saw her stub her toe, it just
5 wasn't that big of a deal?

6 A. If I saw her stub her toe, then she
7 stubbed her toe. But I did not see anything, I just
8 saw her pick up her foot like she had.

9 Q. I understand. Did you see why she picked
10 up her foot?

11 A. No.

12 Q. What else was going on in the room at the
13 time?

14 A. Just casual conversation sitting at a
15 table talking.

16 Q. And when you were sitting at the table,
17 who did you say was sitting with you?

18 A. My dad, my grandma, and possibly her
19 grandma and grandpa at the other end of the table.

20 Q. And was the table round or square?

21 A. More like rectangular, like longish.

22 Q. And if you were sitting on one end
23 of the -- were you sitting on an end or the side?

24 A. I was sitting like -- like you know how
25 we're sitting across?

1 Q. Yes.

2 A. I was sitting in the middle, I guess I
3 would say.

4 Q. In the middle of the long part of the
5 rectangle?

6 A. Yes, not on like this side.

7 Q. Not on the ends, but along the long sides?

8 A. Right.

9 Q. And who was sitting at the ends, if
10 anyone?

11 A. My grandma was sitting to my right on the
12 end and then I believe her grandma was on the other
13 end.

14 Q. Okay. Then where was -- did you say your
15 dad was sitting --

16 A. My dad was sitting on like the corner next
17 to my grandma.

18 Q. Okay. And then how many chairs are at the
19 table?

20 A. Probably six, two on both sides and one on
21 each end.

22 Q. So there was a chair across from you?

23 A. No, it was completely open because we kind
24 of like -- they come with so much like food and
25 things so we don't have to go out. It's packed all

1 in the kitchen, so you kind of have to move things
2 around.

3 Q. Okay. So did they have to move the chair
4 that was on the other side of the table from you?

5 A. Yeah.

6 Q. Why did they do that?

7 A. To make room to get through because there
8 was like food and stuff packed away.

9 Q. And then what's on the other side of the
10 table from you?

11 A. An open area and a couch.

12 Q. Okay. And did you say that McKenzie was
13 sitting on the couch with her friends?

14 A. Yeah.

15 Q. And then she got up and that's when she
16 says -- that's when she picked up her foot and said,
17 oh, I stubbed my toe?

18 A. Yes.

19 Q. Does the couch face towards the dining
20 room table or away?

21 A. If you're walking in, the kitchen is on
22 the left-hand side and it's like an open kitchen and
23 then there's a huge open living room area with like
24 a stove like fire thing --

25 Q. Is it beyond the kitchen to the left?

1 A. No, it's all one big open area. So the
2 couch is like -- like if this is the table right
3 here --

4 Q. Do you want to draw it real quick?

5 A. I could, yeah. So if you're coming in,
6 this would be like the front door. So the kitchen
7 and living room is like one big area and there's a
8 deck like right here.

9 Q. Why don't you write deck and put FD for
10 front door?

11 A. Okay. So this would be like a flight of
12 stairs going up into like another level. And it's
13 all open, so it's kind of like lofty, like you can
14 see down.

15 Q. Got it.

16 A. So this would be where the kitchen -- you
17 walk in, there's like a bathroom and this is a
18 bathroom door and then this is all open. This is
19 the kitchen. There's like a stove and a
20 refrigerator. And this whole area is all living
21 room. So this is the kitchen. There's like the
22 table maybe like right here and this would be the
23 couch, but it's like a longer couch. So this is
24 where you would sit and this would be the wall; does
25 that make sense?

1 Q. Which --

2 A. So if this is the table and there's chairs
3 around it, then you can see the couch.

4 Q. Which way does the couch face?

5 A. This way.

6 Q. Where is the TV?

7 A. TV over here and then there would be like
8 another couch over -- this might be a little big,
9 but this would be like another couch and then this
10 would be like the sliding doors for the deck.

11 Q. And you were at -- why don't you put a
12 little star?

13 A. I'm like right here. This is me.

14 Q. And McKenzie got up and stubbed her toe --

15 A. From here.

16 Q. And why don't you put a mark there. And
17 she gets up and then lifts up her leg?

18 A. Uh-huh.

19 Q. And you were like no way?

20 A. I'm like no way, there's no way that
21 happened.

22 Q. Okay. Don't worry, we'll mark that.

23 (Deposition Exhibit 6 was marked for
24 identification.)

25 Q. Okay. So McKenzie stubs -- she gets up

1 from the X position, she lifts up her leg, she says
2 I stubbed my toe and fell down and people go over to
3 her. Are you rolling your eyes at this point?

4 A. I'm sitting at the table like there's no
5 way. And I look at my grandma and I look at my
6 dad -- and we already have assumptions like I think
7 that this is crazy, like sometimes she exaggerates.
8 We looked at each other like really. So I didn't
9 even get up, I just sat there.

10 Q. And tell me about the course of the events
11 related to her going down.

12 A. What do you mean?

13 Q. Well, what happened, did she pop back up
14 and say I'm okay or --

15 A. No, she flops over onto the couch. I say
16 flop, but she just kind of fell into the couch, and
17 then her two friends --

18 Q. I'm sorry, I'm going to cut you off. I
19 generally don't do that. So when you say -- so she
20 gets up and says, oh, I stubbed my toe and then --

21 A. She kind of hops herself over and lays on
22 the couch for her two friends to come over and be
23 like, are you okay, like do you need anything. More
24 of like an attention grabber; does that make sense?

25 Q. All right. Of course you don't know

1 what's going on in her mind?

2 A. Right.

3 Q. I understand this is what you're
4 perceiving and what you were thinking, right?

5 A. Yes.

6 Q. So tell me how it goes. So they address
7 her on the couch and --

8 A. They address her and she asks for
9 medicine, her grandma makes sure she's okay, and
10 then she just sits there on the couch crying. We
11 all just go back to our thing because -- I mean, we
12 just kept on talking because we really didn't think
13 it happened, so...

14 Q. You're talking about you and your --

15 A. Yes.

16 Q. -- dad and your grandma?

17 A. Yes.

18 Q. Did she get medicine?

19 A. I don't recall if she actually did, but
20 normally if she asks for it, they just give it to
21 her.

22 Q. Who is they?

23 A. Well, grandma was with her at the time, so
24 her grandma would have had it. But if her parents
25 were there, they would have given it to her too.

1 Q. And then how long was she on the couch
2 upset for?

3 A. Maybe 20, 25 minutes, because we were in
4 the process of leaving to go shop, so not too
5 terribly long.

6 Q. So she's visually upset on the couch, yes?

7 A. Yes.

8 Q. And then you guys, did she leave with
9 everybody 20 minutes later?

10 A. We left -- well, me and my grandma and dad
11 took off before they did so that we could go ahead
12 and not get too late of a start shopping. So they
13 left after we did. But I know they had to go rent
14 her a wheelchair because they didn't want her to
15 have to crutch around town, so that was the holdup.

16 Q. How much younger is McKenzie than you?

17 A. I graduated in 2011. And I think she was
18 a either a freshman or sophomore, so she's two or
19 three years younger than I am.

20 Q. Do you guys have any other cousins that
21 you guys hang out with?

22 A. The other cousins on that side of the
23 family are like, oh, gosh, they're way younger. I
24 think Ella is maybe like seven and Anthony is maybe
25 like eight. But she would see them more how often

1 than I would because I don't live on that side of
2 town.

3 Q. How does your mom get along with
4 McKenzie's mom?

5 A. My mom -- well, my parents are separated.
6 So my mom doesn't really have much contact with
7 anybody on my dad's side of the family except for
8 Jenny on occasion, like her mom. They've always
9 gotten along. But as for like going out of their
10 way to see each other or like do something, that
11 doesn't happen.

12 Q. What about your dad and Jenny?

13 A. They get along. My dad is older than
14 Jenny. I don't know how much older. I think like
15 10 years or something. They get along, but they
16 only ever see each other at like family functions.
17 I mean, that's the only time that I ever really see
18 them.

19 Q. When you guys went shopping in Brown
20 County, did McKenzie and her group ever meet up with
21 your group?

22 A. No.

23 Q. So you never saw them all day?

24 A. No.

25 Q. When's the next time you saw them?

1 A. When we got back to the cabin that night.
2 And even then, I mean, I didn't really pay much
3 attention because she had her friends with her.
4 She's different when she's with me because I think
5 I'm not too much older but I'm older and like more
6 mature. And when she's with her friends, it's more
7 like they're doing their thing, like their little
8 teenage thing, you know. So I never really paid too
9 much attention because I was spending time with my
10 grandma and my dad and her family. But when she's
11 got her friends with her, they just do their own
12 thing.

13 Q. For the rest of the trip at Brown County,
14 any other incidents of her getting hurt that you can
15 recall?

16 A. No, we left the next day. So I only
17 stayed one night, but I think they stayed for two or
18 three.

19 Q. When you were sitting at the table, you
20 were talking with your -- were you talking with your
21 grandma?

22 A. Uh-huh.

23 Q. What were you guys talking about, do you
24 remember?

25 A. No. We talk about everything.

1 Q. Were you guys playing cards or anything
2 like that?

3 A. We do when we're there. I mean, that's
4 more like a nighttime thing, but this was during the
5 day. I think we were having like breakfast or
6 something, yeah.

7 Q. When McKenzie got up from the couch when
8 she stubbed her toe, where were her crutches?

9 A. If I remember correctly, off to the side
10 of the couch like leaning up against the wall.

11 Q. And when she got up, she got up without
12 the crutches?

13 A. Yes.

14 Q. And when she hopped back to the couch, she
15 didn't have her crutches at that point?

16 A. No.

17 Q. So she got up from the X position, right?

18 A. Yes.

19 Q. Lifted up her foot and then was like, ow,
20 ow, ow, and then hopped --

21 A. Back over to the couch.

22 Q. -- just a couple steps back to the couch
23 and laid back down?

24 A. Yes.

25 Q. Did she point to you what hurt?

1 A. No, because I didn't ask.

2 Q. Okay. You just didn't buy it?

3 A. No.

4 Q. Was it your impression that she was
5 complaining about her toe hurting or was it her leg
6 or ankle or --

7 A. It always seems that like if something
8 happens it always resorts back to like the ankle or
9 something.

10 Q. Okay. When you say it always seems, it
11 sounds like she's had more issues with the ankle
12 that you've seen. Have you seen any other issues
13 with the ankle?

14 A. Every time that I hear her complain about
15 something or I have heard her complain about
16 something, it's always like, oh, I'm in pain. Why?
17 Because of my ankle, you know. But I haven't seen
18 anything, she just talks a lot about it.

19 Q. Okay. So the pain seems to be a big part
20 of her life at this point?

21 MR. MILLIGAN: Objection.

22 A. Do I think that it's a big part of her
23 life?

24 Q. Well, let me rephrase the question because
25 I got an objection. You hear her complaining about

1 her ankle all the time?

2 A. That's the only thing that she talks
3 about. I'll give you an example. So after my
4 family, my side of the family, had talked about the
5 McKenzie thing or how we don't buy it, she
6 immediately like -- I don't know if she sent me a --
7 she sent my dad a message on Facebook. It was like
8 you need to educate yourself about this disease or
9 something that she has with her nerves. So any time
10 that we're just sitting down having a conversation,
11 it's always about McKenzie. And her grandma, so did
12 you hear McKenzie's doing this with her ankle, so
13 did you hear about this? Like it always comes up in
14 conversation and that's the first thing that always
15 comes up.

16 Q. Even when you were talking with your
17 grandmother?

18 A. Not just the two of us, but like if
19 they're there or she had talked to her sister that
20 day, who's McKenzie grandma, or something, it's
21 always talked about, not so much the situation but
22 if she's in pain or whatever.

23 Q. And I just want to sure I'm not confusing.
24 You're not even talking about just McKenzie talking
25 about it, you're talking --

1 A. Her family talking about it. It always
2 somehow comes up in conversation. It came up in
3 conversation over dinner. We were talking about how
4 McKenzie and her grandma were upset, me and my
5 grandma and my dad, for making a statement like,
6 well, we're not buying it, you know. And it came up
7 at dinner because my -- Jenny called me and got
8 really upset about it and left me a really long
9 voice mail about how I need to educate myself or
10 whatever and I'm a bad person because I don't
11 believe what's going on. So that came up in
12 conversation. And it seems like here recently it
13 just keeps coming back up. I think it's more of an
14 attention thing.

15 Q. Do you know that it's an attention thing
16 or are you guessing that it's an attention thing?

17 A. I'm just guessing that it's an attention
18 thing.

19 Q. And is it annoying?

20 A. Yes.

21 Q. And everybody talking about it is
22 annoying?

23 A. Yes. It's more or less, okay, we get it,
24 you know what I mean? Not so much that it's
25 annoying, because it is, but every time it comes up,

1 I'm like, okay, I know something's wrong, like I get
2 it, you know.

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

5 MR. WISE: Nothing.

6 RECROSS-EXAMINATION.

7 BY MR. MILLIGAN:

8 Q. Whether or not Ms. Davis has an actual
9 injury, do you believe that anybody from Delhi
10 Township caused her injury?

11 MR. MAISLIN: Objection.

12 A. No.

13 Q. Do you believe the haunted house caused
14 her injury?

15 MR. MAISLIN: Objection.

16 A. No, I don't. I really don't.

17 Q. Do you believe any of the actors at the
18 haunted house caused her injury?

19 MR. MAISLIN: Objection.

20 A. No. I mean, from what I've heard,
21 probably, maybe, but do I believe that? No, I
22 don't.

23 MR. MILLIGAN: That's all the questions I
24 have. Thank you.

25 FURTHER CROSS-EXAMINATION

1 BY MR. MAISLIN:

2 Q. I'm not saying this is true or not true,
3 I'm only giving you a hypothetical. I may be making
4 this up, I may not be, okay, but I'm just giving you
5 a hypothetical.

6 A. Okay.

7 Q. If McKenzie had a broken bone in her leg,
8 would that have changed your opinion as to whether
9 you thought she was faking?

10 A. If it -- okay, that's hard because if
11 there is something legitimately wrong, then of
12 course I feel for her, you know. I have broken
13 bones, like I know what it's like it. But it's just
14 been such an ongoing thing and it's just dragging
15 itself out that I don't know for sure that something
16 is actually wrong with her. And when I was going to
17 ask, it was hateful, like I got a hateful response,
18 like, well, you should believe it regardless, you
19 know what I mean, because, there again, I think that
20 it's more of an attention thing. There could be
21 something wrong with her, but she wants everybody to
22 know that there's something wrong with her; does
23 that make sense?

24 MR. MAISLIN: Sure. Okay. Nothing

25 further. Thanks. You have the right to --

1 we're going to have this transcript typed up.
2 You have the right to review it to make sure
3 that everything was taken down accurately or
4 you can waive that right. I know our
5 stenographer. I trust her. I don't know if
6 you guys --

7 MR. MILLIGAN: I trust her.

8 MR. WISE: We all trust her.

9 MR. MAISLIN: So you can waive the right
10 unless you particularly want to read it over.
11 I mean, you can have a copy anyway if you want
12 one.

13 THE WITNESS: I know what I said.

14 MR. MAISLIN: Do you want to waive then?

15 THE WITNESS: I trust it. It's fine. I
16 waive.

17

18 (Witness excused.)

19 (Deposition concluded at 10:45 a.m.)

20

21

22 Signature expressly waived

23 ELIZABETH SCHRADIN

DATE

24

25

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 1st day of May, 2015.

20

21 MINDY DAVIS

22 Notary Public

23 My Commission expires: 04/03/16

24

25