

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JAMES P. CHASSE, JR.; JAMES P.)
CHASSE; LINDA GERBER; and MARK)
CHASSE, individually and in)
capacity as Personal)
Representative of the ESTATE)
OF JAMES P. CHASSE, JR.,)

Plaintiffs,)

vs.)

CHRISTOPHER HUMPHREYS; KYLE)
NICE; CITY OF PORTLAND; CITY)
OF PORTLAND JOHN DOE)
FIREFIGHTERS/PARAMEDICS;)
PORTLAND POLICE BUREAU and)
OTHER PORTLAND JOHN and JANE)
DOE OFFICIALS; BRET BURTON;)
MULTNOMAH COUNTY; MULTNOMAH)
COUNTY JOHN and JANE DOE)
DEPUTY SHERIFFS and MEDICAL)
PERSONNEL; MULTNOMAH COUNTY)
JOHN and JANE DOE SHERIFF'S)
OFFICE and OTHER OFFICIALS;)
TRI-COUNTY METROPOLITAN)
TRANSPORTATION DISTRICT OF)
OREGON; and AMERICAN MEDICAL)
RESPONSE NORTHWEST, INC.,)

Defendants.)

ORIGINAL

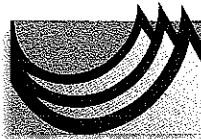
No. CV-07-0189-HU

DEPOSITION OF
BRIAN MALLOY
Taken in behalf of Plaintiffs

* * *

January 16, 2008
1211 S.W. Fifth Avenue
Portland, Oregon

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Court Reporter



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17 Also Present: Ms. Pontine Rosteck

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23 EXHIBITS

24 No. 86 Gresham Police Department Report 14

25

1 PORTLAND, OREGON; WEDNESDAY, JANUARY 16, 2008

2 4:13 p.m.

3 * * *

4 BRIAN MALLOY

5 called as a witness in behalf of the Plaintiffs,

6 having first been sworn by the Reporter,

7 testifies as follows:

8 EXAMINATION

9 BY MR. SCHNEIGER:

10 Q. State your name for the record, please.

11 A. Brian Malloy.

12 Q. Mr. Malloy, my name is Tom Schneiger. I'm
13 one of the attorneys for Mr. Chasse involved in this
14 case where you were a fire department EMT that
15 responded to the scene. Do you remember that event?

16 A. Yes.

17 Q. And you understand you're under oath?

18 A. Yes.

19 Q. And you understand that your answers are
20 being recorded here, and if you should say something
21 different today than you say at the time of the trial
22 of this case, then I'd have the right to point that
23 out to the jury?

24 A. Okay.

25 Q. Wait until I finish asking my question before

1 you answer yours. I don't think there's going to be a
2 problem with that because you're already doing it, and
3 if you need to refer to your notes or to the report
4 that was filed today, then please do so. Okay?

5 A. Yes.

6 Q. I guess that's the other thing I forgot is
7 you have to answer audibly.

8 A. Yes.

9 Q. Okay. Tell me about your professional
10 background as a firefighter and EMT.

11 A. What specifically would you like to know?

12 Q. When, your training, where, when.

13 A. I've been a firefighter for a little over
14 three years. I received my firefighter training
15 through the City of Portland.

16 Q. Okay.

17 A. I received my EMT training prior to that.

18 Q. Where was that?

19 A. Mount Hood Community College.

20 And in the last about 14 months, I've been
21 trained as a specialty rescue technician.

22 Q. And what is that?

23 A. That is technical rescue station where I
24 work, at Station 1.

25 Q. Tell me, is that like cold-water rescue and

1 things like that?

2 A. Water rescue is included, rope rescue,
3 confined space, trench rescue, high-angle rescue.

4 Q. That's pretty strenuous qualifications, isn't
5 it to do that?

6 A. It's strenuous training.

7 Q. Got to be a good swimmer?

8 A. It certainly helps, yes.

9 Q. And you have to be pretty strong. Right?

10 A. Not necessarily. It's a lot of skill. I
11 mean, it's, you know, it's not a strong back/weak mind
12 job, so, you know, skill is everything.

13 Q. And have you actually, since your
14 qualification for that, gone out on any of those
15 rescues?

16 A. We've had a few.

17 Q. And where is your station?

18 A. First and Ash.

19 Q. Run through Station 1 through 5. Where are
20 they. First and Ash is station?

21 A. One.

22 Q. One, okay. Two?

23 A. 122nd and Sandy.

24 Q. Okay.

25 A. Station 3? 17th and Johnson.

1 Q. Okay.

2 A. Fifth and College.

3 Q. Okay.

4 A. I don't know the address of Station 5.

5 Q. Your dad was a firefighter?

6 A. Yes.

7 Q. What station did he work out of?

8 A. He worked at a few different stations.

9 Q. Which ones?

10 A. I don't know where specifically he started
11 his career. He worked at Station 3 for many years,
12 and then he worked at Station 40, which became Station
13 28, and then the last year of his career he was at
14 Station 2.

15 Q. Did you ever have occasion to work with him?

16 A. Yes.

17 Q. How did that feel?

18 A. It was good.

19 Q. Yeah? Any other firefighters in your family?

20 A. No.

21 Q. Your EMT basic training, does that allow you
22 to go out on first responder calls?

23 A. Well, the Fire Bureau is considered a first
24 responder, so we are the first responder. The
25 transporting ambulance is I believe considered just

1 that, but I have usually heard us -- heard us referred
2 to as first responders.

3 Q. So, when you're at Fire Station No. 1 and you
4 get a call, how many people are in the station usually
5 that are --

6 A. Twelve firefighters on duty.

7 Q. What determines who goes out on the first
8 responder call?

9 A. It's just how it's dispatched, how it's
10 coded.

11 Q. So, if it's a medical call, then how does it
12 go?

13 A. Well, medical calls are divvied up between
14 the three rigs at Station 1.

15 Q. Okay.

16 A. How it's -- how they decide what rig goes on
17 what I don't know.

18 Q. Are you more likely to go as an EMT than
19 somebody who is just a firefighter?

20 A. All firefighters are EMTs and every rig has
21 one paramedic.

22 Q. Okay. And at any one time in your station,
23 like on this date, would there be more than one
24 paramedic there?

25 A. I don't see a reason for there to be unless

1 it was some scheduling, you know.

2 Q. Sure, but typically there would be one
3 paramedic?

4 A. Per apparatus.

5 Q. So do you remember this call?

6 A. I remember, yeah, I do.

7 Q. And you've had a chance to look at your
8 statement, you've had a chance to look at the report
9 that was filed in this case by your paramedic; is that
10 right?

11 A. I have not seen the medical report. This is
12 the documentation I've seen, the interview that --
13 from the detective.

14 Q. Okay. Do you want to take a moment just to
15 look at Exhibit 79, just so you're familiar with it?

16 MR. RICE: Okay. That's in this pile over
17 here.

18 Q. (By Mr. Schneiger) You'll have a chance to
19 look at it again when I ask you a question if you need
20 to, so you don't have to memorize it now.

21 Look at Exhibit 75, and is that you in the
22 Portland Fire shirt?

23 A. Yes.

24 Q. In the back?

25 A. Yes.

1 Q. And is that where you were positioned when
2 Mr. Chasse was being examined?

3 A. For the most part, yeah. This may have been
4 when we first arrived. I don't know. I don't know if
5 our assessment had been done yet or not, so...

6 Q. Did you do any part of the assessment?

7 A. Not that I recall. This was over a year ago
8 and many medical calls ago, so I couldn't tell you
9 with surety whether I did or not.

10 Q. Were you the junior EMT on the team?

11 A. Yeah, I was the, the youngest; the least
12 senior firefighter on the rig.

13 Q. Least senior?

14 A. Yeah.

15 Q. And does that person have fewer
16 responsibilities or how does the pecking order go?

17 A. No, it's -- it's across -- it's even across
18 the board.

19 Q. Okay. Were you taking notes that day?

20 A. No.

21 Q. Who was taking notes?

22 A. I -- I believe it was the driver, just
23 because the officer was the paramedic, and I don't
24 recall who was driving that day.

25 Q. Mr. Reeb said that he was the driver, and he

1 said he wasn't taking notes.

2 MR. RICE: Objection as to form.

3 THE WITNESS: What's that?

4 Q. (By Mr. Schneiger) I think I stated that
5 correctly. Mr. Reeb was just in here. He said he was
6 the driver and he said he did not take the notes on
7 the clipboard that day.

8 A. Okay.

9 Q. So my question is: Were you taking them that
10 day?

11 A. Not that I recall.

12 Q. Okay. And is that something that is assigned
13 to a particular person or can anybody do it?

14 A. It would usually be the officer, except in
15 this case the officer is the paramedic.

16 Q. Okay.

17 A. Then most times, not all, the responsibility
18 may go to the driver.

19 Q. Okay. So I guess it wasn't you, it wasn't
20 the officer, and it wasn't Mr. Reeb. That only leaves
21 one more, huh?

22 A. It would seem that's correct.

23 Q. And who would that be?

24 A. Gary.

25 Q. Okay. And what's his last name?

1 A. Szalay.

2 Q. Okay. So tell me what your recollection is
3 of the events of that day.

4 A. I remember arriving on-scene and finding what
5 we see in the picture here is the patient on the
6 ground, restrained by police. AMR was already there.

7 Vitals were assessed. Who did what I
8 wouldn't be able to tell you. I don't recall.

9 The decision was made between the two AMR
10 paramedics and the Fire Bureau paramedic that the
11 patient was medically stable or clear and that the
12 police had intentions of taking this patient to jail.

13 Q. And was it the understanding that, because he
14 was medically stable or clear, that then he could go
15 to jail?

16 A. Versus to the hospital by ambulance, yeah.

17 Q. Had he not been medically stable or clear,
18 then he would have gone to the hospital?

19 A. Yeah. Again, that's a decision that would
20 have been made by those paramedics on-scene.

21 Q. And were you part of that decision-making
22 process?

23 A. No.

24 Q. Did you contribute in any way?

25 A. To the call or to the decision?

1 Q. To the decision.

2 A. No.

3 Q. Did they stand with you and could you
4 overhear what they were saying?

5 A. No.

6 Q. How did you contribute that day?

7 A. Again, AMR had already arrived, and they
8 had -- someone had -- they began doing the vital
9 assessment. I don't recall what I -- what
10 contribution I made to the assessment of the vital
11 signs. I may have done some.

12 Again, you know, it was many calls ago, and a
13 great deal of time. I don't recall specifically.

14 I do remember spraying bleach on a little bit
15 of blood that was I think out here behind this police
16 car, in this area here on the picture.

17 Q. And was that where Mr. Chasse had been lying?

18 A. I think he was moved to the position he's
19 seen at in this picture.

20 Q. Oh.

21 A. That may be the case. I don't -- I don't
22 know. I couldn't tell you for sure, but I do recall
23 that there was blood on the ground that I sprayed with
24 bleach.

25 Q. Do you recall that it was -- looking at

1 Exhibit No. 75, was it near the police car where we
2 can only see a part of the trunk or was it near one of
3 the other ones?

4 A. I believe it was more in this area where we
5 could only see the trunk. Again, it could have been
6 closer to the sidewalk area, it could have been where
7 he's laying now. I don't know if he was moved. The
8 only time he was moved when I was there was when the
9 police picked him up and carried him away.

10 Q. Okay. Would you take your lawyer's blue pen
11 there and just make a circle around the general area
12 where you are referring to? And then put your
13 initials next to the circle where you cleaned up the
14 blood.

15 A. Again, I couldn't tell you. I mean --

16 Q. I don't ask for exactly.

17 A. It could have been anywhere right in there.

18 Q. And put your initials there.

19 But you recall it was not where Mr. -- under
20 Mr. Chasse's face?

21 A. I don't recall that.

22 Q. Okay.

23 A. I don't recall if it was there or not.

24 Q. So there were four of you there from the Fire
25 Department and two paramedics from AMR, so I guess

1 there wasn't a lot for you to do. Right?

2 A. Correct.

3 Q. And I think you have stated, and I just want
4 to go through, if you would get your report in front
5 of you, just go over a couple things on page 3 of your
6 report.

7 (A discussion was held off the record.)

8 (Deposition Exhibit No. 86 was marked for
9 identification.)

10 Q. (By Mr. Schneiger) I'm going to just ask you
11 about the portion where you respond, Well, I mean.
12 Okay? I'll ask you a question, but let's just wait
13 until we get it marked and --

14 So, referring to Exhibit 86, and that
15 portion, you were asked about Mr. Chasse, and you say,
16 in part, I think you were asked whether he was on
17 alcohol or drugs, and you say, Well, I mean, it's hard
18 for me to say. He was, you know, he didn't make a lot
19 of sense.

20 So, when you say "he didn't make a lot of
21 sense," what do you mean by that?

22 A. When we asked him questions, specifically
23 name, birth date, the usual questions that go along
24 with a vital assessment, he wasn't making any sense.

25 He was blurring out a series of numbers,

1 hollering, you know, screaming, exhibiting signs of
2 what may be, you know, a chemical on board, possibly a
3 mental issue for lack of a better word.

4 But those aren't things that I could
5 determine at my scope of practice as a Basic, so, I
6 mean, he wasn't making a lot of sense is a pretty
7 fair --

8 Q. Are those some of the things that contribute
9 to what you've learned as a paramedic as an altered
10 mental status?

11 A. I'm not a paramedic.

12 Q. I'm sorry, as an EMT, I just promoted you; as
13 an EMT-Basic as an altered mental status?

14 A. Yes.

15 Q. And if you look at the report that was filed
16 by Mr. Kopyy, he indicates that Mr. Chasse was not
17 oriented in any way other than the fact that he was
18 alert. Is that consistent with what you saw?

19 A. Yes, it seems to be.

20 Q. And what does he say about orientation?

21 A. What is --

22 Q. What does he have checked there in terms of
23 orientation? Was he oriented to time, place? Just
24 read that.

25 A. No. He was not oriented to event, person,

1 place, time.

2 Q. Okay. And did you think that he was alert?

3 A. He was alert in the sense of he was awake, he
4 was making purposeful movements.

5 Q. All right. On page 2, and this is just what
6 I want to ask you about, the second to the bottom
7 paragraph --

8 A. Uh-huh.

9 Q. I'm sorry, the last paragraph.

10 A. Okay.

11 Q. I think it's exactly what you said here. He
12 would rattle off a series of numbers and say things
13 that were kind of -- or obviously not in answer to the
14 question. Is that just an example of what you mean by
15 not being oriented and not making sense?

16 A. Correct.

17 Q. And above that you state in part, you say,
18 Was he -- He wasn't alert. He was conscious. He was
19 breathing, his vitals were fine, but you state he
20 wasn't alert.

21 A. Yeah. I would -- at the time, again, this
22 being some time ago, I couldn't tell you exactly, you
23 know, my thought process, but I'm sure what I had
24 referred to as not alert, being he was not alert to
25 his name, again, his person, place, event, but he was

1 conscious, he was moving, he was breathing, you know.

2 Q. I understand.

3 Did you think that Mr. Chasse was, when you
4 got there and after they started doing the vital signs
5 and before the paramedics made a decision, did you
6 think that he was going to go to the hospital?

7 A. I -- I couldn't tell you. I wouldn't be able
8 to say without, you know -- once the vital signs are
9 done, then that's a determination made by the
10 paramedics.

11 Q. Okay. I was just wondering if your
12 expectation was, Here's another guy going to the
13 hospital, and were you surprised when he didn't go to
14 the hospital?

15 A. I -- I couldn't recall my emotions at the
16 time, my thoughts at the time.

17 Q. So it's none of the above. Right? You just
18 don't remember --

19 A. I don't remember.

20 Q. -- if you had a reaction?

21 Okay. Would you look at Exhibits 64 and 65?
22 They're in the book, the photographs.

23 MR. RICE: He has 64 first.

24 Q. (By Mr. Schneider) Just look at, if you
25 would, look at both, and I'll ask you a question about

1 them.

2 MR. RICE: Tell me when you're done and I'll
3 flip it.

4 Q. (By Mr. Schneider) Okay. The photographs
5 here were taken within 24 hours, I believe, of you
6 seeing him. Do you recall him having any injuries to
7 his face?

8 MR. RICE: Objection as to form. Go ahead.

9 Q. (By Mr. Schneider) I think at one point you
10 said in your statement on page 3 that you believed he
11 had blood on his face.

12 A. Yes, I do recall that. I don't recall where
13 it was coming from. I recall a very small amount of
14 blood, though, and that's why we gave a couple of
15 squirts with the bleach bottle on the --

16 Q. And looking at picture 64, what injuries
17 would you describe seeing in that picture? Using the
18 terminology that you're taught as --

19 A. Abrasions.

20 Q. Okay. And any contusions there that you can
21 recognize, or discolorations?

22 A. Some -- maybe some bruising around his right
23 eye.

24 Q. Did you have any idea from the information
25 you had at the scene how Mr. Chasse got those

1 injuries?

2 A. No. We were under the understanding that
3 there was some type of altercation, a foot chase with
4 the police. That was all we knew.

5 Q. Okay. The sergeant who was involved in that
6 has testified here under oath or in a deposition under
7 oath that Mr. Chasse was being chased a short
8 distance, he was tackled behind in mid back,
9 bear-hugged, and gone to the ground with the officer.
10 They both hit about the same time, and that
11 Mr. Chasse's face may have hit the concrete. Did any
12 of that information reach you?

13 MR. RICE: Objection as to form. Go ahead.

14 THE WITNESS: Not that I recall.

15 Q. (By Mr. Schneiger) Did anybody tell you that
16 one or more of the officers were on top of Mr. Chasse
17 when he went unconscious?

18 MR. RICE: Objection as to form. Go ahead.

19 THE WITNESS: I do not remember hearing that
20 on the scene.

21 Q. (By Mr. Schneiger) And he didn't smell very
22 good, did he?

23 A. He smelled like he had been on the street for
24 some time, a bit unclean.

25 Q. And he was pretty dirty. Right?

1 A. He was.

2 Q. And did he look beat-up?

3 A. Not that I recall.

4 Q. Would you turn to page 3 of your statement,
5 and the second to the bottom one, where your initials
6 are there, and you describe, in the last sentence of
7 that, when you were asked to describe his condition,
8 You know, he's got uh, and something unintelligible,
9 he's got in his own urine, and he was pretty dirty and
10 beat-up. Were those your words?

11 A. Page 3? They apparently are my words.

12 When you say "beat-up," though, I guess

13 I'd --

14 Q. Tell me what you mean under those
15 circumstances by "beat-up."

16 A. He looked pretty rough. I mean, you're
17 living on the streets, he had, you know, some
18 tattered, dirty clothes. I think the context I may
19 have used "beat-up" in at the time of this interview,
20 I was referring to just his state of uncleanliness and
21 kind of tattered clothes, you know. It was a street
22 person and --

23 Q. Okay. And when you look at Exhibits 64 and
24 65, does that impress you as a person who has been
25 beat-up, at least in the face?

1 A. I couldn't say. I mean, I -- I couldn't tell
2 you what those abrasions are from. They are
3 abrasions. They are on his face. I couldn't say what
4 they're from.

5 Q. Okay. A person who had been beat-up in the
6 sense of hit in the face, would that, if that
7 occurred, would that be consistent with what you see
8 here in 64 and 65?

9 A. It could be.

10 Q. So, if this was from someone hitting him, and
11 these were the injuries Mr. Chasse suffered, would it
12 be in your use of common English to say that he was
13 beat-up, he looked like he was beat-up?

14 MR. RICE: Objection as to form. Go ahead.

15 THE WITNESS: He does appear beat-up in the
16 sense of physically, abrasions and things like that.

17 Q. (By Mr. Schneiger) Okay. Have you ever had
18 an injury to your ribs, bruise, fracture?

19 A. No.

20 Q. Any other type of physical injury?

21 A. A couple of broken arms.

22 Q. When you've had your broken arms, has it been
23 uncomfortable for you -- was it uncomfortable for you
24 to move your arm? Did you want to keep it steady?

25 A. Yes.

1 Q. And would you imagine someone that had broken
2 ribs, that they wouldn't want to move and have anyone
3 put pressure on their ribs?

4 A. I would say that's fair.

5 Q. Okay. And someone who, like Mr. Chasse, as
6 Dr. Gunson, the coroner described, had multiple
7 fractures in his posterior left rib cage, if that
8 person had his arm lifted or pressure put on his ribs,
9 would you expect them to feel some pain?

10 MR. RICE: Objection as to form. Go ahead.

11 THE WITNESS: I would.

12 Q. (By Mr. Schneider) And would you expect them
13 to move about and resist or get more animated with
14 that kind of pain?

15 MR. RICE: Object as to form. Go ahead.

16 THE WITNESS: I would expect not -- I would
17 not expect a lot of movement out of them. I would
18 expect that it would be painful to, to be moved or
19 to -- maybe I don't understand the question
20 completely.

21 Q. (By Mr. Schneider) I think you're answering
22 it fine, but let me restate it and I'll give you
23 another chance.

24 A. Okay.

25 Q. Assuming Mr. Chasse, consistent with what

1 Dr. Gunson has said, had multiple fractures in his
2 posterior rib cage at the time you saw him --

3 A. Uh-huh.

4 Q. -- if someone were to put their hand and
5 press down on that, the back of his rib cage, would
6 you expect that to cause him some pain?

7 A. I would.

8 Q. And would you expect if someone lifted his
9 arms, if he were in this position like he was in
10 hog-tied, if they lifted his arms back, that that
11 might cause him some pain?

12 MR. RICE: Objection as to form. Go ahead.

13 THE WITNESS: I can only imagine that it
14 would be uncomfortable. I couldn't say, not having
15 had that injury before.

16 Q. (By Mr. Schneiger) Sure. And just from what
17 you know about anatomy and physiology from your
18 training as an EMT, you would expect that. Right?

19 A. I would expect that to be uncomfortable, yes.

20 Q. And would you expect that, if someone was
21 kneeling on his back, that that would cause him pain?

22 MR. RICE: Objection as to form. Go ahead
23 and answer.

24 THE WITNESS: Yes.

25 Q. (By Mr. Schneiger) And did you from time to

1 time with Mr. Chasse see him get animated when people
2 moved his arm or moved him about?

3 A. I don't recall that. I don't recall him
4 being -- him reacting to being moved. I do recall him
5 yelling and screaming when we would ask him questions
6 and from time to time seemingly unprovoked.

7 Q. Okay. And when you -- do you remember seeing
8 someone do a blood sugar stick in his hand?

9 A. I don't remember that. I know it happened,
10 but I don't remember who did it or where it was done.
11 I mean, it doesn't always have to be in the fingers,
12 so I don't know where it was done on Mr. Chasse, and I
13 don't know who did it.

14 Q. Do you know who did the pulsoximetry that's
15 reported?

16 A. I do not.

17 Q. Did you do it?

18 A. I don't recall.

19 Q. The paramedics from AMR both describe
20 Mr. Chasse's skin color as being pale. Do you have a
21 recollection of what his skin color looked like?

22 A. I don't.

23 Q. Do you remember when Mr. Chasse was carried
24 off by the police?

25 A. I remember the police picking him up and

1 carrying him away, yes.

2 Q. And tell me what you saw and heard.

3 A. I don't recall hearing or seeing anything
4 other than him being picked up by two or more
5 officers. I couldn't tell you for sure, not having --
6 or I don't remember exactly how many. That was at
7 that time when we were decontaminating that amount of,
8 small amount of blood on the ground.

9 Q. Did you see how they were carrying him? Were
10 they carrying him face-up, face-down?

11 A. I remember them picking him up, and I believe
12 he was face-down.

13 Q. And how were they holding on to him, by the
14 arms, legs?

15 A. I think when they picked him up, they had him
16 by the arms, and then another person had him by the
17 strap between his feet.

18 Q. Okay. And for a person who had suffered
19 fractures, multiple fractures in his posterior rib
20 cage, would you imagine that would be a position of
21 comfort or would that cause some pain?

22 A. I imagine it would cause some pain. I
23 couldn't say for sure.

24 Q. Okay. Would that be a position that you
25 would transport a person in if you knew that they had

1 rib fractures?

2 A. Well, positions we transport people in are --
3 I mean, he was restrained.

4 Q. Sure.

5 A. So, if a person is restrained during medical
6 transport, it's not in that fashion, and there are
7 only so many ways you can put a person, despite their
8 injuries, onto a medical gurney, ambulance gurney.

9 Q. And if you were going to put them on the
10 gurney, would you grab them by the arms and legs and
11 carry them upside down to the gurney?

12 A. I think -- it's kind of a -- it's
13 situational. You know, if he's that way and he's
14 going to be taken to the hospital, I believe it would
15 have been done, carried him that way, and then he
16 would have been restrained in a different manner to
17 the gurney, but he could have -- I mean, again, this
18 is hypothetical, because it didn't happen.

19 Q. Sure.

20 A. But if he were going to be transported, he
21 could have very well been carried to the gurney that
22 way or the gurney would have been brought closer to
23 him and the restraints would have been changed.

24 Q. Sure. And so the ambulance is very close
25 there. Right?

1 A. Yes.

2 Q. And you could have brought it closer or, even
3 if you didn't, it would be a short distance to the
4 ambulance in a gurney?

5 A. Brought the gurney right over to him.

6 Q. Sure. Mr. Reeb described, I think it was he
7 that described, one of your partners described,
8 Mr. Chasse being carried about 50 feet to the police
9 car. Do you have any estimate of how far he was
10 carried?

11 A. I do not.

12 Q. Would you carry him 50 feet like that to the
13 gurney under these circumstances?

14 A. I can't say. I can't say whether I would or
15 wouldn't.

16 MR. SCHNEIGER: Thank you. No other
17 questions.

18 MR. RICE: He's done. You're done.

19 THE WITNESS: Okay.

20 (The deposition concluded at 4:46 p.m.)

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C E R T I F I C A T E

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4 I, Robert J. Lehmann, a Certified Shorthand
5 Reporter for Oregon, do hereby certify that, pursuant
6 to stipulation of counsel for the respective parties
7 hereinbefore set forth, BRIAN MALLOY personally
8 appeared before me at the time and place set forth in
9 the caption hereof; that at said time and place I
10 reported in Stenotype all testimony adduced and other
11 oral proceedings had in the foregoing matter; that
12 thereafter my notes were reduced to typewriting under
13 my direction; and that the foregoing transcript, pages
14 1 to 28, both inclusive, constitutes a full, true and
15 accurate record of all such testimony adduced and oral
16 proceedings had, and of the whole thereof.

17 Witness my hand and CSR stamp at Vancouver,
18 Washington, this 4th day of February, 2008.

19 

20 _____
21 ROBERT J. LEHMANN
22 Certified Shorthand Reporter
23 Certificate No. 90-0217
24
25