

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

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

Plaintiffs, )

v. )

CHRISTOPHER HUMPHREYS; KYLE NICE; )  
CITY OF PORTLAND; ROSANNE SIZER; )  
TOM POTTER; BRET BURTON; MULTNOMAH )  
COUNTY; PATRICIA GAYMAN; SOKUNTHY )  
EATH; TRI-COUNTY METROPOLITAN )  
TRANSPORTATION DISTRICT OF OREGON; )  
AMERICAN MEDICAL RESPONSE NORTHWEST, )  
INC., TAMARA HERGERT; and KEVIN )  
STUCKER, )

Defendants. )

COPY

No. CV-07-0189-HU

DEPOSITION OF

MARY JEAN WICKEMEIER

Taken in behalf of Defendants

\* \* \*

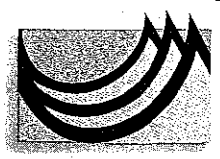
October 2, 2008

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APPEARANCES:

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EXHIBITS

[None marked.]

1 PORTLAND, OREGON; THURSDAY, OCTOBER 2, 2008

2 9:28 AM

3 \* \* \*

4 MARY JEAN WICKEMEIER

5 called as a witness in behalf of the Defendants,

6 having first been sworn by the Reporter,

7 testifies as follows:

8 EXAMINATION

9 BY MR. RICE:

10 Q. Miss Wickemeier, my name's James Rice. I'm  
11 a deputy city attorney with Portland. We met just  
12 briefly in the hall.

13 A. M-hm.

14 Q. We're here to take your deposition today.  
15 And we're going to help our court reporter every way  
16 we can. And one of those things is that I'm going to  
17 ask you not to nod your head the way you just did but  
18 to answer out loud so she can take down your answers.  
19 Do you understand that?

20 A. Yes.

21 Q. Very good.

22 Another thing that I'm going to do is I'm  
23 not -- I'm going to try not to speak over you. So if  
24 I ask you a question, please don't answer the question  
25 until I'm done with my question, and at my end I'll

1 try not to ask another question until you've had a  
2 chance to complete your answer. Do you understand  
3 that?

4 A. Yes.

5 Q. Have you ever had your deposition taken  
6 before?

7 A. No.

8 Q. Have you talked to anyone about what a  
9 deposition is?

10 A. Yes.

11 Q. And who have you spoken to?

12 A. A friend of mine back in Cincinnati, a  
13 girlfriend. I told her I was coming to Portland for a  
14 deposition, I didn't know anything about it. And she  
15 says that she had gone to one back in Cincinnati.

16 Q. And what did she tell you about that  
17 process?

18 A. All she said was it was rough.

19 Q. Okay. And what it really is is a fact-  
20 finding opportunity for the lawyers. So the lawyers  
21 will ask you questions and we'll expect you to answer  
22 those questions. Do you understand that?

23 A. Yes.

24 Q. And did you get enough sleep last night? Do  
25 you think you're capable of answering questions today?

1 A. Yes.

2 Q. Okay. Are you on any medicines of any kind  
3 that might make it difficult for you to answer  
4 questions?

5 A. No.

6 Q. If at some point in time you think you want  
7 to take a break or have a glass of water, we have some  
8 water here today, you feel free to do that once you've  
9 answered any pending question. All right?

10 A. Yes.

11 Q. I met you just briefly out in the hall; is  
12 that right?

13 A. Yes.

14 Q. And you were talking to Mr. Steenson; is  
15 that right?

16 A. Yes.

17 Q. Yes.

18 And would you tell me what -- what the two  
19 of you were talking about?

20 A. He just told me to tell the truth and also  
21 that I should stay, you know, stay on track with yes  
22 or no answers and if I don't have a recollection to  
23 say that I don't recall.

24 Q. Okay. And of course if you don't --  
25 sometimes things have occurred, time has passed and we

1 no longer remember.

2 A. Yes.

3 Q. And that's a perfectly valid thing to say.

4 A. Okay.

5 Q. No. 2, when some -- a lawyer tries to  
6 interfere with finding out things sometimes we need  
7 more than yes or no answers. And what I want you to  
8 do is, to the best of your ability, answer the  
9 questions completely. Do you understand that?

10 A. Yes.

11 MR. STEENSON: I'm going to object to your  
12 statement suggesting that somehow a lawyer, I assume  
13 that's me, is trying to interfere with you getting  
14 information.

15 MR. RICE: I can't help your assumptions.

16 Q. (By Mr. Rice) And what we're really here to  
17 do is find out what you know. Do you understand that?

18 A. Yes.

19 Q. Do you know anyone that works with  
20 Mr. Steenson?

21 A. No.

22 Q. Have you given any statements to anyone at  
23 Mr. Steenson's office or anyone working on his behalf?

24 A. No.

25 Q. Have you talked to any law enforcement

1 officers or investigators of any kind?

2 A. No.

3 Q. Okay. Have you done any document review or  
4 looked at anything before you came here today?

5 A. No.

6 Q. Okay. When did you come to Portland?

7 A. The 23rd of September.

8 Q. Okay. So you're well rested and you've been  
9 here for a while; is that right?

10 A. I wouldn't say well rested. My sister's had  
11 us on the move.

12 Q. Okay. You're touring around?

13 A. Absolutely.

14 Q. Very good.

15 Could you tell us, for the record, what's  
16 your full name?

17 A. Mary Jean Wickemeier.

18 Q. Okay. Have you gone by any other names?

19 A. No.

20 Q. And how old are you?

21 A. 61.

22 Q. And what's your date of birth?

23 A. 8-6-47.

24 Q. And how tall are you?

25 A. Five seven.

1 Q. If we needed to reach you by mail, could you  
2 tell us what your residential address is so we can  
3 mail you things?

4 A. 3951 Bainbridge Drive, that's  
5 B-A-I-N-B-R-I-D-G-E.

6 Q. We may wish to call you as a witness at some  
7 point in this case. We don't know that yet. Is there  
8 a best phone number or a cell phone number that would  
9 be best if we want to try to reach you?

10 A. Cell.

11 Q. Okay.

12 A. Five zero five -- oh, wait a minute.  
13 513-505-8030.

14 Q. Okay. And what's your place of birth?

15 A. Cincinnati, Ohio.

16 Q. Did you get a chance to go to high school?

17 A. Yes.

18 Q. And did you graduate?

19 A. Yes.

20 Q. And when was that?

21 A. 1966.

22 Q. Did you have a chance to have any formal  
23 education beyond that?

24 A. No.

25 Q. And what's your marital status?



1 A. I'm divorced.

2 Q. Okay. Are you presently working outside the  
3 home?

4 A. Yes.

5 Q. And what kind of work do you do?

6 A. I clean houses.

7 Q. Okay. And generally, in your adult life,  
8 have there been certain fields of work that you've  
9 been employed in?

10 A. Yes.

11 Q. And what are those field or fields?

12 A. Well, for 11 years I worked for AT&T, and  
13 then I became a mom and I baby-sat, then when I was  
14 divorced I worked at Seven Hills School for a couple  
15 years, and then after that I started my own service.

16 Q. All right.

17 A. Cleaning services.

18 Q. As I sit looking you today I see you're  
19 wearing corrective lenses. Is that right?

20 A. Yes.

21 Q. And do you have difficulty seeing things  
22 that are up close to you, far away, or both?

23 A. Now it's both.

24 Q. Okay. How about back in September of 2006?

25 A. I could see far with my glasses. I didn't

1 have any strength put in the -- the distance yet.

2 Q. Okay. So that's just been -- excuse me,  
3 that's been a change then since 2006?

4 A. Yeah. Just a little correction.

5 Q. All right. Have you, during the course of  
6 your life, had an opportunity to study mental illness,  
7 anything like that?

8 A. No.

9 Q. How about police issues, do you have any  
10 study or interest in law enforcement?

11 A. No.

12 Q. Were you ever in the military?

13 A. No.

14 Q. Did you ever take any classes involving  
15 emergency medicine?

16 A. Not -- well, a Red Cross for CPR when I was  
17 baby-sitting. That's all.

18 Q. All right. Do you have any connection to  
19 law enforcement in any way?

20 A. No.

21 Q. Have you had any contacts with a police  
22 agency in any way that you felt were negative?

23 A. No.

24 Q. We're here to talk about an incident that  
25 happened in September of 2006 involving Mr. Chasse.

1 Do you know what I'm speaking about?

2 A. Yes.

3 Q. All right. Do you remember that day?

4 A. Yes, I do.

5 Q. And were you living or visiting in Portland  
6 that day?

7 A. Visiting.

8 Q. And were you living in Cincinnati at that  
9 time?

10 A. Yes.

11 Q. Did you ever meet anyone in the Chasse  
12 family?

13 A. No.

14 Q. Either before or since this incident?

15 A. No.

16 Q. Do you know any of the named defendants in  
17 this case?

18 A. No.

19 Q. So are you simply someone who observed some  
20 event?

21 A. Yes.

22 Q. Okay. And did you ever report to anyone  
23 that you observed what happened to Mr. Chasse that  
24 day?

25 A. Yes.

1 Q. And who did you report that to?

2 A. I only remember the next day it was on the  
3 news --

4 Q. Okay.

5 A. -- that Mr. Chasse had died and there  
6 apparently was a number if there were any witnesses to  
7 this event, and I saw what I saw and I felt like it  
8 was my duty, yes.

9 Q. Sure.

10 A. So I called and told them what I -- what I  
11 saw.

12 Q. Okay. And when you called that number, what  
13 type of person answered the phone?

14 A. I have no memory of that.

15 Q. Do you remember what you said that day?

16 A. Everything that I saw that day.

17 Q. Okay. And we'll get -- we'll get to that.

18 So you don't know, for example, if it was a  
19 police officer at the other end of the line or --

20 A. No.

21 Q. -- a civilian of some sort at the other end  
22 of the line, you're just uncertain of that?

23 A. I'm uncertain, yeah.

24 Q. Did anybody ever give you a copy of your  
25 statement, either a written copy or a taped copy of

1 any kind?

2 A. No.

3 Q. Do you recall about what time of the day  
4 generally it was when you observed what you observed?

5 A. Mid afternoon.

6 Q. Okay. And are you familiar with the  
7 intersection of where this incident took place?

8 A. No.

9 Q. Okay. And were you with anybody that day?

10 A. Yes.

11 Q. And who were you with?

12 A. My sister and her partner and her partner's  
13 daughter and her husband. That's -- I think that was  
14 it.

15 Q. Okay. And what's your sister's name?

16 A. Joan.

17 Q. Excuse me?

18 A. Joan, J-O-A-N.

19 Q. And does she have the same last name as you?

20 A. No.

21 Q. What's that name?

22 A. She's Warnock, that's W-A-R-N-O-C-K.

23 Q. Is that a maiden name of hers?

24 A. Yes.

25 Q. And she goes by Joan Warnock?

1 A. Yes.

2 Q. And she had her partner with her that day?

3 A. They were there.

4 Q. And what was that person's name?

5 A. Her partner is Hanne, H-A-N-N-E, Selbach,  
6 S-E-L-B-A-C-H.

7 Q. And there was a daughter of --

8 A. Of Hanne.

9 Q. Of Hanne.

10 And what's the daughter's name?

11 A. Triz, T-R-I-Z.

12 Q. About how old is Triz?

13 A. Oh, golly, maybe 34.

14 Q. Oh, she's an adult?

15 A. Oh, yeah.

16 Q. Okay.

17 A. Oh, yeah.

18 Q. And there was somebody's husband was there  
19 as well?

20 A. Triz's husband.

21 Q. Okay. And what's his name?

22 A. Tony.

23 Q. Okay. Do you know what his last name is?

24 A. I think Carter. I just asked the other day.

25 Q. Okay. So is there some general purpose that

1 the -- that group of people is in the vicinity at that  
2 time?

3 A. My sister and the other two were in a  
4 furniture store, I don't know, antiques or something,  
5 and I was done looking so I went out to sit. They had  
6 like benches. And I was sitting out there with Tony.

7 Q. And as you were sitting out there -- had you  
8 had lunch earlier that day?

9 A. Early, yeah. Early.

10 Q. And had you had your dinner at that point?

11 A. Not yet.

12 Q. Had you had any alcoholic beverages to drink  
13 that day?

14 A. No.

15 Q. And as you're sitting outside, are you and  
16 Tony just engaged in conversation?

17 A. More or less.

18 Q. Are you waiting for the other people to --

19 A. Yes.

20 Q. -- finish being in the store?

21 A. Yes.

22 Q. Okay. So as -- as you're sitting there,  
23 what's the first indication to you that something  
24 was -- unusual was happening?

25 A. I just looked down to the right and I saw

1 commotion.

2 Q. Okay. And when you looked to the right,  
3 what did you see?

4 A. I saw a man laying out in the street.

5 Q. And when he was laying in the street, was he  
6 lying on his back, on his stomach or on his side? How  
7 would you describe it?

8 A. He looked kind of crumpled, kind of like on  
9 his side.

10 Q. Okay.

11 A. And crumpled like maybe he'd been hit. But  
12 that was --

13 Q. And can you describe the man who was  
14 crumpled?

15 A. He looked slight, thin, kind of, you know, a  
16 thin man, he had kind of longer, curly kind of hair.

17 Q. Did you notice anything about his clothing?

18 A. Light apparel.

19 Q. And as you were looking at him, were you  
20 looking at his face or his back or his feet or his  
21 head? What direction was toward you?

22 A. His head was towards me.

23 Q. So when you say his head, you mean the back  
24 of his head?

25 A. Yeah, I couldn't see his face.



1 Q. Did you notice anything about his clothing?

2 A. I mean, nothing out of the ordinary. He had  
3 a shirt and pants.

4 Q. Okay. When he was lying, was he on the  
5 street or the sidewalk?

6 A. Street.

7 Q. Was there anyone around him at that point?

8 A. Yes.

9 Q. And how many people were around him?

10 A. I'd say about eight.

11 Q. Okay. Is there any way you could describe  
12 those people either -- either physically or how  
13 they -- what they appeared to be?

14 A. What they appeared to be were police  
15 officers and EMT workers.

16 Q. And what was it that you could see that made  
17 you think that?

18 A. Well, they had police -- they were police  
19 officers -- they had their uniforms on.

20 Q. Okay. Was there anything about looking at  
21 the people you believed to be law enforcement that  
22 separated two different kinds of law enforcement  
23 officers out to you, either by uniform differences or  
24 anything like that?

25 A. The only difference from the police uniform

1 was the EMT workers.

2 Q. Okay. And when you saw the person lying in  
3 the street, what were the law enforcement officers  
4 doing?

5 A. Standing around.

6 Q. And how about the EMT people, what were they  
7 doing, if anything?

8 A. First the man was looking at him, down,  
9 knelt down. He didn't seem to do much. A few minutes  
10 went by and then a woman knelt down. She seemed to be  
11 more involved with the victim, taking his vitals.

12 Q. Okay. Could you tell me what you observed  
13 when you saw her taking the vitals?

14 A. Just that she seemed to care about the man.

15 Q. When you're looking at her, do you see her  
16 face and her front or do you see her back?

17 A. Her face and the front.

18 Q. Could you see what she was doing with her  
19 hands?

20 A. She had a stethoscope and she was listening  
21 to him.

22 Q. Okay. So could you see her taking the  
23 stethoscope and placing that on Mr. Chasse's body?

24 A. Yes.

25 Q. Did -- could you see whether or not the

1 stethoscope was into her ear area?

2 A. No, I wasn't looking at it.

3 Q. All right. Did you see her perform anything  
4 else that would appear to be medical testing on the  
5 person lying down?

6 A. I'm not sure.

7 Q. Did you see any of the law enforcement or  
8 police officers, while he was lying, touch him in any  
9 way?

10 A. Yes.

11 Q. And what did you see the law enforcement  
12 officers do?

13 A. After a few minutes, quite a few, one of  
14 them nudged him with his foot.

15 Q. Okay.

16 A. And I was uncomfortable with that.

17 Q. Okay. So he took his foot and did he push  
18 the person with his foot?

19 A. He was nudging him to see if he was dead or  
20 alive.

21 Q. Okay. So do you know why he was doing that?

22 A. No. He was just interested.

23 Q. Could you hear any conversation or  
24 statements that were made by the man lying on the  
25 ground?

1 A. No.

2 Q. Did he make any noises that you heard?

3 A. Not at the beginning.

4 Q. Okay. And at -- let's speak about the  
5 beginning, and then we'll --

6 A. Oh, I can say stuff like that?

7 Q. Yeah.

8 Okay. And we'll kind of chronologically  
9 move along.

10 A. Okay.

11 Q. How about the police officers, did you hear  
12 anything they were saying?

13 A. No.

14 Q. Could you hear the EMT or emergency workers  
15 saying anything?

16 A. No.

17 Q. So about how long did you see the man lying  
18 on the sidewalk -- or, excuse me, on the street?

19 A. At -- at least 35 minutes.

20 Q. Okay. And remind me again, was he lying on  
21 his back or his side or his stomach?

22 A. More on his side.

23 Q. Could you tell whether he was lying on his  
24 left side or right side?

25 A. He was laying on his right side.

1 Q. And as he was lying there and you're  
2 observing him during this period of time following the  
3 tests that were done that you've told us about by the  
4 emergency worker.

5 A. M-hm.

6 Q. What's the next thing that happened?

7 MR. STEENSON: Objection, it misstates her  
8 testimony. Go ahead.

9 Q. (By Mr. Rice) Sometimes lawyers make  
10 objections for the record down the road. It's a  
11 technical reason. Lawyers are allowed to do that.  
12 And you can go ahead and answer the question.

13 A. Okay. Then can you repeat that question?

14 Q. Sure.

15 What's the next thing, chronologically, that  
16 happened as you're observing the man lying in the  
17 street with the people around him?

18 A. Not a whole lot of help.

19 Q. Okay.

20 A. Just hanging out like they were on lunch  
21 break.

22 Q. Could you see any vehicles that were in that  
23 area?

24 A. Yes.

25 Q. What kind of vehicles were around the area?

1           A. I only -- wasn't that interested in them, so  
2 I noticed one police officer's car and he was right  
3 across the street and he was facing me.

4           Q. Did you notice any other vehicles?

5           A. Yes. There was a -- a life squad and it was  
6 on the other corner closer to the victim.

7           Q. And by life squad, is that some sort of an  
8 ambulance type vehicle?

9           A. Right, right.

10          Q. Okay.

11          A. Yes.

12          Q. Did you see any other vehicles other than  
13 that?

14          A. That's -- that's all I remember.

15          Q. All right. So as you're looking at the  
16 scene and the man's lying there, what's the next thing  
17 that you observe happening, either see or hear?

18          A. Nothing. Nothing was happening. And I was  
19 very upset about that.

20          Q. Okay. Could you see any injuries to the man  
21 lying in the street?

22          A. No bleeding, so I -- I really didn't know  
23 what happened. I didn't know if he fell -- fell off a  
24 bike, was hit by a car. But I knew it was something  
25 'cause he was out.

1 Q. Okay. And how could you tell he was out?

2 A. He wasn't moving.

3 Q. As he's lying there, does something else  
4 happen that you observed?

5 A. The only -- the only thing was after the  
6 nudge by the police officer he stirred and that's when  
7 I knew he was not dead.

8 Q. Okay. And when he stirred, was there some  
9 body movement or did he --

10 A. Yeah.

11 Q. -- say something?

12 A. He just kind of squirmed and kind of yelled  
13 like he was scared.

14 Q. And can you describe the yelling in some  
15 way?

16 A. Just -- just a wild cry like -- a wild  
17 cry --

18 Q. All right.

19 A. -- for help.

20 Q. And did he use the word help or just sounded  
21 like that?

22 A. Just -- it just was (indicating verbally),  
23 you know, that.

24 Q. What's the next thing that happens?

25 A. Nothing. And I was really perturbed because

1 the ambulance door was open, you could see the gurney,  
2 and nobody was putting him on it. He didn't have a  
3 blanket. He wasn't getting any assistance.

4 Q. Did you observe anything else happen that  
5 day?

6 A. That was it. After 35 minutes or it could  
7 have been 45, my sister and everybody came out of the  
8 building and they were ready to go --

9 Q. Okay.

10 A. -- so I couldn't stay any longer.

11 Q. Okay. So then what did you do at that time?

12 A. I just left and I went home with them. That  
13 was it.

14 Q. You went home with your sister?

15 A. M-hm.

16 Q. Okay. Have you been back to that location  
17 since this incident?

18 A. No.

19 Q. Have you spoken to anybody about what you  
20 saw that day?

21 A. To my family. Everybody I knew I told when  
22 I got back home.

23 Q. Back to Cincinnati or --

24 A. Yes.

25 Q. -- back to your sister's?



1 A. Back to Cincinnati, right.

2 Q. Of the people standing in -- in the street  
3 that day, police, law enforcement people, emergency  
4 people, do you know any of them or who they are?

5 A. No.

6 Q. The officer who nudged him with his foot,  
7 was that a man or a woman?

8 A. Man.

9 Q. Man.

10 And is there any way you can describe him?

11 A. No. They were all lined together like, you  
12 know, four of them standing together and might have  
13 been the second to last one. I'm not sure.

14 Q. You're not sure which one it was?

15 A. No, I'm not.

16 Q. Could the man lying on the street, could you  
17 see his hands?

18 A. Not right away. I didn't notice them 'cause  
19 being a block away I couldn't notice. But when we  
20 came up catty-corner I feel like he was cuffed.

21 Q. Okay. So when you -- do you know the name  
22 of the store that your family/friends were in that  
23 day?

24 A. No.

25 Q. And when you left the bench area, did you

1 walk in the direction toward where the man was?

2 A. Yes.

3 Q. Okay. And when you walked by -- did you  
4 walk by him on the sidewalk?

5 A. Catty-corner.

6 Q. Was he angled across?

7 A. Right.

8 Q. Did you ever see his face?

9 A. No.

10 Q. When you saw him cuffed, do you remember  
11 anything about his hands other than what you've told  
12 us about?

13 A. No.

14 Q. Did you talk to any police officers at the  
15 scene that day?

16 A. No.

17 Q. Did you talk to any of the paramedics or EMT  
18 people that day?

19 A. No.

20 Q. Did you hear the man who was lying in the  
21 street say anything that you've not told us about?

22 A. No.

23 Q. How did you come to learn that the man in  
24 the street had ultimately passed away?

25 A. On the news.

1 Q. Was this on the television news or  
2 newspaper?

3 A. Television new and I believe the newspaper  
4 following that.

5 Q. Have you followed what's been in the media  
6 about what happened that day since then?

7 A. No.

8 Q. So it was just that first day that --

9 A. (Nods head.)

10 Q. Is that where you saw the phone number?

11 A. Yes.

12 Q. And am I correct that no one's interviewed  
13 you about this incident prior to coming here today  
14 other than that one phone call that you made right  
15 after it happened?

16 A. I got a call five months ago --

17 Q. Okay.

18 A. -- saying that I would be getting a call  
19 from the City of Portland --

20 Q. Okay.

21 A. -- for a -- for a possible deposition.

22 Q. Okay. This process we're doing here today?

23 A. Right. And that was -- that's it.

24 Q. They just -- someone called you and just  
25 relayed that information to you?

1 A. Right.

2 Q. Okay. And do you know who called you?

3 A. No, I don't remember.

4 Q. Okay. I've tried to go through this  
5 chronologically to --

6 A. M-hm.

7 Q. -- find out what you knew.

8 A. Right.

9 Q. Is there something that I've skipped over  
10 that, in your mind, you think is an important factor,  
11 part of the event that occurred that you've not  
12 already talked about?

13 A. No.

14 MR. STEENSON: Objection, vague. Go ahead.

15 Q. (By Mr. Rice) Thank you so much. Some of  
16 the other lawyers may have a question.

17 A. Okay.

18 EXAMINATION

19 BY MR. KRAEMER:

20 Q. I have a couple. My name is Steve Kraemer  
21 and I'm one of witnesses -- or one of the lawyers for  
22 the defendants.

23 Is there anything else you'd like to tell us  
24 or you think you should tell us?

25 A. No.

1 Q. I want to back up just a couple seconds and  
2 just go over a few things. When you talked to  
3 Mr. Steenson outside, was there any discussion with  
4 him about what occurred that day?

5 A. No.

6 Q. Have you ever talked to any lawyer about  
7 what occurred that day prior to half an hour ago?

8 A. No.

9 Q. I'd like to kind of clear something up in my  
10 mind. You're sitting in the -- on a bench with is his  
11 name Tom?

12 A. Tony.

13 Q. Tony.

14 And then you just happened to look over and  
15 you see this man on the ground with the police and EMT  
16 folks; is that correct?

17 A. Correct.

18 Q. How long were you sitting on the bench  
19 before you turned and looked?

20 A. Not long. Three -- three minutes, five  
21 minutes, not long.

22 Q. Was there something that attracted your  
23 attention to that location?

24 A. No. I'm just an observer. I was -- was  
25 just checking out Portland.

1 Q. And did you see anything that occurred  
2 related to that man and the police prior to seeing the  
3 man on the ground when you were sitting on the bench?

4 A. No.

5 Q. So you have no personal knowledge how he  
6 came to be in that position?

7 A. No.

8 Q. When you saw the police officers, did they  
9 all appear to have the same type of uniforms?

10 A. Yes.

11 Q. Do you remember what color those uniforms  
12 were?

13 A. I can't recall.

14 Q. When you saw the lady with the stethoscope,  
15 did it appear that she had a stethoscope to the man's  
16 chest or some other part of his body?

17 A. To the chest.

18 Q. To the chest.

19 As if -- was it -- did it look to you like  
20 she was checking his heart rate or his heartbeat?

21 A. Yes.

22 Q. And do I understand that during the entire  
23 time you're sitting at the bench, the only noise you  
24 hear is the man making the noise that you described  
25 after he was nudged by the officer?

1           A. That wasn't at the bench that I -- the  
2 nudge -- let me get this. I didn't hear him until I  
3 went down to where I was catty-corner, then I could  
4 hear.

5           Q. Oh.

6           A. I was a block away at the bench and I didn't  
7 hear that -- I didn't hear him until we went down and  
8 was catty-corner.

9           Q. Okay. I'm sorry. I was confused. I didn't  
10 get that part.

11           So from the bench you -- you got up and  
12 walked to the corner --

13           A. Right.

14           Q. -- is that correct?

15           You and Tony?

16           A. Yes.

17           Q. And what was the reason you walked to the  
18 corner?

19           A. Because I'm nosey, wanted to see what was  
20 going on.

21           Q. Sure, well, that's understandable.

22           So that's what attracted you to go closer  
23 was just to see what was happening?

24           A. Right.

25           Q. And when you -- when you reached the corner

1 you were catty-corner from what was occurring?

2 A. Right.

3 Q. And the only -- did you hear anything other  
4 than the noise that the man made after he was nudged?

5 A. I can't recall it.

6 Q. Do you recall if people were talking and you  
7 just don't remember what they said?

8 A. Yes.

9 Q. Okay. So you heard voices, you just don't  
10 recall what was said?

11 A. Right.

12 Q. Do you recall hearing anything that troubled  
13 you or caused you any concern or made you upset,  
14 anything like that?

15 A. Yes.

16 Q. What did you hear?

17 A. It wasn't what I heard. It was the way the  
18 police officers were hanging -- they seemed to be just  
19 hanging out on coffee break. It didn't seem like they  
20 were concerned about the victim.

21 Q. Okay. So if I have this correct, my -- my  
22 question was whether you heard anything from any of  
23 the officers or the EMTs that you thought was  
24 offensive or caused you concern. And is the answer to  
25 that question yes or no?



1 A. I guess no, since I didn't hear them.

2 Q. Okay. But is what did cause you some  
3 concern or you thought was troublesome was the fact  
4 that they just appeared to be standing around and not  
5 paying attention to him, would that be a safe  
6 statement?

7 A. Yes.

8 Q. Okay. When this man was nudged by the  
9 officer, do you recall which part of his body was  
10 nudged?

11 A. It was the lower part, maybe the butt.

12 Q. Not like the head or anything?

13 A. No.

14 Q. Okay.

15 A. No.

16 Q. It was the buttocks area, as best --

17 A. Right.

18 Q. -- you can recall?

19 A. As best I can recall.

20 Q. But in any event, it was the lower extremity  
21 part of the body?

22 A. Right.

23 Q. Okay. And did the man move from the force  
24 of the nudge or was it --

25 A. Yes.

1 Q. How -- could you describe how he moved from  
2 the force?

3 A. He -- like he just woke up and he just --  
4 his whole body kind of shook and he went (indicating  
5 verbally).

6 Q. You seem to be describing a situation where  
7 the nudge kind of caused the man to wake up  
8 essentially --

9 A. Yes.

10 Q. -- is that accurate?

11 A. Yes.

12 Q. Okay. When the man started to make some  
13 noise, did it appear to you he was directing his voice  
14 toward the officers or just making noise?

15 A. Making noise, putting it out there.

16 Q. Okay. Were you ever told how the man died?

17 A. I wasn't told. I just heard on the -- the  
18 news.

19 Q. What did the news say that you can recall?

20 A. All I -- the only thing I recall was that he  
21 died in the jail cell.

22 Q. All right. How long did you remain in  
23 Portland after this occurred?

24 A. Oh, not long. It was -- I think I went home  
25 the next day or the day after. I wasn't -- it

1 wasn't -- two days maybe. My vacation was almost  
2 over.

3 Q. Okay. And, you know, lawyers just have to  
4 ask some of these questions even though we are pretty  
5 sure we know the answer. You didn't cut your trip  
6 short because of what you saw?

7 A. Oh, no.

8 Q. You had already planned on leaving the day  
9 that you were leaving?

10 A. Right.

11 Q. And you think it was about two days after?

12 A. Probably.

13 Q. And have you been back to Portland --

14 A. Yes.

15 Q. -- before today?

16 A. Yes.

17 Q. To visit your sister again?

18 A. Yes.

19 Q. When was that?

20 A. Last year in July.

21 Q. Okay.

22 A. I was here for ten days.

23 Q. And did you read anything or hear anything  
24 about this incident when you were here last year?

25 A. No.

1 Q. Has your -- has Tony told you what he saw or  
2 heard?

3 A. I asked him about his dep -- well, I asked  
4 him if he was being called in, and he said that he  
5 went, and I said can you tell me anything, he says no.  
6 He said just be honest and they ask you a lot of yes  
7 and no questions. And that was all he -- that was all  
8 he said.

9 Q. Thank you. That's all I have.

10 A. Okay.

11 EXAMINATION

12 BY MS. DUNAWAY:

13 Q. My name's Susan Dunaway. I represent  
14 Multnomah County and Deputy Bret Burton.

15 A. Okay.

16 Q. Most of the questions I want to ask you have  
17 already been asked so this should not take too long.

18 A. Okay.

19 Q. This is -- you understand is plaintiffs'  
20 attorney. Correct?

21 A. Yes.

22 Q. And some time back I sent the plaintiffs'  
23 attorney a document called interrogatories which is  
24 basically questions that I needed answered.

25 A. M-hm.

1 Q. One of the questions that I asked was for  
2 Mr. Steenson to identify people who had information  
3 about a claim they've brought against all the  
4 defendants based on the Americans with Disabilities  
5 Act. Do you know what the Americans with Disabilities  
6 Act is?

7 A. No.

8 Q. Okay. Well, he has identified you as  
9 someone who would have information about how Bret  
10 Burton and county employees may have failed to  
11 reasonably accommodate James P. Chasse, Jr.'s alleged  
12 disability.

13 A. Okay.

14 Q. So my first question to you is: Were you  
15 aware, at the time of the incident on September 17th,  
16 that Mr. Chasse may have -- may have had a disability?

17 A. Yes.

18 Q. While you were standing there?

19 A. Yes.

20 Q. Okay. How did you know that Mr. Chasse had  
21 a disability?

22 A. Just by his appearance and his hair and his  
23 fear. I just assumed he might have been homeless or  
24 had maybe a bipolar or some type of a problem like  
25 that.

1 Q. And that was based solely on the dress he  
2 was --

3 A. Just by looking at him, yeah.

4 Q. Okay. Did -- did you discuss that  
5 possibility with anybody else?

6 A. You mean like family, my sisters and stuff?

7 Q. Right.

8 A. Yes.

9 Q. Okay. And did they come to any conclusions  
10 in regard to whether or not he may have had a  
11 disability?

12 A. My sisters again, my family?

13 Q. Yes, your family that was there.

14 A. No.

15 Q. They did not express the same opinion?

16 A. They -- they didn't see any of this.

17 Q. Okay. So your sister, her partner, and the  
18 partner's daughter didn't see any of this?

19 A. Correct.

20 Q. Okay. Only Tony and you?

21 A. Right.

22 Q. Okay. Do you have any specific training in  
23 regard to dealing with the mentally ill?

24 A. Just my observation of, you know, people  
25 that kind of look like that. I usually figure they're

1 homeless or they have a mental or emotional disorder.  
2 You see it all over. He kind of reminded me of that.  
3 And I kind of told Tony I thought this man might have  
4 a problem.

5 Q. Okay. And where have you seen this? You  
6 said you've seen this all over.

7 A. Oh, yeah.

8 Q. Where -- where specifically?

9 A. All over Cincinnati, Cincinnati.

10 Q. Okay. Is there a specific area in  
11 Cincinnati or is this --

12 A. Well, anymore it's just about everywhere. A  
13 lot of homeless that live out in the -- the street,  
14 you know, and under bridges and --

15 Q. And has someone specifically told you that  
16 the people who are homeless are also mentally ill or  
17 is there a reading source that you've used to identify  
18 these people as mentally ill?

19 A. The first.

20 Q. Somebody told you?

21 A. (Nods head.)

22 Q. Okay. Who told you that the homeless people  
23 in Cincinnati are mentally ill?

24 A. Well, usually they're on the news because  
25 they've been found dead, you know, from winter

1 exposure.

2 Q. Okay.

3 A. And a lot of homeless, they just have some  
4 type of emotional issue to be there in the first  
5 place.

6 Q. Has anybody ever identified for you that any  
7 of the homeless might have drug- or alcohol-related  
8 issues?

9 A. Yes.

10 Q. Okay. And who identified that for you, that  
11 problem?

12 A. Well, the news.

13 Q. On the news?

14 A. M-hm.

15 Q. Okay. When you were standing there looking  
16 at Mr. Chasse, did you come to the conclusion that he  
17 exclusively had mental health issues or did you  
18 consider the possibility that there could have been  
19 mental health plus other issues like drugs or alcohol?

20 A. The first, not the drugs and alcohol so  
21 much.

22 Q. And that was based solely on the way he  
23 was --

24 A. Appearance.

25 Q. -- dressed?



1 A. Appearance.

2 Q. Okay. And in Cincinnati -- how big of a  
3 city is Cincinnati?

4 A. Big.

5 Q. A million plus?

6 A. About.

7 Q. About.

8 Do you have any problem with alcoholics who  
9 also live on the street?

10 A. No.

11 Q. There are no alcoholics who live on the  
12 street in Cinn --

13 MR. STEENSON: Objection.

14 THE WITNESS: Oh, I thought you said on my  
15 street.

16 Q. (By Ms. Dunaway) No, not on your street. In  
17 Cincinnati.

18 A. I don't know.

19 Q. You don't -- you don't know?

20 A. No, I don't know.

21 Q. So you don't have any personal knowledge of  
22 how an alcoholic who is living on the street might  
23 appear in terms of the way that person might dress?

24 A. No.

25 Q. Because you've never had somebody identified

1 to you either by the news or by somebody else as being  
2 an alcoholic who was living on the street homeless?

3 MR. STEENSON: Objection, vague,  
4 argumentative. Go ahead.

5 Q. (By Ms. Dunaway) You can answer.

6 A. No, no.

7 Q. Mr. Steenson has identified you then as  
8 someone who, having come to the conclusion that  
9 Mr. Chasse had a disability, that Deputy Burton and  
10 other Multnomah County employees should have done  
11 something different with Mr. Chasse to accommodate  
12 that disability.

13 A. Yes.

14 Q. Okay. Deputy Burton was one of the officers  
15 who was at the scene on September 17th where you were  
16 standing. What should Deputy Burton have done  
17 differently?

18 MR. STEENSON: Objection to the extent it  
19 calls for a legal conclusion, speculation.

20 MS. DUNAWAY: Well, you've identified her as  
21 somebody who says that he should have done something  
22 different.

23 MR. STEENSON: Well, that's not the way the  
24 interrogatory was worded. It's not exactly what the  
25 response was. You're making an argument based upon a

1 full disclosure of a witness that would have some  
2 information about Mr. Chasse's appearance and his  
3 mental condition that day. That's all it did. If you  
4 want to now argue your legal case with a witness who  
5 doesn't have that experience, go ahead.

6 Q. (By Ms. Dunaway) Do you have any belief in  
7 regard to anything that Deputy Burton, who would have  
8 been a deputy who was standing there in a green  
9 uniform, what he -- you believe he should have done  
10 differently than whatever it was that you saw?

11 A. I don't know how to answer that because I  
12 don't remember seeing him. I -- I can't -- I don't  
13 want -- I can't pick out one officer. I just felt  
14 like out of the officers that were there, that they  
15 should have been more compassionate to the victim.

16 Q. Okay. So it would be -- would it be fair to  
17 say then that what you would have liked to have seen  
18 was a different attitude?

19 A. Exactly, yes.

20 Q. Okay. Are there specific actions, though,  
21 that you also believe they should have taken?

22 A. Between the officers and the EMT workers, I  
23 just thought the gurney should have been brought down  
24 and he should have been transported to a hospital  
25 instead of letting all that time go by.

1 Q. Did you observe any injuries on Mr. Chasse?

2 A. I couldn't see any.

3 Q. Okay. Why do you believe then that he  
4 should have been transported to a hospital?

5 A. Because I didn't know if he was hit by a  
6 car. I knew some -- I knew he had to be hurt to be  
7 laying in the street like that and not to move. I  
8 thought he was dead. So under those circumstances, I  
9 felt like he should be transported immediately to a  
10 hospital.

11 Q. Did anyone tell you that he was hurt?

12 A. No.

13 Q. And did you observe any injuries?

14 A. I couldn't tell. I thought maybe he was hit  
15 the way his -- angle of his body was. I thought that  
16 maybe he had been hit and he had a broken bone.

17 Q. But nobody told you he was injured and --

18 A. No.

19 Q. -- and you didn't see any injuries?

20 A. No.

21 Q. So you just assumed, because he was on the  
22 ground, that --

23 A. The way he was laying.

24 Q. -- that he was injured?

25 A. Yes.

1 Q. Did anyone tell you that Mr. Chasse had been  
2 taken into custody by the police?

3 A. No.

4 Q. Did anyone mention to you that he was under  
5 arrest?

6 A. No.

7 Q. You said that you observed Mr. Chasse's  
8 hands --

9 A. Yes.

10 Q. -- is that --

11 And that he was handcuffed?

12 A. I believe he was handcuffed.

13 Q. Did -- did you happen to notice what the  
14 color of his hands were?

15 A. Well, he was Caucasian.

16 Q. So his hands were white?

17 A. Our color, right.

18 Q. Okay. And you -- I think you testified that  
19 you never actually saw his face. Is that correct?

20 A. Correct.

21 Q. Other than your contact with the homeless  
22 community or your knowledge of the homeless community  
23 that you've learned through news shows that have  
24 identified homeless people as having some type of  
25 mental illness --

1 A. M-hm.

2 Q. -- is there any other life experience that  
3 you've had with people who have mental illness?

4 A. There are so many crazy people out there.  
5 You work with them even.

6 Q. I mean, have you ever worked with somebody  
7 who has schizophrenia?

8 A. No.

9 Q. Or somebody who's bipolar?

10 A. Yes.

11 Q. Okay. And that was somebody that you  
12 actually worked with?

13 A. I have family members.

14 Q. Who are bipolar?

15 A. Yes.

16 Q. And how were those people identified to you  
17 as bipolar?

18 A. How were they identified to me?

19 Q. How did you --

20 A. How did I find that out?

21 Q. M-hm.

22 A. Well, they were -- you know, their mood  
23 swings, highs and lows, and finally their mothers had  
24 them go to the doctor and figured everything out, you  
25 know, psychiatrists, psychologists, and came to the

1 conclusion that they were bipolar. Not -- you know,  
2 there's different levels. They're not the bad,  
3 they're not -- not bad. They're on their medicine,  
4 they're fine now. But they needed that.

5 Q. So the people who you've known who are  
6 bipolar --

7 A. M-hm.

8 Q. -- were not homeless --

9 A. No.

10 Q. -- living on the street?

11 A. No, no.

12 Q. Any other contacts with people who have  
13 mental illness?

14 A. Well, many, many years ago I volunteered to  
15 work at Longview State Mental Institution in  
16 Cincinnati, and I saw kind of severely mentally  
17 disturbed individuals.

18 Q. Okay. And how -- how long ago was that?

19 A. Oh, my goodness. 1968.

20 Q. And what was -- what type of volunteer work  
21 were you doing?

22 A. Going to the play area and talking to them  
23 or playing checkers or put on music and sing and, you  
24 know, pick up sticks, things like that.

25 Q. Okay.

1 A. They were adults.

2 Q. And do you have any -- like Mr. Kraemer  
3 said, sometimes lawyers have to ask questions that we  
4 already know the answer to. Do you have any personal  
5 knowledge in regard to any of the actions that were  
6 taken by any Multnomah County employees inside of the  
7 Multnomah County jail?

8 A. No.

9 Q. Okay. Have you ever had any personal  
10 experiences with law enforcement people in law  
11 enforcement?

12 A. No.

13 Q. You've never received a traffic violation?

14 A. No.

15 Q. And you've never had to call the police  
16 because of a rowdy neighbor or a --

17 A. No.

18 Q. -- burglary or --

19 A. Well, I had a burglary many years ago, back  
20 in 1967.

21 Q. And other than that, that's your only  
22 contact?

23 A. Yes.

24 Q. Can you think -- one last question.

25 A. M-hm.



1 Q. Can you think of anything else then at the  
2 scene on September 17th, other than an attitudinal  
3 adjustment, that the police officers that were there  
4 should have done to accommodate Mr. Chasse's  
5 disability?

6 A. No.

7 Q. Okay. That's all the questions.

8 A. Okay.

9 EXAMINATION

10 BY MR. LUVAI:

11 Q. My name is Kennedy Luvai and I'm here  
12 representing American -- AMR Northwest, Tamara  
13 Hergert, and Kevin Stucker, those are the paramedics  
14 that were at the scene.

15 A. Okay.

16 Q. And I just have a couple of quick follow-up  
17 questions.

18 A. M-hm.

19 Q. Were the EMTs that were there, when you  
20 looked and saw the commotion, were they amongst the  
21 people that were there at -- during the time or did  
22 they come into the picture after you were observing  
23 the commotion?

24 A. I vaguely remember a male look -- you know,  
25 with him, then he left the picture and -- and then a

1 few minutes went by and then the female. It seems  
2 like she was more attentive to him than the -- the  
3 male --

4 Q. And what did --

5 A. -- paramedic.

6 Q. I apologize.

7 A. Well, she's the one that really seemed to  
8 care about him.

9 Q. And what did you observe the male EMT to be  
10 doing?

11 A. He just moved out of the picture and I don't  
12 remember. I was too busy -- my eyes were on her and  
13 the victim.

14 Q. So there's nothing --

15 A. So I don't really remember, no.

16 Q. And other than what you stated with regard  
17 to the female EMT checking his vitals and having a  
18 stethoscope, is there anything else you observed her  
19 doing?

20 A. No.

21 Q. How about the ambulance, the paramedic  
22 vehicle, you said that the back door was open?

23 A. M-hm.

24 Q. Is there anything else about that vehicle  
25 that you noticed?



1 got there that the man on the ground was blue and he  
2 thought he was dead. Did you hear that statement  
3 made?

4 A. No.

5 Q. When these people were standing around and  
6 not doing anything, did you hear any of them or see  
7 any of them laugh?

8 A. Yes.

9 Q. Do you remember who was laughing?

10 A. No.

11 Q. Did you see or hear them do anything that  
12 made you think they were telling a joke or making a  
13 joke at what had happened?

14 A. No.

15 Q. Okay. I take it from your testimony you  
16 didn't see anything to suggest that the man on the  
17 ground was involved with drugs in any way?

18 A. That's hard to answer. I was thinking that  
19 he had mental issues, but I wouldn't know if he was  
20 taking anything or not.

21 Q. Sure.

22 Well, the toxicology was that he had no  
23 drugs in his system and no alcohol in his system. So  
24 I'm asking you whether you saw like drug  
25 paraphernalia --

1 A. Oh, no.

2 MR. KRAEMER: I'll object to form.

3 MR. STEENSON: Fine.

4 Q. (By Mr. Steenson) -- drug paraphernalia,  
5 anything at all that would suggest that he was  
6 carrying drugs, using drugs, selling drugs, anything  
7 like that?

8 A. No.

9 MR. RICE: Object to form.

10 Q. (By Mr. Steenson) And I take it, during this  
11 time you were there, you didn't know that the man had  
12 multiple broken ribs?

13 MR. RICE: Object to form.

14 MS. DUNAWAY: Object to form.

15 MR. LUVAI: Join.

16 THE WITNESS: No.

17 Q. (By Mr. Steenson) And during the time that  
18 you were there, you didn't know he had a broken  
19 clavicle or shoulder bone?

20 MR. RICE: Object to form.

21 MS. DUNAWAY: Object to form.

22 MR. LUVAI: Object to form.

23 THE WITNESS: No.

24 Q. (By Mr. Steenson) And if I understand your  
25 testimony, the female paramedic had a stethoscope, at

1 some point you saw her bed over or attend to the man?

2 A. M-hm.

3 Q. But you didn't actually see the stethoscope  
4 in her ears?

5 A. No, I wasn't paying attention to that.

6 Q. Okay. That's all I have. Thank you.

7 FURTHER EXAMINATION

8 BY MR. RICE:

9 Q. Just a few more questions.

10 A. M-hm.

11 Q. With regard to the paramedic, how long was  
12 the woman's hair who had the stethoscope?

13 A. Shoulder length. Not long, not short,  
14 just -- like I don't know, a little longer than yours.  
15 I can't really --

16 Q. Medium length?

17 A. Yeah.

18 Q. Could you even see her ears with the way her  
19 hair was?

20 A. Probably not.

21 Q. Okay. Cincinnati's a fairly large city, not  
22 only in population but in geography as well --

23 A. Yes.

24 Q. -- is that right?

25 A. Correct.

1 Q. Do you live in what would be called the --  
2 at the urban part of Cincinnati or the more suburban  
3 part of the Cincinnati?

4 A. Suburban.

5 Q. Do you live out near 275?

6 A. Yes.

7 Q. That is the beltway that runs around  
8 Cincinnati?

9 A. Yes.

10 Q. How about far are you from downtown  
11 Cincinnati where you live?

12 A. About 22 miles.

13 Q. Are there any homeless people in the  
14 neighborhood you live in?

15 A. Yes.

16 Q. Are they on your street or are they on -- is  
17 there like a shopping center near where you live?

18 A. Five miles away.

19 Q. Okay. And where do you come into contact  
20 with homeless people in your neighborhood, if you do?

21 A. Yeah, like on the -- well, you don't know  
22 it, Sharon Road where the trains go over, you know,  
23 where the bridge is and, you know, underneath there,  
24 you'll see them there. And it's mostly around the  
25 expressways.

1 Q. Entrance ramps, things like that?

2 A. Right, yes.

3 Q. Okay. I believe that's all I have. Thank  
4 you. Thank you for coming in here and talking to us  
5 today.

6 A. You're welcome. Thank you.

7 MR. STEENSON: Thank you.

8 (The deposition concluded at 10:23 AM.)

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