

CAUSE NO. D-1-GN-15-002291

BRIAN RODGERS	* IN THE DISTRICT COURT
Plaintiff	*
	*
v.	* TRAVIS COUNTY, TEXAS
	*
THE CITY OF AUSTIN	*
Defendant	* 98TH JUDICIAL DISTRICT

ORAL DEPOSITION OF SUE EDWARDS

August 28, 2015

BE IT REMEMBERED that the oral deposition of SUE EDWARDS was reported by Lydia L. Edwards, Texas CSR 2567, by machine shorthand on August 28, 2015, at Austin City Hall, located at 301 West 2nd Street, Fourth Floor Conference Room, Austin, Texas, between the times of 9:09 o'clock a.m. and 11:48 o'clock a.m., and taken pursuant to the Texas Rules of Civil Procedure, unless otherwise agreed to by counsel, and after which time was set forth as follows:

A P P E A R A N C E S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AleshireLAW, P.C.

By: Bill Aleshire

700 Lavaca, Suite 1400

Austin, Texas 78701

512.320.9155

512.320.9156 Fax

bill@aleshirelaw.com

FOR THE PLAINTIFF

CITY OF AUSTIN LAW DEPARTMENT

By: Christopher Coppola

301 West 2nd Street

Fourth Floor

Austin, Texas 78701

512.974.2161

512.974.1311 Fax

christopher.coppola@austintexas.gov

FOR THE DEFENDANT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

T A B L E O F C O N T E N T S

APPEARANCES	- - - - -	2
STIPULATIONS	- - - - -	1
INDEX OF EXHIBITS	- - - - -	4
SUE EDWARDS		
Examination by Mr. Aleshire	- - - - -	6
Examination by Mr. Coppola	- - - - -	95
DEPOSITION CORRECTION PAGE	- - - - -	97
WITNESS SIGNATURE PAGE	- - - - -	98
REPORTER'S CERTIFICATE PAGE	- - - - -	99

	I N D E X O F E X H I B I T S		
	DESCRIPTION	MARKED	IDENTIFIED
1			
2			
3	Edwards Exhibit No. 1A		
4	4-23-15 email	6	9
5	Edwards Exhibit No. 1B		
6	4-23-15 Letter	6	9
7	Edwards Exhibit No. 1C		
8	Workflow Notes	6	9
9	Edwards Exhibit No. 2A		
10	4-13-15 Letter	6	11
11	Edwards Exhibit No. 2B		
12	3-16-15 email	6	11
13	Edwards Exhibit No. 2C		
14	Workflow Notes	6	11
15	Edwards Exhibit No. 3A		
16	4-13-15 Letter	6	13
17	Edwards Exhibit No. 3B		
18	3-16-15 Letter	6	13
19	Edwards Exhibit No. 3C		
20	Workflow Notes	6	13
21	Edwards Exhibit No. 4A		
22	4-13-15 Letter	6	13
23	Edwards Exhibit No. 4B		
24	3-19-15 Letter	6	13
25	Edwards Exhibit No. 4C		
	Workflow Notes	6	13
	Edwards Exhibit No. 5		
	Deposition Notice	6	8
	Edwards Exhibit No. 6		
	Interrogatory Responses	6	31
	Edwards Exhibit No. 7A		
	8-18-15 Letter	6	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X O F E X H I B I T S

DESCRIPTION	MARKED	IDENTIFIED
Edwards Exhibit No. 7B		
X Games Correspondence	6	
Edwards Exhibit No. 8		
4-8-15 emails	6	43
Edwards Exhibit No. 9		
2013 Calendar/Meetings	6	49
Edwards Exhibit No. 10		
January-April, 2014 emails	6	80
Edwards Exhibit No. 11		
March-May, 2015 emails	6	86

1 (Before the deposition commenced, 11
2 instruments were marked for identification
3 as Del Bosque Exhibits Nos. 1A, 1B, 1C,
4 2A, 2B, 2C, 3A, 3B, 3C, 4A, 4B, 4C, 5, 6,
5 7A, 7B, 8, 9, 10 and 11.)

6 MR. ALESHIRE: Good morning.

7 THE WITNESS: Good morning.

8 SUE EDWARDS

9 was called as a witness for the Plaintiff and, after
10 having been duly sworn to tell the truth, testified as
11 follows:

12 EXAMINATION

13 BY MR. ALESHIRE:

14 Q. Would you state your full name, please?

15 A. Sue Edwards.

16 Q. And, Ms. Edwards, my name is Bill Aleshire. I
17 am the attorney for the Plaintiff in the lawsuit that is
18 the subject of this deposition by Brian Rodgers against
19 the City of Austin.

20 Have you had your deposition taken before?

21 A. Never.

22 Q. Have you testified in court before?

23 A. Once.

24 Q. In this deposition, you -- as you can tell,
25 you're under oath just as if you would be testifying in

1 a court of law. Now, the reporter is going to take down
2 everything anyone says. So we have a couple of things
3 we need to do to help the court reporter. One is, try
4 not to talk over each other. Let me finish a question
5 before you begin your answer, and I'll try real hard to
6 make sure I have waited to ask the next question until
7 you have finished your comment. Is that okay?

8 A. I understand, uh-huh.

9 Q. Thank you. Also, we need to be careful not to
10 talk too fast. The court reporter is quite capable of
11 taking normal conversation or more, but let's don't burn
12 her fingers up, okay?

13 A. Okay.

14 Q. Your attorney from time to time may have an
15 objection. He'll instruct you if he wants you not to
16 answer the question. He will tell you that, but
17 otherwise his objection -- most objections you will go
18 ahead and answer the question. And I may also be
19 objecting. If you give an answer that I don't feel is
20 responsive to the question, I'm allowed in the
21 deposition to make an objection along those lines, but
22 just be aware that that may occur.

23 A. Okay.

24 Q. I'll also ask you if -- to -- before you answer
25 a question if you don't understand my question ask me to

1 clarify it, please, before you answer it because
2 otherwise if you answer the question we are going to
3 assume you understood what the question was, okay?

4 A. Okay.

5 Q. And I don't know for sure how long this is
6 going to take. I'm going to do my best to have us out
7 of here at least by noon, but if along the way you feel
8 like you need to take a break, just wave or something.
9 Let us know. I'll be glad to do that as long as there's
10 not a question pending at the time. If you've answered
11 the question, I'm glad to take a break. I'm glad to do
12 that.

13 Okay. Ms. Edwards, you're here in
14 response to a notice of deposition; is that correct?
15 And I am handing you what has been marked as Exhibit 5.

16 A. Yes, that's correct.

17 Q. Okay. Now, we're here because of a lawsuit
18 that was filed by Brian Rodgers against the City of
19 Austin over records that he sought from the City of
20 Austin, and the lawsuit is brought under the Texas
21 Public Information Act. Are you aware of the
22 allegations that Mr. Rodgers has made in the lawsuit?

23 A. Yes, I am aware.

24 Q. Have you read the lawsuit petition, the
25 original petition?

1 A. Yes, I have.

2 Q. Did you do anything to prepare for your
3 deposition today other than possibly talk to your
4 lawyer? I don't want to know about that.

5 A. No, I did not.

6 Q. Okay. Did you review any documents to prepare
7 for your deposition today?

8 A. I reviewed all of the public information
9 requests again that had been submitted.

10 Q. Okay. Let me hand you what has been marked as
11 Exhibit 1A, 1B and 1C.

12 MR. ALESHIRE: These are the same from
13 yesterday.

14 MR. COPPOLA: Oh, okay.

15 Q. (BY MR. ALESHIRE) And if you would look at
16 each of those -- if you can identify 1A separately, 1B,
17 1C. I'm not sure if you've seen all of those, but tell
18 us if you have, if that's part of what you reviewed to
19 prepare for your deposition.

20 A. I have seen all of these documents
21 (indicating), but I have not seen this (indicating).

22 MR. ALESHIRE: Okay. And she's referring
23 to 1C that she has not seen.

24 Q. (BY MR. ALESHIRE) Let me give an explanation
25 and ask you a few other questions about this, and it'll

1 speed up for the rest of them. I think we have a total
2 of seven requests, and the original request, this one
3 (indicating), for example, is information -- this is a
4 request for correspondence that occurred between city
5 officials and the Downtown Austin Alliance. So that was
6 the first request, and then it was clarified as to the
7 time frame that was involved from September the 1st,
8 2013 through December the 31st, 2014. Then -- and so
9 that's that request.

10 1C, have you seen information like this
11 displayed before? Do you know what 1C is even if you
12 didn't review it for this deposition? And I'm not
13 asking you if you recognize that particular document,
14 that particular entry. But just generally have you seen
15 that kind of information --

16 A. No, I have not.

17 Q. -- displayed before? Okay. Let me represent
18 to you that in yesterday's deposition of Mr. Del Bosque
19 he identified this document -- and there's others like
20 it -- as being what is referred to as workflow in the
21 City's PIR -- I think you call it IQ PIR, P-I-R,
22 processing system. And it is, in essence, a log of the
23 activity that occurs when a PIR is -- PIR, P-I-R, I'll
24 refer to, is submitted to the City of Austin. Were you
25 aware that such logs existed?

1 A. I am.

2 Q. Okay. But you don't usually see them?

3 A. I do not see them.

4 Q. Okay. Likewise, I'm going to hand you what has
5 been marked 2A, 2B and 2C. And not to prejudice at all
6 your answer, but this is an example of one where a
7 request, 2B, was submitted to the City of Austin for
8 public information. And then about a month later a
9 request was made to obtain the workflow or PIR
10 processing information which is what 2C is.

11 But back to our original question, is this
12 also a -- are both 1A and 1B requests that you reviewed
13 to prepare for your deposition?

14 MR. COPPOLA: You mean 2A and 2B?

15 MR. ALESHIRE: 2A and 2B. I'm sorry.

16 A. I have seen 2A, but I have not seen these two
17 documents (indicating).

18 Q. Okay. 2B is the request for records involving
19 the negotiation of the contract with Decker Lake Golf
20 for use of Walter E. Long Park property and a request
21 for proposed versions of the contract. That 2B is a
22 request you have not seen before?

23 A. No.

24 Q. But you have seen 2A, which is a copy of the
25 subsequent request asking for log information, workflow

1 information, about how this original request was
2 processed by the City, and that one you have seen
3 before?

4 A. I am not sure. The ones -- the PIRs that I
5 see, because I only get them through my executive
6 secretary or my executive assistant, are really the
7 final request that is sent from the Law Department.

8 Q. And when you say "Law Department," more
9 specifically is that the PIR Team --

10 A. Yes.

11 Q. -- within the Law Department?

12 A. Uh-huh.

13 Q. Okay. But when did you review the open records
14 request to prepare for your deposition?

15 A. I get them --

16 Q. No. I meant for this --

17 A. Today.

18 Q. -- deposition. You indicated you had reviewed
19 them to prepare for your deposition?

20 A. Last night.

21 Q. Last night. Okay. And do you remember --

22 A. I did not see that one last night.

23 Q. 2A?

24 A. It looks familiar, but I did not see that.

25 Q. Okay. And are you pretty sure you have not

1 **seen 2B?**

2 A. I have not seen 2B.

3 **Q. Okay. So were you even aware that Mr. Rodgers**
4 **had asked the City for copies of correspondence about**
5 **the terms -- the proposed terms of the contract between**
6 **Decker Lake Golf and the City?**

7 A. No.

8 **Q. Until this moment?**

9 A. Until this moment.

10 **Q. I'm going to hand you, then, what was marked as**
11 **Exhibit 3A, -B and -C, same routine. If you can, tell**
12 **us if you've seen those documents before. And I**
13 **understand you've already answered that you probably**
14 **have not seen 3C, which is the log information, but 3A**
15 **and 3B.**

16 A. I've seen 3A and 3B and 3- -- I have seen 3A
17 and 3B. I have not seen 3C.

18 **Q. Okay. And the last one, 4A, -B and -C?**

19 A. I have seen this one except for the last page.

20 **Q. Okay. So you have seen 4A, 4B, but not 4C?**

21 A. Correct.

22 **Q. Okay. Ms. Edwards, is it fair to say that if**
23 **you have not seen the public information request marked**
24 **as 2B and you haven't seen the one marked as 2A that the**
25 **records of your office that might be included within the**

1 **scope of those requests have not been searched?**

2 A. May I see it again, please?

3 **Q. Certainly.**

4 A. The records of my office were searched for
5 everything having to deal with the requests that were
6 made.

7 **Q. Do you know whether your records were searched**
8 **specifically for the open records request marked as**
9 **Exhibit 2B?**

10 A. I can tell you that my office searched for
11 everything that dealt with Richard Suttle or any of the
12 other three names which I was not familiar with,
13 anything that had to do with Walter E. Long or anything
14 that had to do with golf course.

15 **Q. Well, there is a separate request, No. 4, that**
16 **asks specifically about correspondence that you may have**
17 **had or other city officials may have had from Mr. Suttle**
18 **and the Decker Lake Golf folks before the RFQS for the**
19 **golf proposal was issued. That's not what 2B is. 2B is**
20 **a different time frame and only relates, as it says --**
21 **it speaks for itself -- to the contract negotiations**
22 **that were going on after the RFQS was issued and they**
23 **were selected to negotiate with.**

24 **If you haven't seen this request before,**
25 **how do you know whether your records were searched to**

1 **see if records responsive to this request were**
2 **delivered --**

3 MR. COPPOLA: Objection, form.

4 **Q. (BY MR. ALESHIRE) -- were located?**

5 MR. COPPOLA: Objection, form.

6 **Q. (BY MR. ALESHIRE) Go ahead.**

7 MR. ALESHIRE: What's your objection?

8 MR. COPPOLA: Asked and answered.

9 **Q. (BY MR. ALESHIRE) Okay. Go ahead.**

10 A. Every search that was made covered anything
11 that had wording that would do with this particular
12 request even though I had not seen this request. I can
13 also tell you that I have not been involved in any of
14 the negotiations between these individuals --

15 **Q. Okay.**

16 A. -- with respect to this.

17 **Q. Okay. So you are personally familiar with what**
18 **terms were used to search your records?**

19 A. Yes.

20 **Q. Okay. We'll get back to that later, then.**

21 **Okay. Thank you.**

22 Do you know why you would have seen the
23 requests involved in Exhibits 1, 3 and 4 but not 2?

24 A. No, I don't.

25 **Q. Ms. Edwards, I want to establish what your job**

1 is and try to get the lay of the land as to what the
2 scope of your work is for the City of Austin. So I have
3 a few questions along those lines. What is your job
4 title?

5 A. Assistant City Manager.

6 Q. And how long have you held that position?

7 A. Since June of 2008, I believe.

8 Q. And is that the same job title you had all
9 during that period of time?

10 A. Yes.

11 Q. And you worked for the City prior to June of
12 2008 when you became an ACM?

13 A. I have.

14 Q. And how long have you been with the City?

15 A. This time I have been with the City for
16 21 years.

17 Q. And you had had a break?

18 A. Yes. I was with the City for 11 years. I had
19 a break for 11 years, and then I came back to the City
20 in March of 1994. So from March of 1994 until now is a
21 little over 21 years.

22 Q. You've got the pleasure of seeing the BCCP
23 developed.

24 Do you have any outside employment or
25 business other than your position with the City?

1 A. No, I don't.

2 **Q. Do you serve on the board of any organizations?**

3 A. Any organizations?

4 **Q. (Nods affirmatively.)**

5 A. I am a board member of the Waller Creek
6 Conservancy, and I am the City's representative there.
7 I am on the advisory board of the Downtown Austin
8 Alliance.

9 **Q. And what is the advisory board of the DAA, I'll**
10 **call it, as opposed to the board?**

11 A. Periodically the board will call in the
12 advisory board for technical questions or technical
13 reasons.

14 **Q. Which city departments report to you? I assume**
15 **that there are city departments that report to you?**

16 A. Uh-huh. I have the Airport, Development
17 Services, Planning and Zoning, Watershed Protection,
18 Economic Development, the Office of Sustainability, and
19 Kerry's office. What is Kerry's office called? I've
20 gone blank.

21 THE WITNESS: Is it -- you can't help me.
22 I have one other office which is --

23 MR. COPPOLA: Can we go off the record for
24 a moment?

25 MR. ALESHIRE: Sure.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(OFF THE RECORD)

THE WITNESS: The Innovation Office.

Q. (BY MR. ALESHIRE) The Innovation Department?

A. It's an office, not a department.

Q. Innovation Office. Okay. Which one of those departments' jurisdiction would have caused you to be involved at all in the proposal for use of the Walter E. Long parkland for the Decker Lake Golf proposal?

A. It could have been Watershed Protection. It could have been Economic Development. It could have been Planning and Zoning. It could have been Development Services Department.

Q. Okay. But the Parks Department is not one of your departments, right?

A. No, it's not.

Q. Who is Parks under?

A. Bert Lumbreras.

Q. And you are familiar, you indicated, with the request that's in Exhibit 3 for the potential purchase by the City of parkland -- 75 acres as I understood it, of potential parkland on Bull Creek --

A. Yes.

Q. -- is that correct?

A. Uh-huh.

Q. Okay. And which of these departments would

1 **have put you in a role, if you were in a role, of**
2 **evaluating whether the City should purchase that**
3 **property, I believe, from TxDOT?**

4 A. Let me go back. May I amend?

5 **Q. Sure.**

6 A. I left out a department.

7 **Q. Sure.**

8 A. The Office of Real Estate.

9 **Q. Now I understand. Thank you. Is that why?**

10 A. It was a number of them. It was the Office of
11 Real Estate. It was also Watershed, and it was also
12 what was then the Planning and Development Review
13 Department. That department is now two departments.
14 One of them is Development Services Department. The
15 other one is Planning and Zoning Department.

16 **Q. Okay. You mentioned a little earlier that you**
17 **have an executive assistant and an executive secretary,**
18 **I believe?**

19 A. Yes, sir.

20 **Q. What are their names? Tell me which is which.**

21 A. The -- my executive assistant is Marie
22 Sandoval, and my executive secretary is Jessica
23 Bluebird.

24 **Q. Do you have other staff that report directly**
25 **within your office that are not part of another city**

1 department that report to you? Do you have staff within
2 your own ACM office in addition to these two?

3 A. No.

4 Q. Okay. So you have, in essence, roughly eight
5 department heads that report to you?

6 A. Yes.

7 Q. Okay. Has your job performance been evaluated
8 since January 1st of this year?

9 A. No.

10 Q. Have you received any criticism of your work
11 from city administrators this year?

12 A. No.

13 Q. Have you received any praise of your work from
14 city administrators this year?

15 A. Yes.

16 Q. Can you tell me the subject area of that
17 praise, the general nature of it?

18 A. The City Manager on a periodic basis will just
19 email you, "Hey, that was a great job done," not
20 necessarily for anything in particular.

21 Q. Okay. Thank you. Now, let me turn to the way
22 the City handles public information requests. To your
23 knowledge, is there a single person at the City whose
24 job it is to make sure the City complies with the TPIA?

25 A. Well, I hope it's all of us.

1 **Q. Okay. All employees?**

2 A. I think all employees are responsible for
3 responding. We do have a process.

4 **Q. Are you able to identify to start with any**
5 **single person whose job it is to either audit or check**
6 **up on compliance by the City with the Public Information**
7 **Act?**

8 A. The City Manager always periodically checks in
9 to make sure that we're complying, but I'm not really,
10 Bill -- Mr. Aleshire, I'm not really involved in the PIR
11 process. I let both Marie Sandoval and Jessica. Those
12 are their responsibilities to deal with any of the PIRs
13 that I receive. If I receive them personally, I send
14 them to them to process through the formal process.

15 **Q. Okay.**

16 A. And if they receive them, they notify me, and
17 they send them through the formal process. So the
18 background of what goes on is not one of the things that
19 I do.

20 **Q. Okay. In the last -- let's say since January**
21 **of -- January 1st of 2013, have you had occasion**
22 **personally to search your records for potential**
23 **responsive documents to a public information request?**

24 A. I don't do that. Jessica or Marie do that for
25 me.

1 **Q. Okay. So you have not done that where you**
2 **personally searched for the records?**

3 A. No.

4 **Q. Okay. How are you familiar with the search**
5 **terms or methodology they use -- that Ms. Sandoval and**
6 **Ms. Bluebird use to search your records in response to**
7 **PIR?**

8 A. They always -- I tell them to use the broadest
9 terms that they can find, narrow it down to the very
10 specific. And so they use -- they tell me the words
11 that they use when they're searching, and they ask me,
12 "Sue, can you think of any other way we might search
13 this?" And when they ask me that, we sit down and talk
14 about it to see if we can think of any other way that we
15 can possibly search.

16 **Q. Did that occur on any of the four open records**
17 **requests -- that conversation with them about search**
18 **terms occur on any of the four PIRs that we've got**
19 **marked as 1 through 4?**

20 A. Yes. Jessica is -- has been with me for less
21 than a year, and so she wants to be really sure that
22 she's doing a good job. So she'll say, "Sue, I've
23 searched this, this, this and this. Here's the words
24 I've used. Is there some other way I can search?"

25 **Q. In order to evaluate whether the search is**

1 **proper and complete, don't you need to see each of the**
2 **requests?**

3 A. I do. I do see each one of the requests.

4 **Q. Except for No. 2?**

5 A. I did not see that one.

6 **Q. Okay.**

7 A. Was it sent to me?

8 **Q. I don't know.**

9 A. Wouldn't it be on the distribution list?

10 **Q. We'll have to keep the questions going this way**
11 **(indicating) and the answers coming that way**
12 **(indicating).**

13 A. Sorry.

14 **Q. In the time that you've been ACM, has anyone**
15 **ever from outside your office checked to see if you're**
16 **complying with records retention laws?**

17 A. Yes.

18 **Q. Who and roughly when?**

19 A. On a periodic basis, the City Clerk's Office
20 and the City Manager's Office communicate together about
21 records retention. We've had records retention
22 training. Marie has had records retention training. We
23 just not too long ago did a final purge of all of the
24 records. We had boxes all over our office because City
25 Clerk was looking through things and making sure that we

1 had retained the appropriate records.

2 **Q. Approximately when was that activity going on?**

3 A. I'd say about three, four months ago.

4 **Q. Okay.**

5 A. I'm not real sure, but about that time --
6 around that time.

7 **Q. And these are paper records?**

8 A. All kinds of records.

9 **Q. Okay. Well, concerning electronic records --**
10 **and let's talk -- let's start with emails. How does**
11 **the -- how has the City clerk checked your emails --**
12 **let's talk about the ones directed to you or from you --**
13 **in regards to records retention?**

14 A. The City Clerk does not check my emails. What
15 the City Clerk does is work with all of the SPOCs, as we
16 call them, to --

17 **Q. S-P-O-C-s?**

18 A. S-P-O-C-s. -- to see what records have been
19 maintained over a period of time, and that's as far as I
20 know all the details. That is again not my
21 responsibility. It is working with Marie and with
22 Jessica to do that.

23 **Q. You've had training in records retention laws?**

24 A. Yes.

25 **Q. And so you're familiar that you can legally**

1 delete or get rid of emails, for example, depending on
2 the nature of the email -- the subject matter of the
3 email and the period of time?

4 A. Yes.

5 MR. COPPOLA: Objection, form; asks for a
6 legal conclusion.

7 Q. (BY MR. ALESHIRE) Based on your understanding
8 of your training, are you allowed based on the subject
9 matter of emails and the length of time they've been
10 around been able to delete or otherwise discard emails
11 that otherwise would be in your Inbox or Sent box or --

12 A. Yes.

13 MR. COPPOLA: Hey, Bill, I'm not trying to
14 interrupt your flow. But can we take a break anytime
15 soon? I've been drinking too much coffee.

16 MR. ALESHIRE: Absolutely. Let's just do
17 that right now.

18 MR. COPPOLA: Okay.

19 MR. ALESHIRE: Let's go off the record.

20 (BRIEF RECESS)

21 Q. (BY MR. ALESHIRE) Ms. Edwards, I want to be
22 fair to you. You had wondered whether or not the public
23 information request marked as 2A and 2B had been sent to
24 your office. I wanted to give you an opportunity to
25 look at 2C -- the workflow is what the PIR team calls

1 it -- and scan that to see if your office was, in fact,
2 sent that request.

3 A. No.

4 Q. Right. And would you go back to 2B? And
5 that's the original request, and look at the part of the
6 request that's numbered No. 1. Would you mind reading
7 that out loud so that we can discuss it?

8 A. "A copy of any correspondence (email or paper)
9 between any official, employee, or attorney of the City
10 of Austin and any officer, employee, or attorney of
11 Decker Lake Golf LLC regarding proposed terms of a
12 contract between the City of Austin and Decker Lake Golf
13 LLC after Decker Lake Golf was selected as the party and
14 with whom to negotiate a contract."

15 Q. Okay. Now, can you see any reason why the
16 scope of that part of the request might not include your
17 office?

18 A. I was not involved in any of the negotiations.

19 Q. Well -- but it didn't ask for just
20 negotiations. It asked for any correspondence about the
21 contract terms, right?

22 A. I had no correspondence. I was not included in
23 any of the discussions for terms or any correspondence.

24 Q. But how would the public information team --
25 how would the public information manager know that?

1 A. I can't answer that.

2 Q. Right. So is there -- in your opinion, should
3 your office have been asked whether or not you had any
4 correspondence that was within the scope of that part of
5 the request?

6 MR. COPPOLA: Objection, form.

7 A. I can't answer that. I don't know. I was not
8 involved.

9 Q. (BY MR. ALESHIRE) Well -- but isn't the point
10 of referring a public information request to an office
11 to see whether or not responsive records are there?

12 A. Mister --

13 MR. COPPOLA: Objection, form.

14 Q. (BY MR. ALESHIRE) Go ahead.

15 A. Mr. Aleshire, I was never involved in that part
16 of any of the negotiations. I can only assume that
17 people knew that.

18 Q. Knew that or assumed that?

19 A. I don't know. I can't answer that.

20 Q. Right. But you -- well, let's -- we've
21 established according to the log your office never
22 received that request. Is it -- and according to what I
23 see in the log -- and you're welcome to check it as
24 well -- there doesn't appear to be any response from
25 your office obviously saying we have or we don't have

1 records, right?

2 A. (Nods affirmatively.)

3 Q. Do you have any way of knowing whether other
4 ACMs or the City Manager would have had any
5 correspondence about the contract terms of that
6 contract?

7 A. I do not, no.

8 Q. Okay. That contract had aspects of it that
9 were pretty controversial, did it not?

10 A. I think it probably depended on who you were
11 talking to.

12 Q. But there are other people in the community,
13 perhaps even -- you may be aware even my client, Brian
14 Rodgers, who were opposed to that contract?

15 A. I was not aware that your client was opposed.

16 Q. Okay. Were you aware that a ballot proposition
17 was submitted to the voters of Austin in 2001 to approve
18 a lease of parkland at Walter E. Long Park in part for a
19 golf course?

20 A. No.

21 Q. Even in the course of discussion about --

22 A. Could you back up and answer that --

23 Q. Yes.

24 A. -- I mean, ask that question one more time?

25 Q. Okay. Were you aware that in 2001 there was a

1 ballot proposition submitted to the voters of Austin to
2 see if they would approve a lease of a certain number of
3 acres of Walter E. Long Park to be used in part for a
4 meeting center and golf course?

5 A. No. At the time, I was not. The only time I
6 became aware of that was when Sara talked about it --
7 Sara Hensley, the director of Parks and Recreation,
8 mentioned it.

9 Q. During what period of time?

10 A. During this period of time.

11 Q. 2013-2014?

12 A. Yes.

13 Q. Okay. But you were with the City in 2001,
14 right?

15 A. Yes.

16 Q. And are you -- did you become familiar with why
17 a lease of that parkland was submitted to the voters?

18 A. No.

19 Q. Are you familiar with a city charter
20 requirement that for alienation of parkland it must be
21 approved by the voters?

22 A. Under certain circumstances, yes.

23 Q. Okay. But you don't know if that's why -- the
24 charter provision is why that lease of the Walter E.
25 Long parkland was submitted to the voters?

1 A. No.

2 Q. Do you know whether that ballot proposition was
3 approved?

4 A. No.

5 Q. You're not aware that the voters turned that
6 lease proposition down?

7 A. No.

8 Q. Okay. It's apparent from the records I've seen
9 that you became involved in 2013 in discussing with the
10 Decker Lake Golf representatives before the RFQS was
11 issued the idea of using some of that parkland at
12 Walter E. Long for golf courses. Is that fair to say?

13 A. I had a meeting -- I was invited to a meeting
14 by the City Manager where there were three people whom I
15 did not know at the time and Richard Suttle, and they
16 brought forth an idea to put a PGA golf course on that
17 particular piece of property. That was all I knew.

18 Q. Okay. And was that with the City Manager?

19 A. Yes.

20 Q. Okay. City Manager, you and those three
21 individuals from Decker Golf and Richard Suttle?

22 A. I think there were two individuals --

23 Q. Okay.

24 A. -- and Richard Suttle. One was a person who
25 owned the property that was adjacent to it, and one was

1 an individual who was supposed to be an expert in golf.

2 Q. Would it -- I'm going to refer to our
3 Plaintiff's interrogatory to the City of Austin, No. 6,
4 that according to these records, you answered and swore
5 to the response. It asks for correspondence between you
6 and Warren Hayes, Gary Bellomy and Joe Ogilvie. Does
7 that help refresh your recollection as to whether any of
8 those three were involved in this meeting you're
9 referring to?

10 A. Warren Hayes. I don't know the other person.
11 And, again, I am not very good at names and particularly
12 when I don't know somebody that I'm not involved with.
13 So --

14 Q. Do you recall about when this meeting with the
15 City Manager and you and the Decker Golf people
16 occurred?

17 A. No. It was more than -- probably a year ago,
18 but I could -- I don't know.

19 Q. But it was before the RFQS was put out? It was
20 in the formative stages --

21 A. It was --

22 Q. -- of the idea?

23 A. I can't -- I don't know. I just know that this
24 was the first time that the City Manager or I had heard
25 of the idea --

1 Q. Okay.

2 A. -- at that meeting.

3 Q. And since you -- the record shows that you
4 actually reviewed the RFQS before it was put out and
5 made a few comments about changes to it?

6 A. Uh-huh.

7 Q. Then this meeting must have occurred before you
8 did that, right?

9 A. Oh, absolutely.

10 Q. Okay.

11 A. This was an initial meeting it appeared to me.

12 Q. Okay. Just to wrap this up on what these logs
13 are showing about referrals of PIRs to you or your
14 office, let me show you 1C just to remind you that the
15 information request involved in 1 had to do with
16 correspondence and city officials and the DAA. And if
17 you'll notice, at the top of 1C it does show that CM and
18 ACM were included on the last page, 1C.

19 A. (Nods affirmatively.)

20 Q. Right. So that request went to your office?

21 A. Uh-huh.

22 Q. And, in fact, you had responsive records to
23 that. Let me -- in this case, if you'll look at the
24 original request which is 1B, the request was structured
25 in a way where the search would be pretty obvious,

1 right? In fact, doesn't the request say I want -- we
2 want all the emails to or from these specific URLs or
3 email addresses listed as a, b, c and d?

4 A. Let me read this, please --

5 Q. Sure.

6 A. -- for a minute.

7 Q. Sure.

8 A. Okay.

9 Q. So to the best of your knowledge, were those
10 terms that are shown on 1B the terms that your staff
11 used to search your records, given the period of time, I
12 think, that was clarified in --

13 A. To the best of my knowledge, yes.

14 Q. Okay. Do you have any specific recollection of
15 discussing this with -- the search terms with your staff
16 on this request?

17 A. I don't.

18 Q. Okay. Real Estate Office is one of your
19 departments -- or one of the departments that reports to
20 you. If they get a PIR, do you get involved in it?

21 A. Anytime -- well, I would say that -- I'm not
22 sure I can answer that.

23 Q. In this case, this is Request No. 3 that asks
24 for records about the Bull Creek property?

25 A. Uh-huh.

1 Q. And it was referred, it says here, ORES, which
2 we understand --

3 A. Office of Real Estate.

4 Q. -- to be the Real Estate Office. Do you
5 know -- and this does not indicate -- well, look at 3C
6 and tell me whether -- what that workflow indicates were
7 the offices to which the PIR was referred. I think at
8 the top I noted it does show ORES. Do you see any other
9 entry on there where it refers to an office to which the
10 PIR was referred? I'm not asking about responses that
11 came back but where it was referred to other than ORES?

12 A. Myself.

13 Q. Which entry?

14 A. ACM-Goode.

15 Q. Well, I'm asking about --

16 A. About me?

17 Q. No. Let me make sure my question is clear to
18 you. 3C, if you look at the second line, it shows that
19 "ORES has been added to this PIR"?

20 A. Uh-huh.

21 Q. And then the third line says, "Please advise if
22 other departments should be added to this PIR," correct?

23 A. Uh-huh.

24 Q. Okay. And I forgot to mention earlier that for
25 our court reporter she cannot distinguish --

1 A. Yes.

2 Q. -- uh-huh from huh-uh.

3 A. Uh-huh, yes.

4 Q. Okay. And so we need a yes or no if possible.

5 Okay. Do you see where else it shows that
6 any other departments other than ORES were added to the
7 PIR? I am not asking you about entries that may
8 indicate that responsive documents were provided. I'm
9 asking you if you see anything on this log that
10 indicates that the PIR was sent to any other offices
11 other than Real Estate.

12 A. If I'm understanding your question right, where
13 it says, "ACM Arellano has no responsive information,"
14 that's to a different ACM. Am I answering -- am I
15 responding to what you're asking?

16 Q. No. My question is confined to whether -- what
17 entries are on this log showing where the PIR was sent,
18 and I only see -- and I'm not trying to be tricky at
19 all. The only entry I see on here was that the PIR was
20 sent to the Real Estate Office. That's Line No. 2. I
21 don't see anywhere else on here where it shows that the
22 PIR was referred to the Law Department or to the ACMs or
23 the CM.

24 A. Well, they would have had to have been sent if
25 it says that Arellano has no responsive information.

1 Mr. Goode has no responsive information, Jason Garza.
2 Lumbreras' office has no responsive information.
3 Anytime that that occurs, it means that it's been sent
4 to that particular office because otherwise we cannot
5 say we have no responsive information.

6 **Q. Well, that may be a bit --**

7 A. I don't know -- let me just clarify. Because I
8 have never seen this before, I don't know what some of
9 this means, but I can tell you that when something says
10 they have no responsive information they have been
11 queried and there has been a search done. That's all I
12 can answer for you.

13 **Q. Right. But the question -- where I'm headed**
14 **with this question is, obviously on some occasions on**
15 **some of these PIRs it shows that your office or other**
16 **ACMs or the CM were sent the PIR to see whether you have**
17 **records. Some show that it wasn't sent to your office,**
18 **or at least according to the log.**

19 **Now, we have a couple of possibilities,**
20 **and this is -- we go back to the original question that**
21 **started this series. I asked you if -- when the Real**
22 **Estate Office receives a PIR does your office get**
23 **involved.**

24 A. I don't always --

25 **Q. That's where it started.**

1 A. I don't always get involved. If something goes
2 directly to an office and it is not something that I am
3 involved with, I can't tell you whether or not I see
4 them all or not. I would say -- I'm not sure where
5 you're coming from. I -- if I could better understand
6 your question or what you're looking for, maybe I could
7 respond better.

8 **Q. With the -- as you look at this log, would you**
9 **agree that there's a couple of logical possibilities**
10 **that could explain how there is no indication that any**
11 **of the ACMs or the CM was sent this PIR, but yet there**
12 **are responses from the ACM and CM? And one of the**
13 **possibilities would be they just failed to log it. They**
14 **sent the PIR to the City Manager and the ACMs and just**
15 **didn't log it on the workflow. That's a possibility, is**
16 **it not, logical possibility?**

17 A. I can't answer that because I -- as I said
18 before, I've really never seen this, and I don't know
19 whether or not there is a process that says it's sent to
20 specifically. I do know, though, if -- again, if it
21 says that there was no responsive information from an
22 ACM's office, they had to be asked because you have Rose
23 Marie Martinez, and it says "CM Ott's documentation
24 attached," and it doesn't indicate that it was sent to
25 his office. So all I can say is, when there's a

1 response like that, that office would have seen that
2 PIR.

3 Q. Let's back up a bit, then. Would you expect in
4 the public information process of the City of Austin
5 that some kind of record might be kept as to what
6 happened to a PIR when it was received by the City as to
7 which offices were even consulted about the PIR?

8 MR. COPPOLA: Objection, form.

9 Q. (BY MR. ALESHIRE) Would you expect there to be
10 some kind of record made of that?

11 MR. COPPOLA: Objection, form.

12 A. Certainly I would think that there would be.

13 MR. ALESHIRE: All right.

14 A. I know that we are very careful about that, and
15 we are always very particular about making sure that we
16 know who it has been sent to.

17 Q. (BY MR. ALESHIRE) And wouldn't you agree that
18 that's kind of important to make sure that the response
19 is complete, because if an office actually has records
20 that are responsive to a PIR but they're not even asked
21 to check to see about those responsive records, odds are
22 the requester is not going to get all the records
23 they're entitled to get --

24 MR. COPPOLA: Objection, form.

25 Q. (BY MR. ALESHIRE) -- right?

1 A. Not necessarily. Use the one that I gave you
2 as an example. I knew what you were looking for in your
3 other requests, and we wanted to make sure that
4 everything we have you got. It's really important to
5 us. And so if you recall my answers and my response to
6 the search, we searched for everything that we could
7 think of that was applicable to the subject that you
8 were talking about, not just the responses from Richard
9 Suttle back and forth but also Decker Lake because you
10 were looking for that kind of information.

11 **Q. The Request No. 2 that you indicated you had**
12 **not seen and that according to the log does not show**
13 **that your department received that PIR --**

14 A. That is correct.

15 **Q. -- occurred on -- was submitted on March**
16 **the 16th. The request that you're referring to about**
17 **Mr. Suttle and correspondence you may have had with the**
18 **Decker Lake folks wasn't submitted until March 19th, a**
19 **few days later?**

20 A. Uh-huh.

21 **Q. I guess what I'm asking is -- I'm surprised by**
22 **your answer that you think that a requester might end up**
23 **getting all the records they've asked for from the City**
24 **to which they'd be entitled even if a department that**
25 **holds records that are responsive to those requests are**

1 **not asked to search for those records. Is that what you**
2 **mean to answer?**

3 MR. COPPOLA: Objection, form.

4 A. My point is this: When we get a PIR and we
5 understand what someone is looking for, the last thing
6 we want to do is keep that. We want to give you
7 everything we can. And so the search -- I can speak for
8 my office. The search is really broad because we have
9 some indication of what you're looking for. There's not
10 anything that I want to keep from anyone because I think
11 it's important that we are very truthful and that we do
12 the best job we can.

13 Now, sometimes probably those things
14 don't -- don't -- we don't catch everything. But I
15 would say that I know from the City Manager's Office,
16 because we've talked about it many times, that the
17 broadest search we can make is the very best.

18 MR. ALESHIRE: I'm going to object to that
19 answer as nonresponsive.

20 THE WITNESS: Counsel --

21 **Q. (BY MR. ALESHIRE) The -- and my question to**
22 **you would be, what good would the internal processes of**
23 **your office doing a thorough search matter if your**
24 **office is not informed that the PIR has even been**
25 **received by the City?**

1 A. I think we're not communicating. We have PIRs
2 that were previous to the March one that you're
3 indicating, the third one that you showed me, that I did
4 not receive; is that correct?

5 Q. Apparently you did not receive No. 2. And
6 No. 3 doesn't indicate that you received it, but there
7 was an entry showing it was sent to your office. But I
8 agree with you logically you must have seen it somehow.

9 A. I did --

10 Q. And I'm trying to understand the process by
11 which that occurred because you responded to it.

12 A. I did not see it. I did ask Jessica to do a
13 very broad search, but I did not see it.

14 Q. I'm sorry. I'm talking about No. 3 which is
15 the Bull Creek one. Your office --

16 A. Oh.

17 Q. Your office --

18 A. Yes, I saw the Bull Creek one.

19 Q. All right. You saw the Bull Creek one. And so
20 that this is clear and we can end this chapter of this
21 deposition, the entries on 3C do not show that it was
22 ever sent to your office, the CM or the other ACMs as a
23 log entry. It only shows it was sent to the Real Estate
24 Office.

25 And the reason I'm asking this question --

1 this series of questions is to see if there's something
2 in the process where the Real Estate Office might have
3 been referred the PIR and whether the Real Estate Office
4 contacted the City Manager or the ACMs.

5 A. Yes.

6 Q. That's a logical possibility?

7 A. Yes.

8 Q. Okay. And so you -- so even if the PIR Team
9 that manages and creates this log -- they call it a
10 workflow for a PIR -- might not have entered an entry
11 showing that it was referred to your office, it might
12 make it to your office through a department like the
13 Real Estate Office?

14 A. That's correct. It could.

15 Q. Okay.

16 A. Now are we on the same page?

17 Q. Well, while we're on the subject, we'll finish
18 up, then, with No. 4. Please look at 4C which is the
19 workflow for the open records request regarding
20 correspondence with the Decker Lake folks prior to the
21 issuance of the RFQS. And if you'll look at 4C, the
22 last page there, and review that, would you agree that
23 on the first line it indicates that this was forwarded
24 to Law, PARD, which is P-A-R-D which is Parks, CMO,
25 which is City Manager's Office, right?

1 A. Uh-huh.

2 MR. COPPOLA: You need to --

3 THE WITNESS: Yes.

4 Q. (BY MR. ALESHIRE) And CTM-MAC, what is that,
5 CTM-MAC? Actually I think I know what that is. I
6 believe that's the computer people that do the search
7 for the City Council emails.

8 A. Okay.

9 Q. If you'll look down the second entry, it
10 indicates that they added EDD. Who is EDD; do you know?
11 Is that -- I'm guessing. Is that Economic Development
12 Division?

13 A. I'm --

14 Q. Second -- third entry.

15 A. Oh, EDD? Yes.

16 Q. Okay. And then Law, AE, being Austin Energy,
17 and AWU, Austin Water Utility, were added, right, on the
18 30th of --

19 A. Yes.

20 Q. -- March? Now, notice the date. The request
21 was dated March the 19th. It was entered into the
22 system, according to this, March the 22nd. These other
23 entities were added as late as March the 30th.

24 I want to show you what has been marked as
25 Exhibit 8, and I'm referring to the email that is at the

1 top of that page. Take just a moment to read that.

2 A. (Witness did as requested.)

3 Q. Have you read that top email?

4 MR. COPPOLA: Just a minute.

5 A. Okay.

6 Q. (BY MR. ALESHIRE) First of all, have you ever
7 seen the email that was dated April the 8th, 2015 from
8 me to Elaine Nicholson that's at the top of Exhibit 8?
9 Do you recall ever seeing that before?

10 A. I don't recall.

11 Q. Okay. Were you aware in this -- roughly this
12 time frame of April that Mr. Rodgers was threatening to
13 file a lawsuit to obtain the records that had been
14 requested in March and had not yet been received?

15 A. No.

16 Q. Okay. Let's look, then -- I'm going to try to
17 keep these in order, and we can get -- anytime you need
18 to see another exhibit, please feel free to do it.

19 If you go back to 4C now, you notice that
20 I sent this email to the City on April the 8th
21 complaining about whether or not, in fact, all the
22 responsive emails had been provided to Mr. Rodgers for
23 Request No. 4, and notice the second to last entry in
24 item -- Exhibit 4C. Do you see what that says on April
25 the 28th?

1 A. Uh-huh.

2 Q. What does it say?

3 A. It says "Added ACM-Edwards."

4 Q. In light of the top entry indicating where it
5 was sent, does -- is it your understanding that a PIR
6 that is sent only to the CMO, which would be the City
7 Manager's Office, would not necessarily come to your
8 office?

9 A. Most of the time they do.

10 Q. Okay. But you were not according to this
11 log -- again, I don't know if it's correct or not, but
12 it's what we've been given. It indicates that this
13 request that was made on March the 16th was finally
14 referred to your office to check for records on April
15 the 28th.

16 In light of your comments, even though I
17 objected to them earlier about the policies and the
18 desires of the City to be responsive under the TPIA, do
19 you have any particular reaction to the time period that
20 occurred between the time the record was requested and
21 the time that your office was even asked to search to
22 see if you had responsive records?

23 MR. COPPOLA: Objection, form.

24 A. I don't issue those. So I don't know how they
25 come. I do know that PIRs are sent to whom people think

1 are the most responsive individuals. Sometimes then
2 after that somebody will say have you thought about this
3 person or have you thought about that person.

4 I was not directly involved in the Decker
5 Lake negotiations, just initially in the meetings that I
6 had told you -- in the meeting I had told you about. So
7 it could be that people don't know everybody that's
8 involved, but as they talk to other individuals within a
9 particular office or the City that they are then sent to
10 somebody else.

11 Q. Well, my question was, in your judgment as an
12 important city official, if you think taking from March
13 the 16th to April the 28th to even ask a department if
14 it got records is an acceptable time frame concerning
15 the goals the City of Austin has to comply with the
16 TPIA?

17 MR. COPPOLA: Objection, form.

18 Q. (BY MR. ALESHIRE) Is that an acceptable time
19 frame --

20 A. I don't know.

21 Q. -- in your opinion?

22 A. I don't know.

23 Q. You don't know. Notice also on 4C, if you
24 will, that the last entry is shown as May the 6th as
25 indicating that your office had provided some responsive

1 information on May the 6th, which was just a week or so
2 after your office had received the request on April
3 the 28th. I don't see on 4C any indication other
4 than -- I don't see an entry on here where it shows that
5 the information was provided to the requester. Do you?

6 A. I'm not sure.

7 Q. I don't see an entry on 4C where it shows that
8 the information was provided to the requester. I'm not
9 asserting it wasn't. I'm just telling you I don't see
10 an entry here that indicates when the information that
11 was requested on March the 16th was provided to
12 Mr. Rodgers. Do you?

13 A. No. But that doesn't necessarily mean that
14 this is the only thing that we use nor do we put
15 everything in writing either when we have a process that
16 we've been using for a long period of time.

17 Q. So if Mr. Del Bosque testified yesterday that
18 this is the process by which you log the activity on a
19 PIR, he would be wrong about that?

20 A. I really --

21 MR. COPPOLA: Objection, form.

22 A. I really do not have any knowledge about the
23 background of this. My knowledge really deals with once
24 the PIR is received by Jessica or by Marie she gives it
25 to me, and then we begin the search.

1 MR. ALESHIRE: Right.

2 A. I know that everybody tries to do the very best
3 that they possibly can.

4 Q. (BY MR. ALESHIRE) Once you have provided
5 information to be turned over to the requester, do you
6 inquire as to whether or not that actually got done and,
7 if so, when?

8 A. Yes. Of course, I do.

9 Q. Okay. Were you aware that the information that
10 was requested on March the 16th regarding request No. 4
11 was not provided to the requester until May the 18th?

12 A. I'm sorry. Say that again, please. Which
13 request?

14 Q. Were you aware that the information that was
15 requested in this Request No. 4 about the pre-RFQS
16 discussions with Decker Lake Golf was not provided to
17 the requester until May the 18th, 2015?

18 A. No.

19 Q. Okay. In your opinion, is over a 60-day period
20 of time from when a request is received by the City till
21 the time that the responsive records are provided to the
22 requester an acceptable time frame from your standpoint
23 as the city official?

24 A. It depends on the circumstance.

25 Q. Okay. And considering the nature of this

1 **request, then, do you think that is an acceptable period**
2 **of time to provide responsive records?**

3 A. Again, it depends on the circumstance. It
4 depends on how many people have records and how many
5 records those are and how many sheets of paper that
6 individuals have to review.

7 Q. Okay. I'm going to hand you what has been
8 marked as Exhibit 9, and for the purpose of my
9 questions, I'm going to stipulate to you that those are
10 the records that were provided to Mr. Rodgers in
11 response to the Request No. 4.

12 Now, first of all, in light of your --

13 MR. COPPOLA: Are you saying that's the
14 sum total of the records he received in response to
15 Request No. 4 or just part of the records?

16 MR. ALESHIRE: Yes. This is what
17 Mr. Rodgers was provided in response to the Request
18 No. 4 on an email dated May the 18th, 2015.

19 MR. COPPOLA: But you're not suggesting he
20 hasn't received other records since then responsive --

21 MR. ALESHIRE: No. This question is
22 directed as to what was received before the lawsuit was
23 filed, and I'll stipulate to that.

24 MR. COPPOLA: Okay.

25 MR. ALESHIRE: And it only relates to 4B.

1 It only relates to 4B, that request.

2 Q. (BY MR. ALESHIRE) I want to give you an
3 opportunity to review Exhibit 9, but I also want you to,
4 if you will, take me -- to the extent that you recognize
5 what these documents are, walk me through what each one
6 is, what's your understanding of each one of those
7 pages.

8 MR. COPPOLA: Take a look at them first.

9 THE WITNESS: (Witness did as requested.)

10 Q. (BY MR. ALESHIRE) Ms. Edwards, I realize that
11 you -- these are basically calendar entries and meeting
12 requests, correct?

13 A. Yes.

14 Q. And I realize that you may or may not have been
15 involved in every one of these meetings, but I'd like to
16 figure out based on this record and to the extent that
17 it refreshes your recollection as well which meetings
18 you attended.

19 The first page indicates that there was a
20 meeting on March the 26th, correct?

21 A. Uh-huh.

22 MR. COPPOLA: Would you say yes?

23 THE WITNESS: Yes, yes.

24 Q. (BY MR. ALESHIRE) And the second page is the
25 meeting request, is it not?

1 A. Yes.

2 Q. Okay. And it shows the organizer being Sara
3 Hensley --

4 A. Uh-huh.

5 Q. -- right?

6 A. Yes.

7 Q. And it indicates who is supposed to attend the
8 meeting?

9 A. Yes.

10 Q. That being Sara Hensley, Jesse Vargas, Richard
11 Suttle, and Warren Hayes?

12 A. Yes.

13 Q. Okay. But you're not listed there. Do you
14 recall if you attended that meeting?

15 A. I don't recall, but if I was not listed, I
16 would not have been there.

17 Q. Okay. Is this -- so far is this helping jog
18 your memory about when the meeting was that you
19 referenced the City Manager asked you to be involved in
20 the meeting with a couple of the Decker Lake folks and
21 Mr. Suttle?

22 A. There were two meetings. One of them was
23 early. So it had to be earlier than March the 26th, the
24 first meeting with the City Manager.

25 Q. Okay. Do you know if it occurred before

1 **January 1st of 2015?**

2 A. I do not.

3 **Q. Do you recall the meeting, actually meeting**
4 **with them and the City Manager?**

5 A. Yes.

6 **Q. Do you recall at all by chance what the weather**
7 **was like? Was it in the wintertime? Was it cold? Was**
8 **it warm?**

9 A. I don't. I get -- sometimes I go to eight
10 meetings a day.

11 **Q. Okay.**

12 A. No, I don't. I'm sorry.

13 **Q. Okay. I was trying to help to see if you could**
14 **recall. But you're pretty sure it would have occurred**
15 **before March the 26th?**

16 A. I am almost sure, simply because that was an
17 introductory meeting where the discussion was, "City
18 Manager, what do you think about this idea?"

19 **Q. For the PGA golf?**

20 A. Yes, uh-huh.

21 **Q. Okay. The next entry that we received was for**
22 **July the 3rd. And the calendar indicates that you were**
23 **one of the attendees, and, in fact, the meeting request**
24 **on the next page indicates that you were the organizer**
25 **of that meeting. Is that correct?**

1 A. That's what it shows, yes.

2 Q. Okay. And it shows that the -- at least the
3 required attendees were Greg Canally, C-a-n-a-l-l-y --

4 A. Canally.

5 Q. Canally. Who is that?

6 A. Greg is with the Finance Department.

7 Q. Okay. And Sara Hensley and Rodney Gonzales who
8 is also with PARD; is that right?

9 A. No. Rodney Gonzales is Economic Development.

10 Q. Economic Development. Okay. And "W. Hayes"
11 being Warren Hayes?

12 A. I guess.

13 Q. Okay. It's listed at the top as Warren Hayes.
14 Now, I notice down on that meeting request that Dana
15 Eskew said the meeting was confirmed with Warren Hayes.
16 Who is Dana Eskew, E-s-k-e-w?

17 A. She was the executive secretary at the time
18 for --

19 Q. For whom?

20 A. -- me.

21 Q. For you?

22 A. Uh-huh.

23 Q. Okay. So the City Manager -- do you recall
24 that meeting in July?

25 A. Not really. I think I barely recall the City

1 Manager had just asked me to make sure that everything
2 got started in terms of meeting people.

3 Q. Okay. On this topic of --

4 A. On the topic.

5 Q. Okay. And were these -- did you have any
6 direct communication with Richard Suttle or -- with
7 Richard Suttle about -- in advance of this meeting?

8 A. No.

9 MR. COPPOLA: Objection, form.

10 A. No, I did not. What the City Manager --
11 because I was the one that was in the original meeting,
12 the City Manager just asked me to -- when we discovered
13 that it was really a PARD piece of property and that it
14 was one where Sara needed to take charge, I was asked,
15 because I was in that meeting, to pull a meeting
16 together to explain what the discussion had been and to
17 convene these people in order to see whether they wanted
18 to move forward with this sort of a project. And I was
19 really a coordinator.

20 Q. (BY MR. ALESHIRE) Okay. And then the next
21 entry is in October, October 25th of 2013. It shows the
22 calendar entry, and if I'm reading this calendar entry
23 correctly, there's a meeting with Richard Suttle at
24 10:00 o'clock on the calendar entry and you. This is on
25 the -- is that right?

1 A. Uh-huh.

2 Q. And then there's another meeting with Sara
3 Hensley at 11:30; is that correct?

4 A. Uh-huh.

5 Q. Correct?

6 A. Yes.

7 Q. Now, this indicates that you organized a
8 meeting with Richard Suttle and Warren Hayes along with
9 Bert Lumbreras, Sara Hensley, Jesse Vargas, correct --

10 A. Yes.

11 Q. -- the meeting request?

12 A. Uh-huh.

13 Q. Do you recall anything about that meeting?

14 A. This was again -- Bert Lumbreras was not in the
15 meeting that we originally had, and if I recall at the
16 time, the City Manager asked me to check in to see how
17 they were all -- were they moving forward.

18 Q. Do you recall any of the discussions that
19 occurred in the meetings you attended in July and
20 October with the Decker Lake folks?

21 A. Other than organizational kinds of things, you
22 know, "How are you doing," "Are you moving along," "Have
23 you decided what you want to do," I was at that point
24 just -- because I had been in the original meeting and
25 Bert had not been in the original meeting, that was

1 really my responsibility.

2 Q. What was your understanding at this time as to
3 what they were going to propose? You've indicated that
4 they were proposing to use some parkland, right?

5 A. I think, if I recall correctly, they were
6 beginning to talk about whether or not it was feasible
7 to use parkland and whether -- if it were feasible
8 whether or not to use a license agreement or something
9 else.

10 Q. And why --

11 A. And that was the discussion.

12 Q. I'm sorry. And why would there be discussion
13 about using a license agreement as opposed to a lease?

14 A. I understand Parks uses either one.

15 Q. But did you -- do you recall from your
16 conversations with them why they would use a license as
17 opposed to a lease of the parkland?

18 A. No, I don't.

19 Q. Did they divulge to you any particular legal
20 issue that there might be about using a lease?

21 A. No, no.

22 Q. So at this period of time in -- well, this idea
23 is --

24 A. Let me back up on that.

25 Q. Sure.

1 A. The only thing I know from that discussion was
2 that they had used license agreements that had been
3 short and long, and they had used leases which seemed to
4 be longer. So there was this discussion about if we
5 moved forward with this how would we do that.

6 **Q. Okay. So there was discussion about whether**
7 **there could be a lease or a license?**

8 A. Yes.

9 **Q. Did the topic come up that if there's a license**
10 **that the issue might need to be submitted to the voters**
11 **for approval --**

12 A. Not at that --

13 **Q. -- in these meetings?**

14 A. (Nods negatively.)

15 **Q. In none of these meetings that you attended do**
16 **you recall the issue of having to have an election**
17 **brought up as a topic of discussion with the Decker Lake**
18 **folks?**

19 A. Not at these meetings.

20 **Q. Okay. When do you recall that first coming to**
21 **your attention as an issue about whether voter approval**
22 **would be required to use this parkland?**

23 A. Sometime there was -- at some point, there was
24 a meeting with Bert and Leela Fireside from this Law
25 Department, and Bert asked me to be present at that

1 meeting. And at that meeting --

2 MR. COPPOLA: Well, we don't need to
3 discuss what we've talked about at that meeting.

4 THE WITNESS: Sorry.

5 Q. (BY MR. ALESHIRE) If you were getting legal
6 advice, I don't need to --

7 A. I was getting legal advice.

8 Q. Okay.

9 A. Sorry.

10 Q. Okay. But at any of the meetings with Richard
11 Suttle or Mr. Bellomy -- well, let me ask you first. At
12 the meeting that you're referring to, were -- was there
13 anyone who doesn't work for the City of Austin present?

14 A. No.

15 Q. Okay. And in the meetings that you had with
16 Mr. Bellomy or Mr. Suttle, when is it you first recall
17 discussing with them about whether an election would be
18 necessary to use this parkland?

19 A. I never discussed it with them.

20 Q. Okay. I see that the -- that documents, at
21 least as I printed them out, I suppose, had another
22 meeting that actually occurred between July and October,
23 and that was August the 20th. If I'm reading this
24 correctly, this was not a meeting you were involved in.
25 Is that your recollection?

1 A. Yes, that's correct.

2 Q. Okay. So is it your testimony that to the best
3 of your recollection the City Manager did not attend any
4 of the meetings that are in Exhibit 9?

5 A. No.

6 Q. And you're pretty sure that there was a meeting
7 with the City Manager, you, at least a couple of people
8 from Decker Lake Golf, and Mr. Suttle prior to March
9 the 26th, 2013?

10 A. Yes.

11 Q. Do you recall how you were -- mechanically how
12 you were asked to attend that meeting? And I could be
13 more specific and say, was it with an Outlook meeting
14 request like this (indicating)?

15 A. I don't recall.

16 Q. Okay.

17 MR. COPPOLA: You want to take another
18 quick break here?

19 MR. ALESHIRE: Okay.

20 (BRIEF RECESS)

21 Q. (BY MR. ALESHIRE) Referring back now to the
22 meetings that we were talking about that occurred in
23 2015 between you and Richard Suttle and the Decker Lane
24 folks, was Mr. Suttle there as a lobbyist for the Decker
25 Lake proposers?

1 MR. COPPOLA: Objection, form.

2 A. I don't know.

3 Q. (BY MR. ALESHIRE) Well, why was Mister -- what
4 was your understanding why Mr. Suttle was invited to
5 those meetings?

6 A. He introduced the people to Marc, the City
7 Manager.

8 Q. But in the meetings that you attended with
9 Mr. Suttle, why was Mr. Suttle in those meetings?

10 MR. COPPOLA: Objection, form.

11 A. I don't remember meeting with Mr. Suttle and
12 those individuals independently.

13 MR. ALESHIRE: I didn't really ask that.

14 Q. (BY MR. ALESHIRE) I asked, in the meetings
15 that you were in with Mr. Suttle and Mr. Hayes and
16 others from Decker Lake, why was Mr. Suttle there?

17 A. I don't --

18 MR. COPPOLA: Objection, form.

19 A. -- know.

20 Q. (BY MR. ALESHIRE) Huh?

21 A. I don't know.

22 Q. You don't know. Okay. Why was Mr. Hayes
23 there?

24 A. I think he's the one that owned the property.

25 Q. Next to Walter Long Park?

1 A. Yes.

2 Q. Okay. So you understood that he was one of the
3 principals involved in the business that would build or
4 operate the PGA golf courses, right?

5 A. The discussions that we had were that he owned
6 this property and they were exploring opportunities, but
7 that was it.

8 Q. Okay. But he was there because they -- he was
9 a property owner and he was going to --

10 A. Yes.

11 Q. -- make a business proposition --

12 A. Yes.

13 Q. -- if you will, to the City --

14 A. Yes.

15 Q. -- right? That's why Warren Hayes was there?

16 A. (Nods affirmatively.)

17 Q. Okay. How about Gary Bellomy?

18 A. I was -- don't remember Gary Bellomy being
19 there. He could have been. I just don't remember.

20 Q. Okay. Now, was -- did Mr. Suttle own some
21 property? Did he indicate to you that he was going to
22 be a part of the business --

23 A. No.

24 Q. -- proposition?

25 A. No.

1 Q. Okay. It's a real simple question. Was
2 Mr. Suttle there as the lobbyist for them?

3 MR. COPPOLA: Objection, form.

4 A. I don't really know.

5 Q. (BY MR. ALESHIRE) Do you know what Mr. Suttle
6 does for a living?

7 A. He is an attorney.

8 Q. Do you know if he is a lobbyist?

9 A. Sometimes he is.

10 Q. And when he approaches city offices with
11 propositions, is that a time when he's acting as a
12 lobbyist?

13 MR. COPPOLA: Objection, form.

14 A. Sometimes there are, and sometimes there's not.

15 Q. (BY MR. ALESHIRE) Okay. And on these
16 occasions when you met with Mr. Suttle, was he there as
17 a lobbyist?

18 MR. COPPOLA: Objection, form.

19 A. I don't know. I don't know whether he had been
20 paid by those individuals or whether he had just met
21 them and introduced them. So I truly do not know.

22 Q. (BY MR. ALESHIRE) Okay. And if someone asks
23 to meet with you to pitch an idea like this or asks for
24 something -- some consideration from you or your office,
25 do you routinely check to see whether or not that

1 individual is registered as a lobbyist?

2 A. No.

3 Q. Is there any procedure you have about accepting
4 meetings or not as to whether or not when you know that
5 someone is coming to pitch an idea to you like this to
6 make sure whether they are registered --

7 A. No.

8 Q. -- under the city ordinance or not?

9 A. No. I have not done that.

10 Q. Okay. So would it surprise you to know that
11 Richard Suttle was during 2013 a registered lobbyist
12 with the City of Austin?

13 A. No.

14 Q. Okay. In fact, you know he was a lobbyist
15 during that period of time, don't you?

16 A. I don't know for a fact that during that period
17 of time he had registered. I do know that he has been
18 registered.

19 Q. Are you familiar with the current
20 registration -- lobby registration laws that require a
21 lobbyist to indicate who their clients are?

22 MR. COPPOLA: Objection, form.

23 A. No.

24 Q. (BY MR. ALESHIRE) Not familiar with that?

25 A. No.

1 Q. Okay. Would it surprise you to learn that none
2 of the individuals or businesses that were involved in
3 the Decker Lake Golf proposal were listed on
4 Mr. Suttle's lobby registration as a client?

5 MR. COPPOLA: Objection, form.

6 Q. (BY MR. ALESHIRE) Would it surprise you?

7 A. I'm not aware of any of that.

8 Q. Okay. When people come to your office for a
9 meeting, are they required to sign a log?

10 A. No.

11 Q. Is there any process in your office by which
12 you determine whether someone who is meeting with you is
13 a registered lobbyist or not?

14 A. No.

15 Q. Ms. Edwards, I want to try now to get an
16 understanding of how records are organized in your
17 office, basically where they reside and how records are
18 generated or stored in your office. That's generally
19 where I'm headed with this line of questioning.

20 Does your office have its own computer
21 server just for your ACM?

22 A. No.

23 Q. Okay. And so is the computer terminal at your
24 desk hooked up to some broader system --

25 A. Yes.

1 Q. -- somewhere? Do you know who else is on that
2 system?

3 A. I'm not sure what you're asking now. Who can
4 get --

5 Q. I'll tell you that Mister -- let's refer to
6 email accounts now as opposed to document storage but
7 email accounts. I understand you use Outlook. Is that
8 right?

9 A. Yes.

10 Q. And do you know where those Outlook e-mail
11 files are retained, your emails? Are they retained only
12 locally on your computer --

13 A. No. They're --

14 Q. -- or are they in the system?

15 A. They're in the broad server system for the
16 City.

17 Q. Okay. Is -- are you aware of -- when a PIR is
18 requesting records from the mayor and city council, are
19 you aware of how those emails are searched and located
20 to -- as potentially responsive to the PIR?

21 A. It's my understanding that CTM searches for
22 those.

23 Q. And are you aware that the mayor and council
24 emails are in a cloud, if you understand what that term
25 means? Were you aware of that?

1 A. No.

2 Q. Okay. So CTM is able to search in that cloud
3 all of the mayor and city manager's emails that are in
4 that Outlook system?

5 MR. COPPOLA: Objection, form.

6 MR. ALESHIRE: Okay.

7 A. I don't know.

8 Q. (BY MR. ALESHIRE) Does CTM search your emails
9 when there's a PIR --

10 A. I don't know.

11 Q. -- that might involve them?

12 A. I don't know. I don't -- I don't really
13 understand the system itself. As I understand, CTM
14 always searches for the mayor and council. I don't know
15 whether they always search for ours or not.

16 Q. To the best of your knowledge, who searches
17 your email files to locate potentially responsive
18 records when a PIR is received?

19 A. Jessica Bluebird and Marie Sandoval.

20 Q. And as far as you know, that's the only people
21 that search your records?

22 A. I don't know for sure because there are
23 searches when we are doing an investigation. We have
24 CTM search an individual's emails. So I don't know
25 whether or not that's happened with me or not.

1 **Q. Well, my question was limited to the receipt of**
2 **a PIR, a public information request.**

3 A. For the most part, to the best of my knowledge,
4 Jessica Bluebird and Marie Sandoval are the ones who
5 search.

6 **Q. Now, in your Outlook file, you have an**
7 **option -- well, you have various boxes, right, like an**
8 **Inbox, correct?**

9 A. Uh-huh.

10 MR. COPPOLA: You need to --

11 A. Yes. Sorry. Keep on reminding me.

12 **Q. (BY MR. ALESHIRE) Sent box?**

13 A. Yes.

14 **Q. Delete box?**

15 A. Yes.

16 **Q. Junk box?**

17 A. Yes.

18 **Q. When searches are done, do you know if -- do**
19 **you know whether or not your Delete box is searched?**

20 A. Yes. It is.

21 **Q. And what happens to items that are in that**
22 **Delete box?**

23 MR. COPPOLA: Objection, form.

24 A. I don't understand --

25 **Q. (BY MR. ALESHIRE) What is --**

1 A. -- the question.

2 Q. Is the Delete box emptied after a period of
3 time, or does anything deleted stay in the Delete box --

4 MR. COPPOLA: Objection, form.

5 Q. (BY MR. ALESHIRE) -- indefinitely?

6 MR. COPPOLA: Objection, form.

7 A. If I delete it, it goes to my Delete box. But
8 then periodically it gets full, and then I delete the
9 Delete box. And as best I know, that goes into CTM.
10 It's already in CTM.

11 Q. (BY MR. ALESHIRE) And is the criteria used
12 whether or not to perform that delete-delete based on
13 the Delete box being full?

14 A. Yes.

15 Q. And --

16 A. Not always so.

17 Q. Okay.

18 A. I mean, sometimes you just clean them out.

19 Q. Okay. So you might not wait till it got full
20 before you started deleting?

21 A. That's correct.

22 Q. Is there any particular criteria you use about
23 what goes into that Delete box?

24 A. Junk mail, "Can you go to lunch today,"
25 anything that is just administerial kinds of things that

1 we don't keep, anything that might be a cc: to me, not
2 directly sent to me will go in that Delete box.

3 **Q. Okay. Do you have more than one email address?**

4 A. For work, no.

5 **Q. For personal?**

6 A. Yes. I have one.

7 **Q. Is -- what is the work email address that you**
8 **have?**

9 A. boxer226@aol --

10 MR. COPPOLA: Whoa! Whoa! Whoa! Whoa!

11 MR. ALESHIRE: No.

12 **Q. (BY MR. ALESHIRE) The work email address?**

13 A. Oh, the work email address? Sorry. I was
14 thinking of something else, sue.edwards@austintexas.gov.

15 **Q. Have you ever used sedwards@austintexas.gov?**

16 A. No.

17 **Q. Do you use text messages for work?**

18 A. Sometimes.

19 **Q. And is there a phone that you use for those**
20 **text messages?**

21 A. Yes.

22 **Q. Is that a phone provided by the City of Austin?**

23 A. No.

24 **Q. How are those text messages searched if they**
25 **would be relevant to a PIR?**

1 A. The only text messages I use on my phone that
2 relate to work are between Jessica and me as an example
3 that says you have a meeting at 9:00 a.m. or Marie that
4 says, "Can I pick up something? You want coffee?" I do
5 not use my phone for substantial work.

6 **Q. Do you receive text messages from people that**
7 **are about official business other than your staff?**

8 A. No.

9 **Q. Has Mr. Suttle texted you?**

10 A. Yes, he has.

11 **Q. And since January 1st, 2013?**

12 A. The only time that Mr. Suttle has texted me is,
13 "What time is our meeting?" There has been nothing
14 substantial.

15 **Q. Did you search for any text messages received**
16 **from Mr. Suttle --**

17 A. Yes, I did. I'm sorry.

18 **Q. Okay. And did you find any?**

19 A. No.

20 **Q. Okay. How long are your text messages**
21 **retained?**

22 A. On my phone?

23 **Q. Uh-huh.**

24 A. I don't know.

25 **Q. Have you deleted text messages that you**

1 **received from Mr. Suttle?**

2 A. Other than "What time is the meeting," no.

3 **Q. If I understand your answer, the answer is yes,**
4 **but they may have been texts that asked about what time**
5 **a meeting is occurring?**

6 A. Yes.

7 **Q. Do you recall getting text messages from**
8 **Mr. Suttle that concerned using Walter E. Long Park for**
9 **PGA golf courses?**

10 A. No, I have not.

11 **Q. Do you tweet?**

12 A. I don't tweet.

13 **Q. Do you work from home?**

14 A. Periodically.

15 **Q. What device or devices do you use, for example,**
16 **to do email from home about official city business?**

17 A. I go into the Internet to connect to my
18 computer.

19 **Q. A personal computer at home?**

20 A. Yes.

21 **Q. Did the City supply that computer to you?**

22 A. No.

23 **Q. Okay. Do you retain city records on that**
24 **personal computer?**

25 A. No, I do not.

1 Q. Okay. On your computer terminal at your
2 office, are there various drives like a C drive?

3 A. Yes, there are.

4 Q. What are those drives, if you recall?

5 A. G. I don't know. I only use G drive. That's
6 all I know.

7 Q. Okay. Are you aware that there's a C drive,
8 which would be a local drive?

9 A. Yes. There is a local drive.

10 Q. Okay. Do you keep city business records in
11 that C drive?

12 A. Rarely.

13 Q. Do you understand that in order for someone to
14 access your C drive they either have to be actually
15 using your computer or be permitted to come into your
16 computer terminals to see your C drive?

17 A. Yes, I do. Jessica searches from my own --
18 from my computer at work --

19 Q. Okay.

20 A. -- in my office.

21 Q. So you anticipated my question. When a search
22 is made from a PIR, your C drive is searched by actually
23 using your computer terminal?

24 A. Yes.

25 Q. Okay. And do you know for sure that she did

1 that in each -- or that someone on your staff searched
2 your C drive for the records requested in 1 through 4 --
3 Exhibits 1 through 4?

4 A. I don't know for sure.

5 Q. You don't know?

6 A. She knows to do that, but I didn't ask
7 specifically.

8 Q. Okay. So to the best of your knowledge, you
9 don't know whether your C drive was searched for these
10 records that Mr. Rodgers requested?

11 A. No, I do not.

12 Q. Okay. Is the G drive, then, one that is shared
13 by several users?

14 A. Yes, it is.

15 Q. And does your staff routinely search the G
16 drive --

17 A. Yes, they do.

18 Q. -- for records that are responsive?

19 A. Yes.

20 Q. Okay. Do you receive voice messages?

21 A. Yes.

22 Q. Do you receive them on your office phone?

23 A. Yes.

24 Q. Do you receive them on your -- do you have a
25 mobile phone?

1 A. Yes.

2 Q. Does the City supply you with that mobile
3 phone?

4 A. No.

5 Q. Do you receive voice messages about city
6 business on your personal phone -- mobile phone?

7 A. Rarely.

8 Q. But it occurs?

9 A. Yes.

10 Q. What do you do with those voice messages, if
11 anything, that are on your personal phone but about city
12 business?

13 A. I don't do anything with them.

14 Q. Okay. And do you -- do they stay on your phone
15 or would they still be there, say, for the last two
16 years or would they go off of your phone for some
17 reason?

18 A. No. They will go off of the phone. But,
19 again, those kinds of messages that I receive that are
20 text messages are usually from Marie and from Jessica.
21 Not very many people have access to my cell phone
22 number. I don't use it normally for business.

23 Q. Right. But Mr. Suttle does because he's sent
24 you text messages before, right?

25 A. He has sent me a text before, yes.

1 Q. Has he sent you voice messages?

2 A. No.

3 Q. And I'm only referring to voice messages that
4 have to do with city business?

5 A. Correct.

6 Q. Okay. And you don't forward those voice
7 messages into a city record --

8 A. I don't think we can.

9 Q. Okay. Are you aware of a city policy that
10 requires city employees to forward email and text into
11 city records if they are received or created on your
12 personal email accounts?

13 A. Yes, I am.

14 Q. Is it your understanding that that policy does
15 not apply to voice messages about city business?

16 A. I don't -- I don't know. We have not discussed
17 that, and I wouldn't know how to send it.

18 Q. Okay. Is it your understanding under that
19 policy that if you receive a text message on your
20 personal phone that is about city business that you can
21 go ahead and delete it directly without forwarding it to
22 the city servers if you feel like it's something that
23 you could delete under the records retention schedule?

24 A. Yes.

25 Q. So your understanding of the policy is that if

1 you conduct city business in the form of a text -- or
2 receive city business or conduct city business in the
3 form of a text on your personal device that you don't
4 need to first forward that to the City and then consider
5 deleting it?

6 A. No.

7 Q. Okay. Are you able to receive emails on your
8 personal phone -- access your office emails on your
9 personal phone?

10 A. I wish I had my phone here. I'm sorry. I
11 can't --

12 Q. Well, I'd say lucky you if you can.

13 A. I -- I would say yes. Yes, I am.

14 Q. Have you read --

15 A. Yes.

16 Q. Have you read --

17 A. Yes, I am. I am.

18 Q. -- emails on your personal phone?

19 A. I just blanked out, yes.

20 Q. Okay.

21 A. Yes.

22 Q. All right.

23 A. I just blanked out.

24 Q. So let me make sure our record is clear. So
25 have you received emails and read emails on your

1 **personal phone that are about city business?**

2 A. Yes, but it is on the city email account.

3 **Q. Okay.**

4 A. I have two accounts. I have a personal account
5 and a city account.

6 **Q. Okay. Since January 1st, 2013, have you**
7 **received any emails to your personal email account that**
8 **were about city business?**

9 A. No.

10 **Q. Have you sent from your personal email account**
11 **any email to anyone else since January 1st, 2013 that is**
12 **about official business of the City?**

13 A. When you say "official business," the only
14 things that I send are those minor administrative types
15 of things like "I'm running late" or "Do you want me to
16 bring you coffee," or those sorts of things. But when
17 you're talking about official city business, no.

18 **Q. So if you send from your personal email account**
19 **an email about official business of the City to someone**
20 **on a city email address, that's going to automatically**
21 **be in the city records?**

22 A. That's correct.

23 **Q. But if you send an email from your personal**
24 **email account to someone who's not in the city email**
25 **system but it's about official business of the City,**

1 that's not going to automatically be in the city system?

2 A. I don't do that.

3 Q. Okay. And that was the nature of my question,
4 is since January 1st, 2013, have you sent an email to
5 anyone not with the City about anything to do with
6 official business of the City?

7 A. (Nods negatively.)

8 MR. COPPOLA: You need to --

9 A. No.

10 Q. (BY MR. ALESHIRE) Okay. Do you recall the
11 last time that you received a text about city business
12 on your phone and forwarded that text into the city
13 records?

14 A. No, I don't.

15 Q. Do you know how to do that?

16 A. Yes.

17 Q. Okay. And I was referring to text messages.

18 A. Yes.

19 Q. Okay. But you don't know how to forward a
20 voice message?

21 A. No.

22 Q. Okay. Just to sum up, regarding Mr. Rodgers'
23 PIRs, public information requests, you are not
24 personally aware of what computer drives were searched
25 to the extent that your records were searched in

1 **response to those PIRs?**

2 MR. COPPOLA: Objection, form.

3 A. The only one that I am not absolutely positive
4 about was the C drive because I did not ask
5 specifically; although, all of the searches were done
6 from my person -- my -- my computer -- my own
7 computer --

8 MR. ALESHIRE: Okay.

9 A. -- in the office.

10 Q. (BY MR. ALESHIRE) And is it your testimony
11 that you either do know or -- I'm asking you to clarify
12 whether you know whether all of your Outlook boxes,
13 Inbox, Sent box, Delete, Junk, all were searched to see
14 if you had responsive records to the Rodgers PIRs.

15 A. To the very best of my knowledge, that is true.

16 Q. I want to turn now to your email habits, and
17 I'll explain to you why. I showed you earlier Exhibit 8
18 where I had written an email on behalf of Mr. Rodgers on
19 April 8th expressing some frustration that it didn't
20 seem like we were getting prompt responses to some of
21 Mr. Rodgers' requests, and I even had -- made reference
22 there that we had indicated there that if we had to we
23 were going to go file a lawsuit.

24 Okay. That email specifically pointed as
25 an example what seemed to us to be a very unlikely

1 situation that you would have had several meetings prior
2 to the formal issuance of the RFQS for Decker Lake Golf
3 -- or for the golf proposal over the course of several
4 meetings in 2013 and not have a single email with
5 Richard Suttle as one example to you or from you about
6 that rather major proposal being to bring PGA golf here.

7 So I -- since the lawsuit was filed, the
8 City Attorney's Office has provided 12,536 pages of
9 emails, and to some extent a few other records, that
10 they indicate are responsive to Mr. Rodgers' requests
11 and including the proposal for the 75 acres of parkland
12 to become golf courses and the 75 acres of parkland
13 along Bull Creek. You were involved in both of those
14 issues at least to some extent. They cover a time
15 period from January 1st, 2013 to April of 2014 when the
16 last request was submitted, and I did a search of those
17 documents for your name to locate emails that were sent
18 to you or from you.

19 I don't really expect you to go through
20 this, but Exhibit 10 is the product of printing out at
21 least the first page of each email that indicated that
22 you were sent an email or most often just copied on an
23 email or that you sent, and the result is that I found
24 only seven emails from you on any of these topics during
25 the entire time period, seven emails only. None of them

1 were substantive. They were about whether you were
2 going to a meeting or not, and I'll show them to you so
3 I'm not mischaracterizing it. And I found only 83
4 emails even addressed to you even if you were just
5 copied on them, and in almost all those cases, very
6 rarely were you the direct recipient on it as opposed to
7 just being on a list. This includes all of the
8 correspondence with the DAA as well as the other people
9 listed in Exhibit 4, all the issues about the Decker
10 Lake Golf and the Bull Creek and so forth. So I'm
11 coming to a question.

12 I hope you will understand and not take
13 deep offense as what you see in the record as us
14 complaining or questioning the City as to whether we
15 have gotten all the records that would have come from
16 your office. I'm left to wonder why someone in a big
17 and important a job as you have doesn't have more
18 substantive emails out there. So I'm trying to figure
19 out whether on the one hand the system or individuals
20 had failed to actually locate and produce those records
21 or whether you just don't write very many emails.

22 Can you help me understand why we're not
23 finding more emails from you?

24 A. I hope I can.

25 MR. COPPOLA: Objection, form. Go ahead.

1 A. First of all, once the Decker Lake people were
2 all set up and they were on their way, I really had
3 nothing to do with the Decker Lake true negotiations. I
4 was not involved in them at all. So there was no reason
5 for me to have any emails going back and forth. When
6 you looked at the Bull Creek piece of property, the
7 Office of Real Estate did most of what was going on.

8 I don't write very many emails. I prefer
9 to have somebody come in and talk to me. And when we
10 talked about Bull Creek, the Office of Real Estate came
11 in and talked to me about what they were doing. I'm
12 very much -- I learn by listening and watching other
13 people.

14 **Q. (BY MR. ALESHIRE) Do you recall approximately**
15 **when that meeting -- when you had meetings with Real**
16 **Estate about potential for the City purchasing Bull**
17 **Creek property?**

18 A. I don't remember exactly.

19 **Q. Was it within the last year or two or --**

20 A. Uh-huh, yes.

21 **Q. Okay.**

22 A. I've been in this business for 21 years this
23 last time. I just don't write that many emails. I am
24 not the kind of person that feels like I can communicate
25 when I write emails. I don't like to write, period. So

1 you'll see that most of my emails are really very brief
2 in response. That has been my practice over the last
3 21 years. I'm not hiding anything at all.

4 Q. When you give direction to your department
5 directors or department personnel on major issues --
6 like would you agree that Bull Creek -- the potential
7 purchase of that was a pretty big issue?

8 A. Uh-huh.

9 Q. And certainly the golf -- the parkland to golf
10 course conversion was a big issue, was it not?

11 A. It was. But I was not involved in it.

12 Q. Okay. Well, you were only tangentially
13 involved. Is that fair to say because you did review
14 the RFQS and make comments?

15 A. Yes. That's all I did.

16 Q. And you did set up meetings --

17 A. Yes.

18 Q. -- about it that led to this RFQS?

19 A. Yes.

20 Q. But is there a reason why you would not have
21 occasion to put anything about your thoughts on those
22 issues in writing in an email?

23 MR. COPPOLA: Objection, form.

24 A. I'll say it again. I really communicate
25 one-on-one better, and it's easier for me to communicate

1 one-on-one. I really do not like writing. I don't like
2 even writing memos when the City Manager says, "Hey,
3 would you write a memo for me?"

4 Q. (BY MR. ALESHIRE) Okay. I appreciate that
5 explanation. Just out of fairness to you, I'm going to
6 show you -- I'm going to give you the Bates numbers here
7 just of the seven emails that I found that originated
8 from you. That's 12156. This is part of the request
9 for the DAA correspondence. And I notice you didn't --
10 most of the emails that we've located that you wrote
11 were emails relating to the DAA interaction.

12 The next one is on 12169.

13 A. Wait. What is the interaction? What does the
14 DAA have to do with this? Can you help me out here?

15 Q. Yes. One of the very first requests that
16 Mr. Rodgers made on No. 1 was a request for all
17 correspondence from or to city officials, including the
18 City -- the mayor, the city council, the city manager
19 and the ACMs. That was his request during a particular
20 period of time -- I think an 18-month period of time,
21 all the correspondence with the individuals' addresses
22 that were listed. I showed you Request No. 1 early on
23 where we listed actually URLs and email addresses to
24 check, and these are the only -- out of that --

25 A. But for any particular reason?

1 Q. No, no.

2 A. Okay.

3 Q. It was actually less expensive to check for
4 emails without having a subject matter if it was just
5 for certain email accounts and so forth.

6 I have 12171. I'm not sure which is --

7 A. This is -162.

8 Q. Okay. And then -169 is the next one. I just
9 want you to be able to see. I'm not going to ask you a
10 question about any of them, 169.

11 MR. COPPOLA: Is there something specific
12 she should be looking for?

13 Q. (BY MR. ALESHIRE) I -- in all fairness, I told
14 you there were seven emails that I saw written from you,
15 and I'm --

16 MR. COPPOLA: Oh, you're showing her the
17 emails that were written by her?

18 MR. ALESHIRE: That were written by her.

19 MR. COPPOLA: I'm sorry.

20 Q. (BY MR. ALESHIRE) And then 12174. And I agree
21 with you if you -- as you look at those, they are very
22 succinct, and 12175, and the last one is 12177. I think
23 we're getting close here.

24 With regard to any of the Brian Rodgers
25 public information requests, were you asked by anyone to

1 check your personal email account for records that might
2 be responsive to his PIRs?

3 A. Yes, I was.

4 Q. And when was that request made?

5 A. When -- I don't remember the exact date, but
6 whenever we receive these, I'm always asked to do that.
7 I mean, I know to do that, too.

8 Q. I understand. So back in March or April of
9 this year when the requests were received, is that when
10 you were asked to check your personal email accounts?

11 A. I don't recall the dates.

12 Q. Do you know if it was before the lawsuit was
13 filed? And the lawsuit was filed June 11th.

14 A. I --

15 Q. Okay.

16 A. I don't recall.

17 Q. Okay. I'm going to hand you the last exhibit
18 which is Exhibit 11, and I'm going to represent to you
19 that those are emails from me and sometimes to me that
20 relate to the complaints that we had about the response
21 from the City of Austin to Mr. Rodgers' requests that
22 became part of this lawsuit.

23 I want to rather quickly go through, and
24 I'm going to ask you if you recall receiving any of
25 these complaints and show you what we had done during

1 the period of time from when the requests were
2 submitted, responses were either coming or not all the
3 way until June 11th when we finally filed the lawsuit.
4 And what I'm trying to do with this last part is to see
5 what information you were provided during this period of
6 time about the complaints we were raising on public
7 information requests that at least some of them related
8 to your office.

9 A. Okay.

10 Q. The first one is dated March 31st, and we
11 received notice from the Law Department, that they were
12 asking for an Attorney General's ruling on one of the
13 requests that we made. And I pointed out March 31st
14 that the City had not provided any of the records that
15 Mr. Rodgers had requested there and so if they were
16 going to withhold all the records and ask the AG for a
17 ruling. That's what that first two -- that first set --
18 they're paper-clipped together as a set.

19 The second one is April the 7th from me to
20 Elaine Nichols in the Law Department. This is April
21 the 7th pointing out that the council was getting ready
22 to consider the Decker Golf contract and that we were
23 complaining that the records had not been forthcoming,
24 and here it is -- you know, if you look at this, this is
25 well past 10 working days from the requests that were

1 submitted in March.

2 April the 13th, I was -- I had written to
3 Catherine Riley and Elaine Nicholson and pointing out
4 that we still had not received additional information
5 from Terry Nicholson. If you will scan down, you'll see
6 that while we got an initial response to that open
7 records request concerning negotiations of the Decker
8 contract, including some from Mr. Nicholson, we had
9 complained that we didn't think we had them all, and
10 Mr. Nicholson indicated that, in fact, he did have some
11 more and was going to supplement them. But I followed
12 up -- that was back in early April -- earlier in April.
13 I followed up April 13th saying we still hadn't received
14 that information.

15 April the 15th, I responded again to the
16 city personnel and indicated that on the Bull Creek and
17 the contract negotiations and what we had called the
18 genesis of this idea of the parkland for golf course use
19 that I had expressed doubt about whether the City had
20 provided all of the information, noted that we hadn't
21 received hardly any correspondence from the City Manager
22 or assistants or the councilmembers, expressed doubt as
23 to whether or not was getting all the records and
24 indicated that we were trying to exercise patience and
25 not go ahead and sue. That was on April 15th.

1 April 22nd, I write to Ms. Riley,
2 indicating I appreciated her phone call and updating the
3 City's progress to get the public information,
4 indicating again it comes a point at which we need the
5 City's folks to comply.

6 April the 24th, in three -- the next three
7 emails are basically all the same thing. We had -- in
8 requests -- for each one of the requests, we had
9 asked -- we had come back -- after we didn't get the
10 records, we came back and asked for that PIR processing
11 log or workflow that we were looking at, the Exhibit Cs
12 that we had talked about early. And we had asked for
13 those actual logs because, as you can see from studying
14 them, they show more detail. They show the date and who
15 was copied and what was going on. And Mr. Del Bosque
16 had -- instead of sending the log for those requests,
17 had sent an email, if you look on the second page,
18 listing the entities that had been contacted but not
19 providing the logs. So we wrote back to him and pointed
20 out this is not responsive to the request, and they did
21 that on April the 24th for the next three requests.

22 That same day we got a notice that the
23 responsive records might not be provided until May the
24 11th, and so on the 24th we protested the delay until
25 May the 11th. We weren't given any reason why a

1 March 13th PIR would be delayed for a response until May
2 the 11th.

3 April the 28th I wrote back to Mr. Del
4 Bosque pointing out it had been over 40 days since we
5 had asked for some of those records and again asking
6 what's it going to take, a lawsuit, to get more serious
7 attention to the failure to promptly comply with the
8 Public Information Act.

9 Then on May the 14th -- this is after
10 May 11th that we had been told we would get the
11 reports -- I sent a pretty comprehensive -- if you look
12 at this email, a pretty comprehensive list of exactly
13 what we had not received from the March and April
14 reports. And I pointed out that we hadn't received any,
15 any records for the first four that are listed there,
16 including email correspondence with the Downtown Austin
17 Alliance. So May the 14th we tried to make it clear
18 that we still hadn't received anything and we hadn't
19 received those tracking reports -- those three tracking
20 reports; expressed doubt elsewhere in it that we had
21 received everything as well.

22 Then on May the 15th I received another
23 notice saying that it was going to be delivered now.

24 Now, all of that correspondence was sent
25 to the City by us before we finally filed a lawsuit on

1 June the 11th, and the allegations in the lawsuit track
2 exactly what was in that notice of May the 14th, almost
3 a month earlier, pointing out that we hadn't received
4 any of those records.

5 My first general question to you is
6 whether or not you aware that we were making those
7 complaints about actually not receiving anything in
8 response to four of those requests.

9 A. No.

10 Q. As an assistant general manager, what is your
11 expectation of what staff who is involved in responding
12 to public information should do when they receive that
13 kind of complaint?

14 A. I would expect that they would respond. But,
15 again, I would say there are all kinds of different
16 circumstances that may occur. People may be out of
17 town. People may be on vacation. And it's not as
18 simple as it looks. I think again that my expectation
19 is certainly that everybody respond to the best of their
20 ability. But there are many departments involved, and
21 there are many people who sometimes are there and
22 sometimes not when a request comes in so that they
23 sometimes can't meet those deadlines.

24 And there's a lot -- as I said before,
25 there's a volume of pages of things that they have to go

1 through because a lot of times we send everything we
2 have, and it may not be applicable. And so you have to
3 go through each one of those pieces of paper in order to
4 make sure that it is, and when everybody is doing that,
5 it takes a while sometimes to do that.

6 Q. Well -- and while it might be true that
7 sometimes it takes a while to gather up -- locate and
8 gather up and analyze whether to release certain
9 records -- I take that as part of the spirit of your
10 response. But when you get that many complaints from an
11 attorney saying, "Listen, we're going to have to sue if
12 you don't respond to us," would it be your expectation
13 that somebody might just send an explanation as to why
14 the delay is occurring, just an email to say that
15 so-and-so has been out of work or we've got a lot of
16 records to look for? Would it be your expectation you'd
17 get some kind of expectation even if you didn't get the
18 records themselves?

19 MR. COPPOLA: Objection, form.

20 A. It's my expectation that we all do the very
21 best that we can.

22 Q. (BY MR. ALESHIRE) And do you think there would
23 be -- a reason why Mr. Del Bosque, for example, wouldn't
24 have been able to respond to that May 14th detail letter
25 saying, "Here's four PIRs done in March that I haven't

1 received anything for," and he might write back and say
2 why we hadn't received anything?

3 A. I don't know what the --

4 MR. COPPOLA: Objection, form.

5 A. I don't know what the circumstances were.

6 Q. (BY MR. ALESHIRE) Okay. But you can imagine
7 that there would be circumstances under which you really
8 wouldn't expect anyone who was addressed on that email
9 to respond back and say, "Here's why you haven't
10 received any of those records"?

11 MR. COPPOLA: Objection, form.

12 A. I don't know who the responsible person is
13 ultimately, and I don't know what the circumstances
14 were.

15 Q. (BY MR. ALESHIRE) Is this the way you think
16 the PIR system ought to work from what you've seen?

17 MR. COPPOLA: Objection, form.

18 A. I think that we always can improve what we do.

19 MR. ALESHIRE: I have just a couple of
20 more specific follow-ups, and then I'm going to be done.

21 Q. (BY MR. ALESHIRE) Did you have any oral or
22 written communication with Gary Bradley about purchasing
23 the Bull Creek property?

24 A. No.

25 Q. Were you aware that Gary Bradley had offered to

1 **assist the City in acquiring the 75 acres at Bull Creek?**

2 A. No.

3 **Q. No one ever told you that?**

4 A. No. I heard Gary Bradley was out there, but I
5 didn't hear anything, that he wanted to assist the City.

6 **Q. Do you recall who told you that Gary Bradley**
7 **was out there?**

8 A. Junie Plummer.

9 **Q. And who is she?**

10 A. She works with the Office of Real Estate.

11 **Q. And is it spelled P-l-u-m-m-a-r?**

12 MR. COPPOLA: -e-r.

13 A. -e-r, P-l-u-m-m-e-r.

14 **Q. (BY MR. ALESHIRE) And what did she tell you**
15 **about that Bradley was interested in?**

16 A. It was a rumor. I heard he was out there
17 interested.

18 **Q. Okay. But she hadn't received any**
19 **correspondence from him?**

20 A. I don't know.

21 MR. COPPOLA: Objection, form.

22 A. I don't know.

23 **Q. Did she tell you whether she had received any**
24 **correspondence --**

25 A. No, she did not.

1 Q. -- from Gary Bradley?

2 A. No.

3 MR. ALESHIRE: I'll pass the witness.

4

5 EXAMINATION

6 BY MR. COPPOLA:

7 Q. I just have -- I had one or two quick questions
8 for you, Ms. Edwards. My name is Chris Coppola. I'm an
9 assistant city attorney with the City of Austin.

10 At some point during Mr. Aleshire's direct
11 examination of you, he was asking you if you knew
12 whether Ms. Bluebird had searched the C drive on your
13 computer. Do you recall those questions?

14 A. Yes.

15 Q. I think your response was she searched your
16 terminal, but you weren't a hundred percent sure that
17 she searched the C drive. Is that about right?

18 A. That's correct.

19 Q. Have you ever given Ms. Bluebird instruction
20 that she should search the C drive when she searches on
21 your computer?

22 A. I just asked her to search everything on the
23 computer.

24 Q. And do you know in the past whether she
25 searched your C drive before?

1 A. I don't know.

2 Q. Okay. Do you have any reason to believe she
3 has ever searched your C drive?

4 A. I don't know.

5 Q. Do you know if she knows your C drive exists?

6 A. Yes.

7 Q. She does know?

8 A. Uh-huh.

9 MR. COPPOLA: I'll pass the witness.

10 MR. ALESHIRE: We're done. Thank you.

11 (Whereupon the deposition concluded at
12 11:48 a.m., Friday, August 28, 2015.)

13

14

15

16

17

18

19

20

21

22

23

24

25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

CHANGES AND SIGNATURE

WITNESS NAME: SUE EDWARDS

DATE OF DEPOSITION: August 28, 2015

PAGE	LINE	CHANGE	REASON
------	------	--------	--------

Sue Edwards
August 28, 2015

98

1 I, SUE EDWARDS, have read the foregoing deposition and
2 hereby affix my signature that same is true and correct,
3 except as noted above.

4

5

6

SUE EDWARDS

7

8 THE STATE OF TEXAS)

9 COUNTY OF TRAVIS)

10 Before me, _____, on
11 this day personally appeared SUE EDWARDS, known to me
12 (or proved to me under oath or through _____)
13 (description of identity or other document) to be the
14 person whose name is subscribed to the foregoing
15 instrument and acknowledged to me that he/she executed
16 the same for the purposes and consideration therein
17 expressed.

18 Given under my hand and seal of office
19 this ____ day of _____, ____.

20

21

22

NOTARY PUBLIC IN AND FOR

23

THE STATE OF _____

24

MY COMMISSION EXP.: _____

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CAUSE NO. D-1-GN-15-002291

BRIAN RODGERS * IN THE DISTRICT COURT
Plaintiff *

v. * TRAVIS COUNTY, TEXAS

THE CITY OF AUSTIN *
Defendant * 98TH JUDICIAL DISTRICT

* * * * *

REPORTER'S CERTIFICATION
DEPOSITION OF SUE EDWARDS
AUGUST 28, 2015

* * * * *

I, LYDIA L. EDWARDS, CERTIFIED SHORTHAND
REPORTER in and for the State of Texas, hereby certify
to the following:

That the witness, SUE EDWARDS, was duly sworn
by me and that this deposition transcript is a true
record of the testimony given by said witness;

That the original deposition transcript was
submitted on _____ to the Witness or to the
attorney for the witness for examination, signature and
return to me by _____;

That the amount of time used by each party at
the deposition is as follows:

Bill Aleshire - 2 hours, 33 minutes
Christopher Coppola - 0 hours, 1 minute

That pursuant to information given to the
deposition officer and made part of the record at the

1 time said testimony was taken, the following includes
2 all parties of record:

3 BILL ALESHIRE, Attorney for PLAINTIFF
CHRISTOPHER COPPOLA, Attorney for DEFENDANT

4
5 That I am neither counsel for, related to,
6 nor employed by any of the parties or attorneys in the
7 action in which this proceeding was taken and, further,
8 that I am not financially or otherwise interested in the
9 outcome of the action;

10 Further certification requirements pursuant to
11 Rule 203 of TRCP will be certified to after they have
12 occurred.

13 CERTIFIED TO BY ME this _____ day of September,
14 2015.

15
16 



17 LYDIA L. EDWARDS, CSR 2567
18 Certified Shorthand Reporter
For the State of Texas
Expiration Date: 12-31-16

19 JOB 15039

20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition was/was not returned to the deposition officer on _____;

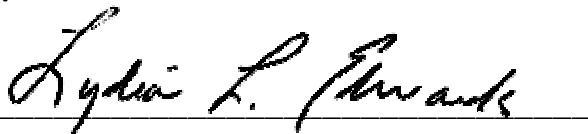
If returned, the attached Changes and Signature Pages contain any changes and the reasons therefor;

If returned, the original deposition transcript was delivered to Bill Aleshire, Custodial Attorney;

That \$_____ is the deposition officer's charges to Plaintiff for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with Rule 203.3 and that a copy of this certificate was served on all parties shown herein on and filed with the Clerk.

CERTIFIED TO BY ME on this _____ day of _____, ____.



Lydia L. Edwards, CSR 2567
Expiration Date: 12-31-16
TEAM LEGAL
13100 Wortham Center Drive
Suite 140
Houston, Texas 77065
(713) 937-4242