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# Transcript of Hearing - Day 2 

Date: February 23, 2024
Case: Katzman -v- Leisure World (HR 23-01)

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Conducted on February 23, 2024


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| 1 PROCEEDINGS |  | 1 after having been first duly sworn, was |  |
| 2 JUDGE BYRNE: Good morning, |  | 2 examined and testified as follows: |  |
| 3 everyone. We are here for day two of our |  | 3 JUDGE BYRNE: And could you |  |
| 4 hearing on -- and, of course, l've got lying |  | 4 spell your full name for the court reporter? |  |
| 5 in front of me. I do hear a little echo? |  | 5 MS. TROHAN: Yes. My first name |  |
| 6 MS. JAYANTY: Yes. |  | 6 is Colette. That's C-O-L-E-T-T-E. Middle |  |
| 7 JUDGE BYRNE: How about now? Is |  | 7 name is Collier, C-O-L-L-I-E-R, and the last |  |
| 8 that better? |  | 8 name is Trohan, T-R-O-H-A-N. |  |
| 9 MS. JAYANTY: Still a little |  | 9 JUDGE BYRNE: Thank you. |  |
| 10 bit. |  | 10 MR. WEBSTER: Your Honor, |  |
| 11 JUDGE BYRNE: Is it the TV |  | 11 normally I stand during examination, but since |  |
| 12 sound? All right. Can you turn it that way? |  | 12 I'm directly adjacent to the witness, I'm not |  |
| 13 Is that better? Away -- towards me maybe a |  | 13 going to stand over the top of her. |  |
| 14 little more. |  | 14 JUDGE BYRNE: Perfect. It's |  |
| 15 SPEAKER: No. Just going to |  | 15 fine. |  |
| 16 manually turn it down. |  | 16 MS. TROHAN: I appreciate that. |  |
| 17 JUDGE BYRNE: All right. We'll |  | 17 DIRECT EXAMINATION |  |
| 18 give it a second. Better? Okay. Thank you. |  | 18 BY MR. WEBSTER: |  |
| 19 All right. Good morning. We're here |  | 19 Q. Well, Ms. Trohan, would you |  |
| 20 for a second day of hearing on human rights |  | 20 please identify your current address? |  |
| 21 commission number HR -- HRC and all right. |  | 21 A. My current address is $\mathbf{1 5 3 0 1}$ |  |
| 22 Let's start again. REH 06711 OSO referral |  | 22 Barningham Court, Silver Springs. It's in |  |
| 23 number HR 2302. Sheryl Katzman Versus Chair, |  | 23 Leisure World. |  |
| 24 Board of Directors, Leisure World Community |  | 24 Q. You are a Leisure World member? |  |
| 25 Court. I'll continue to refer to it just |  | 25 A. Yes, I am. |  |
|  | 6 |  | 8 |
| 1 generically as Leisure World, if that's okay |  | 1 Q. How long have you lived within |  |
| 2 with everyone. |  | 2 the Leisure World community? |  |
| 3 When we concluded yesterday, we |  | 3 A. Yeah. We purchased our house in |  |
| 4 finished with claimant's case. I believe, Mr. |  | 4 September of 2011. |  |
| 5 Webster, you wanted to make a motion for |  | $5 \quad$ Q. Can you tell me a little bit |  |
| 6 judgment. |  | 6 about your educational background, please? |  |
| 7 MR. WEBSTER: I did, but Your |  | 7 A. Yes. I have a bachelor of music |  |
| 8 Honor, we're just going to decide at the |  | 8 education, a master of science in nonprofit |  |
| 9 moment and we'll just proceed with our case to |  | 9 management, and I hold three professional |  |
| 10 just take everything out on the table and |  | 10 credentials. One is the certified association |  |
| 11 finish up today. |  | 11 executive from the American Society of |  |
| 12 JUDGE BYRNE: Okay. Sounds |  | 12 Association executives. Another is the |  |
| 13 great. All right. So Mr. Webster, your first |  | 13 professional registered parliamentarian from |  |
| 14 witness. |  | 14 the National Association of Parliamentarians, |  |
| 15 MR. WEBSTER: Respondents, will |  | 15 and the last one is the certified professional |  |
| 16 call Colette Trohan. |  | 16 parliamentarian teacher from the American |  |
| 17 JUDGE BYRNE: Good morning, Ms. |  | 17 Institute of Parliamentarians. |  |
| 18 Trohan. |  | 18 Q. Your master's degree in |  |
| 19 MS. TROHAN: Good morning. |  | 19 particular, how does that -- how do you use |  |
| 20 JUDGE BYRNE: If you could raise |  | 20 that in your current activities? |  |
| 21 your right hand for me. |  | 21 A. Well, my current business and |  |
| 22 Do you promise to tell the truth, the |  | 22 activities is serving as a professional |  |
| 23 whole truth, and nothing but the truth? |  | 23 parliamentarian is being a governance |  |
| 24 MS. TROHAN: I do. |  | 24 consultant and writing opinions and bylaws, |  |
| 25 COLETTE COLLIER TROHAN, |  | 25 revisions, and I do a lot of training, so the |  |





| 21 |  | 23 |
| :---: | :---: | :---: |
| 1 that resulted in this resolution. | 1 A. Yes, I did. |  |
| 2 JUDGE BYRNE: So why are you | 2 Q. What is this document? |  |
| 3 offering the resolution at this point? | 3 A. This document is a set of |  |
| 4 MR. WEBSTER: This was -- I | 4 minutes from the Leisure World Community |  |
| 5 wasn't even getting into the subject matter of | 5 Corporation board meeting. |  |
| 6 the resolution. I was just simply asking her | 6 Q. From when? |  |
| 7 from her experience as secretary if she's | 7 A. From June 24, 2014. |  |
| 8 reviewed the historical documents of Leisure | $8 \quad$ Q. Do you see under item number two |  |
| 9 World. This was in the Leisure World | 9 chairs remarks? |  |
| 10 historical documents. | 10 A. Yes. |  |
| 11 JUDGE BYRNE: I think that's | 11 Q. What does it say there? You |  |
| 12 enough foundation. Thank you. | 12 have to read it out loud. Just read it to |  |
| 13 BY MR. WEBSTER: | 13 yourself. Thank you. |  |
| 14 Q. Okay. Let's go to 57 A2, | 14 A. It's a reminder to the members, |  |
| 15 please. So go towards the beginning of the | 15 anyone present. |  |
| 16 binder. Well, actually, it's more in the | 16 Q. Fine. |  |
| 17 middle and it should be called Altman/CCOC. | 17 A. That's it? Okay. |  |
| 18 Thank you. You got it. And Ms. Trohan, same | 18 Q. I haven't asked you a question |  |
| 19 questions when you were reviewing the | 19 yet. I just wanted you to take a look. |  |
| 20 historical records for Leisure World Community | 20 A. Sorry. |  |
| 21 Corporation, did you also find these emails? | 21 Q. Do you have an understanding or |  |
| 22 A. Yes, I did. | $22-$ what is your understanding of the rules |  |
| 23 Q. Are you familiar with the CCOC? | 23 relating to attendance at Leisure World |  |
| 24 A. Yes, I am. | 24 Community Corporation meetings? |  |
| 25 Q. What's your understanding of the | 25 A. Attendance? |  |
| 22 |  | 24 |
| 1 CCOC? | 1 Q. Yes, ma'am. |  |
| 2 A. The CCOC or the Commission on | 2 A. It is meetings are open to |  |
| 3 Common Ownership Communities was created to | 3 residence, owners and invited guests. |  |
| 4 help resolve housing governance disputes. It | 4 Q. Are they open to anybody outside |  |
| 5 basically cleared the court of the condominium | 5 of the community? |  |
| 6 and homeowner's complaints and problems. So | 6 A. No. |  |
| 7 they have judicial authority, and they are | $7 \quad$ Q. Is the statement that -- it |  |
| 8 also engaged in training. They've set up a | 8 appears here and the chairs are marked, is |  |
| 9 training program for boards. So they really | 9 that consistent with your understanding of how |  |
| 10 work a lot with the community associations and | 10 meetings have been run since you have been on |  |
| 11 trying to improve things. | 11 the board? |  |
| 12 Q. Have you had CCOC training? | 12 A. Yes. |  |
| 13 A. I have several times. | 13 JUDGE BYRNE: We're talking |  |
| 14 Q. Do you know who Peter Drymalski | 14 board of Leisure World. Not mutual? |  |
| 15 was or is? | 15 MS. TROHAN: Yes. |  |
| 16 A. It's my understanding -- | 16 MR. WEBSTER: Yes, ma'am. |  |
| 17 Q. You either know or you don't. | 17 JUDGE BYRNE: Thank you. |  |
| 18 A. I don't. | 18 BY MR. WEBSTER: |  |
| 19 Q. Totally fine. Let's go ahead | 19 (Exhibit 57 A10, Maryland |  |
| 20 and look at 5788, please. VII. It should say | 20 Commission on civil rights decision, marked |  |
| 21 6/24/14 meeting. | 21 for identification.) |  |
| 22 A. Yes. | 22 Q. All right. Let's take a look at |  |
| 23 Q. When you were reviewing the | 2357 A10, please, which should be the Maryland |  |
| 24 historical records for Leisure World, did you <br> 25 all so find this document? | 24 Commission on civil rights decision. You got 25 it. You can go to the top and again Ms |  |
| 25 all so find this document? | 25 it . You can go to the top and, again, Ms. |  |





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| 1 opened up, I have no problem with -- and this |  | 1 everything about how Leisure World functions |  |
| 2 is, again, her observation, her opinion, |  | 2 and manages because I think that knowing that |  |
| 3 whether it has any bearing on the outcome or |  | 3 will help me. |  |
| 4 not, remains to be seen. |  | 4 MS. JAYANTY: Okay, your Honor. |  |
| 5 MS. JAYANTY: I understand, your |  | 5 JUDGE BYRNE: Okay. So I gave |  |
| 6 Honor. My concern is, as counsel for the |  | 6 as much opportunity yesterday. I'm going to |  |
| 7 Respondent just stated, this goes to the |  | 7 give the same opportunity for them to continue |  |
| 8 question of whether she needed those minutes |  | 8 today. |  |
| 9 -- |  | 9 MS. JAYANTY: And I'm going to |  |
| 10 JUDGE BYRNE: Understood. |  | 10 continue to object that this testimony is not |  |
| 11 MS. JAYANTY: -- not recording, |  | 11 relevant to the retaliation claim because it |  |
| 12 and that question is not at the table. |  | 12 has to do with Leisure World's -- it may have |  |
| 13 JUDGE BYRNE: Agreed. |  | 13 to do with Leisure World's management |  |
| 14 MS. JAYANTY: It's already |  | 14 structure and how they run meetings, but it |  |
| 15 clear, that she needs recording -- |  | 15 doesn't go to the fact of whether or -- why |  |
| 16 JUDGE BYRNE: Agreed. |  | 16 they did not. What adverse effects they took |  |
| 17 MS. JAYANTY: -- for her |  | 17 against Ms. Katzman, including their security |  |
| 18 disability -- |  | 18 measures and criminalizing her for asking for |  |
| 19 JUDGE BYRNE: Agreed. |  | 19 a reasonable accommodations. So I'd like to |  |
| 20 MS. JAYANTY: -- to take notes. |  | 20 also hear about that. |  |
| 21 That has nothing to do with whether or not the |  | 21 JUDGE BYRNE: Standing |  |
| 22 minutes are an adequate substitute for the |  | 22 objection. Noted. It's in the record. |  |
| 23 accommodation. |  | 23 Understood your position. |  |
| 24 JUDGE BYRNE: Agreed. Agreed |  | 24 BYMR. WEBSTER: |  |
| 25100 percent. This is how Leisure World used |  | 25 Q. Thank you. Okay. Miss Katzman |  |
|  | 38 |  | 40 |
| 1 their recordings. Her opinion as to whether |  | 1 mentioned yesterday that getting rid of the |  |
| 2 or not the recordings were necessary. |  | 2 minutes was some destruction of all this |  |
| 3 MS. JAYANTY: And how does that |  | 3 historical data -- I'm sorry. The recordings. |  |
| 4 go to retaliation is what I'd like to -- what |  | 4 Now I'm confused. What's your response to |  |
| 5 does that determination signify for |  | 5 that? |  |
| 6 retaliation versus -- |  | 6 A. We did that on advice of |  |
| 7 JUDGE BYRNE: For me? |  | 7 Counsel. There was a limited number of them |  |
| 8 MS. JAYANTY: Yes. |  | 8 and those only happened because of Covid, the |  |
| JUDGE BYRNE: What I would like |  | 9 universal problem. We didn't start using Zoom |  |
| 10 to hear is the process. What they did. How |  | 10 for our meetings until we couldn't meet. What |  |
| 11 they did it. Why they did it, right? So that |  | 11 I was saying before the objection was raised |  |
| 12 -- that is why I am allowing this testimony to |  | 12 is these discussions are merely the opinion of |  |
| 13 go through. I'm not saying her opinion on |  | 13 one person at a particular point in time and |  |
| 14 whether recordings are needed or not impacts 15 the decision that I've already made, right? |  | 14 may or may not be complete or indicate why the 15 board made a decision they did. They're |  |
| 16 MS. JAYANTY: -- any of them as |  | 16 subjective. That is what somebody said. Not |  |
| 17 being relevant to whether -- to the |  | 17 what the board did. The board only acts when |  |
| 18 retaliation claim. |  | 18 it takes a vote, and then the board acts as a |  |
| 19 JUDGE BYRNE: I believe he's |  | 19 body. So individual remarks to me are not |  |
| 20 laying the groundwork, and I'd like to hear |  | 20 appropriate for the minutes because they are |  |
| 21 all of it. I want to hear everything there is |  | 21 subjective. |  |
| 22 about Leisure World. The fact that you all |  | 22 Q. What is the official record of a |  |
| 23 use Robert's rules, which I haven't heard |  | 23 meeting of Leisure World Community |  |
| 24 since I was in law school, is interesting to |  | 24 Corporation? |  |
| 25 me. So I want to hear -- I want to know |  | 25 A. It's the minutes of the meeting |  |


| 41 | 43 |
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| once they've been approved by the board. <br> Q. And do the minutes, as taken by <br> you at least and as you viewed them <br> historically, comply with that concept? <br> A. Yes. <br> Q. And did that also comply with <br> the record commendations of the CCOC? <br> A. Yes. <br> Q. And does it also comply with the <br> recommendations of Robert's Rules of Order? <br> A. Yes. <br> Q. Anything in that action <br> discriminatory or retaliatory against Miss Katzman? <br> A. It's best practice. It was -MS. JAYANTY: Objection, your <br> Honor. That calls for a legal conclusion. <br> 8 MR. WEBSTER: She answered the <br> question. She said it's best practice. It's not discriminatory. <br> MS. JAYANTY: Objection. <br> JUDGE BYRNE: Okay. Let's stop <br> 23 the back and forth. All right. I'd <br> 24 appreciate that. I will take her decision <br> 25 that it is best practice based on her being a | JUDGE BYRNE: Understood. Mr. <br> Webster, could you just please rephrase your question to ask her about the practice? <br> BY MR. WEBSTER: <br> Q. Do you believe that in complying with the best practices as announced by the CCOC and Robert's Rules of Order, you were engaging in any type of discriminatory or retaliatory practice against any resident within -- <br> MS. JAYANTY: Objection again, your Honor, again. <br> JUDGE BYRNE: Again, you're <br> asking -- <br> Q. Do you believe you complied with 6 best practices in handling minutes? <br> A. Yes, I did. <br> JUDGE BYRNE: All right. That's <br> perfect. Thank you. <br> MS. JAYANTY: Objection, your <br> Honor, leading. <br> 22 JUDGE BYRNE: All right. Mr. <br> 23 Webster, could you please rephrase? <br> 24 BYMR. WEBSTER: <br> 25 Q. How do you believe, in |
| member of the board and being a secretary. <br> It's her opinion. She's not an expert. I'm <br> not giving it that weight. She believes it's best practice. <br> MS. JAYANTY: It's an opinion on <br> a legal question. He asked, was this <br> discrimination or retaliation? That was the <br> -- could you read back the question with all <br> respect Mr. Webster? <br> Q. The question was, do you believe <br> complying with these practices created a <br> discriminatory or retaliatory action against <br> Miss Katzman? <br> JUDGE BYRNE: That's asking for <br> a legal conclusion. <br> MS. JAYANTY: -- conclusion. <br> JUDGE BYRNE: So essentially -- <br> we'll leave it as best practice. We'll leave <br> it as best practice. Okay? <br> MS. JAYANTY: I would ask the <br> Court to strike that question in full because <br> it asked for -- it requested a legal <br> conclusion, and the best practices response <br> 24 was based in response to a legal question that <br> 25 should not be asked of the witness. | connection with your handling of minutes, that <br> you complied with the best practices <br> recommended by the CCOC and by Robert's Rules <br> of Order? <br> A. We conform to the form as is <br> written in Robert's Rules of Order with regard <br> to what is put into the minutes. We conformed <br> with this -- the statement on this paper that <br> is the CCOC and pretty much every other entity <br> that I have been associated with. <br> Q. Okay. <br> JUDGE BYRNE: I think that's <br> sufficient. <br> Q. When you attend Leisure World <br> Community Corporation meetings, do you believe 6 or how do you believe, if at all, there's any <br> privacy expectation by you personally? <br> A. Well, it starts with the fact <br> that you can't even get into the community <br> unless you go through a gate. So we have a <br> wonderful sense of security within the entire <br> 22 community. In fact, when I purchased our unit <br> 23 in 2011, it had been built in 1977. We were <br> 24 the second owner. There wasn't even a dead <br> 25 bolt on the door. So we feel with our own |



|  | 49 |  | 51 |
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| 1 December. |  | 1 do in October and November of 2022 relating to |  |
| 2 Q. There's no meeting in December? |  | 2 this pro -- what becomes this resolution in |  |
| 3 A. There's no meeting in December. |  | 3 2023? |  |
| 4 Q. Okay. What is the process to |  | 4 A. They discussed it and voted to |  |
| 5 get something on the agenda for the meeting? |  | 5 pass it onto the board. |  |
| 6 A. In general, it is first proposed |  | 6 Q. Was there any other homework |  |
| 7 to the executive committee, who goes through |  | 7 done? |  |
| 8 it and determines and votes whether to send it |  | 8 A. I don't understand your |  |
| 9 to the board meeting. The chair has some |  | 9 question. |  |
| 10 discretion if something comes up, but by and |  | 10 Q. For example, did the executive |  |
| 11 large, the motions have already gone through |  | 11 committee consider other sources of income to |  |
| 12 the executive committee meeting, which is held |  | 12 guide it on what it ultimately recommended to |  |
| 13 on the Friday, 10 days prior to the board |  | 13 the board? |  |
| 14 meeting. |  | 14 A. The board knew what our Counsel |  |
| 15 Q. And let me ask you one other |  | 15 had recommended and, in fact, I think she was |  |
| 16 question. These minutes, who prepared these |  | 16 at that meeting. |  |
| 17 minutes? |  | 17 Q. Did the executive committee also |  |
| 18 A. I did. |  | 18 consider sources like the CCOC? |  |
| 19 Q. Okay. If you go to the second |  | 19 A. Oh, yes. |  |
| 20 page at the bottom, there you go. Right |  | 20 Q. What other sources did they |  |
| 21 there. You'll see resolution number 230105. |  | 21 consider? |  |
| 22 You entered that data? |  | 22 A. I think they went back to the |  |
| 23 A. I did. |  | 23 then current policy, as well, that said you |  |
| 24 Q. And this is the resolution that |  | 24 couldn't record meetings without everyone |  |
| 25 does what? |  | $\mathbf{2 5}$ giving permission. I'm sure that they looked |  |
|  | 50 |  | 52 |
| 1 A. That clarifies and restricts |  | 1 at the Maryland Wiretap Act. |  |
| 2 recording of meetings and also is the rule |  | 2 Q. Okay, but -- |  |
| 3 that takes care of the excess recordings that |  | $3 \quad$ A. I'm saying that's what they did. |  |
| 4 were kind of around. |  | 4 Q. Just what you know. Okay. |  |
| 5 Q. When did this concept of |  | 5 That's okay. What about your particular role |  |
| 6 clarifying or updating this aspect of our -- |  | 6 and specifically the CAE, if I got that |  |
| 7 of Leisure World's policies first come up? |  | 7 acronym correctly, position on recording? Did |  |
| 8 A. This aspect first came up in |  | 8 that come up in the context of this |  |
| 9 October or November of 2022. We had been |  | 9 consideration? |  |
| 10 having some questions about other aspects of |  | $10 \quad$ A. No. |  |
| 11 the Leisure World governance. We went out and |  | 11 Q. Okay. Do you recall the vote on |  |
| 12 interviewed law firms in October I believe is |  | 12 this motion? |  |
| 13 when we signed that contract. In November, we |  | 13 A. I do, but it's also a few pages |  |
| 14 had a conversation and $I$ asked the lawyer, |  | 14 back and this was part of why we wanted to |  |
| 15 basically, what do you think about recording |  | 15 confer with legal Counsel because, again, with |  |
| 16 meetings because I don't like it. |  | 16 our very unusual -- and it's on page nine of |  |
| 17 Q. Stop there. Okay. That's fine. |  | 17 the minutes. |  |
| 18 What internally did Leisure World do at that |  | 18 Q. Could you advance it? Thank |  |
| 19 time, November of 2022, on this particular |  | 19 you. |  |
| 20 topic? |  | 20 A. We have 29 mutuals. |  |
| 21 A. We were allowing recordings, I |  | 21 Q. There you go. |  |
| 22 believe -- not allowing it. We were making |  | 22 A. There are 34 directors. In part |  |
| 23 the Zoom recordings, which replaced the big |  | 23 that's because the first four mutuals kept |  |
| 24 ole camera in the room. |  | 24 four directors as four separate. We have two |  |
| 25 Q. What did the executive committee |  | 25 mutuals that are large high rises with two |  |



|  | 57 |  | 59 |
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| 1 of Leisure World with respect to responding to |  | Q. Was Ms. Katzman one of those |  |
| 2 books and records requests? |  | 2 residents? |  |
| 3 A. With responding? |  | 3 A. Yes. |  |
| Q. Yes. |  | 4 Q. First of all, how, if at all, |  |
| 5 A. Well, first, we created a |  | 5 was Leisure World's responses to those |  |
| 6 special email address so that we could track |  | 6 requests any different from one versus the |  |
| 7 them and have them come in. When a books |  | 7 other? |  |
| 8 records request comes in, it is logged by the |  | 8 A. They were the same. |  |
| 9 administrative assistant, Angela. We then |  | 9 Q. Second, how was or to the extent |  |
| 10 look at it to see whether it's an appropriate |  | 10 that this other person made a books and |  |
| 11 request. Is it something that we can provide |  | 11 records request, did Leisure World respond to |  |
| 12 or not, and then we make that available. And, |  | 12 that books and records request? |  |
| 13 of course, the exceptions with minutes within |  | 13 A. Yes. |  |
| 14 three years must be sent in $24-21$ days and |  | 14 Q. To the extent Ms. Katzman has |  |
| 15 financials, which I have been told by our |  | 15 made books and records request, again, |  |
| 16 legal counsel that that means standard |  | 16 confined to your time period and your |  |
| 17 financial forms. That means cash flow |  | 17 involvement, has Leisure World responded to |  |
| 18 statements or balance sheets. |  | 18 those books and records? |  |
| 19 Q. Are you done? You don't need to |  | 19 A. Yes, they have. |  |
| 20 talk about what counsel tells you. |  | 20 Q. What is the process? What is |  |
| 21 A. All right. Sorry. |  | 21 the response that is given. |  |
| 22 Q. The financial records -- so |  | 22 JUDGE BYRNE: I might have |  |
| 23 you've highlighted minutes and financial |  | 23 missed the time period. So when did -- |  |
| 24 records. |  | 24 MS. TROHAN: 2022. |  |
| 25 A. Right. |  | 25 JUDGE BYRNE: 2022. Okay. And |  |
|  | 58 |  | 60 |
| Q. Why are you highlighting those |  | 1 one other quick question. The dedicated |  |
| 2 two types of documents? |  | 2 email, when did that start for books and |  |
| A. Because they have the specific |  | 3 records? |  |
| 4 requirement that they must be emailed on |  | 4 MS. TROHAN: I -- |  |
| 5 request. Nothing else does. |  | 5 JUDGE BYRNE: Before you -- |  |
| Q. Emailed or mailed or delivered? |  | 6 MS. TROHAN: About six months |  |
| 7 A. Yes. Yes. |  | 7 ago. No, we -- |  |
| Q. The other types of requests, how |  | 8 JUDGE BYRNE: It's a recent day. |  |
| 9 is it that the responding agency or |  | 9 MS. TROHAN: Yes, because -- I'm |  |
| 10 association is allowed to make those documents |  | 10 not sure I can keep going go. But it was |  |
| 11 available to the requestor? |  | 11 because we were getting multiple requests |  |
| 12 A. Well, these are our corporate |  | 12 coming in on single emails and things were |  |
| 13 records, so we make them available for |  | 13 getting confusing. And so we said, let's just |  |
| 14 inspection. And that can end up meaning |  | 14 track every single request separately. |  |
| 15 coming in and looking at them, taking pictures |  | 15 JUDGE BYRNE: Okay. |  |
| 16 of them, or whatever the person wants when |  | 16 MS. TROHAN: So that if we get a |  |
| 17 they come in. |  | 17 -- we need to make a response as to what |  |
| 18 Q. In terms of requests for books |  | 18 happened with it, we could keep track of it. |  |
| 19 and records while you've been involved with |  | 19 JUDGE BYRNE: Okay. |  |
| 20 it , how many different residents have made |  | 20 BY JUDGE BYRNE: |  |
| 21 requests for books and records that you're |  | 21 Q. Previously, would request for |  |
| 22 aware of? |  | 22 documents come to just one person? |  |
| 23 A. Since I've been involved, two. |  | 23 A. They came lots of different |  |
| 24 Q. Two different residents? |  | 24 ways. They might come to one person. They |  |
| 25 A. Yes. |  | 25 might come to two people. They might come to |  |


|  | 61 |  | 63 |
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| 1 three people. And that's when we decided that |  | 1 something that needs to be kept private, |  |
| 2 we needed to make sure that we had a better |  | 2 that's not a book or record that the resident |  |
| 3 control of that. We have a specific email. |  | 3 can ask for. Another one is, as I've been |  |
| 4 That email goes to the administrative |  | 4 made to understand, general financial |  |
| 5 assistant, the general Counsel and me, so that |  | 5 documents that exist, that's a record. That's |  |
| 6 we all have it. |  | 6 something we can provide. If someone says, I |  |
| $7 \quad$ Q. Once that email comes in, what's |  | 7 want to know how much money has been spent on |  |
| 8 the next step? |  | 8 the administration building since construction |  |
| 9 A. The next step is that the |  | 9 started, they're asking us to compile a |  |
| 10 administrative assistant logs that in and we |  | 10 report, a special report and give it to them, |  |
| 11 then begin establishing the general Counsel |  | 11 and that's not something that we can produce |  |
| 12 helps us establish whether that is a record |  | 12 as a record. |  |
| 13 that can be produced. |  | 13 Q. Okay. Once that step is done |  |
| 14 Q. What's your understanding of the |  | 14 and you've determined that the person has |  |
| 15 law in terms of providing -- |  | 15 requested something, what do you do next? |  |
| 16 MS. JAYANTY: Objection. Calls |  | 16 A. The request is responded to. |  |
| 17 for a legal opinion. She cannot speak to a |  | 17 The administrative assistant, in some cases |  |
| 18 legal opinion. |  | 18 where there's been a lot of requests, put |  |
| 19 JUDGE BYRNE: You could |  | 19 together all of those documents and said they |  |
| 20 rephrase, Mr. Webster. |  | 20 are available. You may come to the office to |  |
| 21 MR. WEBSTER: I can. |  | 21 inspect them. Make an appointment, please. |  |
| 22 BY MR. WEBSTER: |  | 22 Q. Why is that what you do? What's |  |
| 23 Q. You testified previously that |  | 23 the purpose of that? |  |
| 24 you were aware of the books and records law. |  | 24 A. These are our corporate records. |  |
| 25 A. Yes. |  | 25 It's not appropriate to have them go outside |  |
|  | 62 |  | 64 |
| 1 Q. Do you or what is your |  | 1 of the building. We are perfectly happy to |  |
| 2 understanding of the law in terms of is any -- |  | 2 let anyone look at them if they fall within |  |
| 3 MS. JAYANTY: Your Honor, again, |  | 3 the purview, but otherwise, it's just -- it's |  |
| 4 it calls for a legal opinion, her |  | 4 just not a good thing to do with corporate |  |
| 5 understanding of the law. |  | 5 records. |  |
| 6 MR. WEBSTER: I can put it in |  | 6 Q. You've answered it. |  |
| 7 front of her and have her read it if we want |  | 7 A. Thank you. |  |
| 8 to. |  | 8 Q. With respect to charging for |  |
| 9 MS. JAYANTY: To read the law? |  | 9 these records, what is Leisure World's policy |  |
| 10 MR. WEBSTER: The point I'm |  | 10 with respect to charging for the records? |  |
| 11 trying to make is that there are exceptions. |  | 11 A. Leisure World has had a policy |  |
| 12 Not everything requested is obligated to be |  | 12 for several years that the staff time involved |  |
| 13 provided. That's all I'm trying to say. |  | 13 in some cases, records that need to be |  |
| 14 JUDGE BYRNE: You can have her |  | 14 retrieved or acquired, going into a abasement |  |
| 15 testify to her knowledge of what her process |  | 15 to look at minutes or something like that, |  |
| 16 is. I'm fine with that. |  | 16 that there's staff time involved and that that |  |
| 17 BY MR. WEBSTER: <br> 18 Q. Okay. And so what you had just |  | 17 should be compensated, and then there is time 18 in the preparation, but if someone comes in |  |
| 19 testified to Miss Trohan, as I understood it, |  | 19 and they need an hour or two, that takes a |  |
| 20 was you and your general Counsel get together |  | 20 staff person to be there with them and that's |  |
| 21 to determine what the appropriate response is |  | 21 a cost. |  |
| 22 to the request? |  | 22 Q. To your knowledge and since the |  |
| 23 A. Yes. |  | 23 time that you've been involved in this, what |  |
| 24 Q. And what does that involve? |  | 24 requests by Ms. Katzman have not been |  |
| 25 A. If it's a personnel record or |  | 25 responded to by Leisure World? |  |


|  | 65 |  | 67 |
| :---: | :---: | :---: | :---: |
| $1 \quad$ A. Not responded to at all? |  | 1 Q. What did you observe? |  |
| 2 Q. Yeah. |  | 2 A. Just that she had her computer |  |
| 3 A. None. |  | 3 open. |  |
| 4 Q. To your knowledge, since you |  | 4 Q. Have you ever observed her |  |
| 5 became involved, what requests by Ms. Katzman |  | 5 typing at meetings? |  |
| 6 have been denied by Leisure World? |  | 6 A. Oh, yes. |  |
| $7 \quad$ A. There have been personnel |  | $7 \quad$ Q. The times when you saw a Chair, |  |
| 8 requests, but by and large, even when it was |  | 8 either of a meeting or of a board, lose their |  |
| 9 requested that we create a report, we've |  | 9 patience with Miss Katzman, was it any |  |
| 10 actually bent over backwards to comply and do |  | 10 different than the Chair losing their patience |  |
| 11 it. |  | 11 with any other resident during those meetings? |  |
| 12 Q. Are you aware as you sit here |  | 12 A. No. |  |
| 13 right now of any unresponded to requests for |  | 13 Q. Give a little bit of -- or what |  |
| 14 documents by Miss Katzman to Leisure World |  | 14 can you tell us about that? |  |
| 15 Community Corporation? |  | 15 A. We have a very liberal open |  |
| 16 A. No, I'm not. |  | 16 forum policy where most groups would put |  |
| 17 Q. Did you -- with your role and |  | 17 something at the end of the agenda. We |  |
| 18 your involvement, did you ever see an instance |  | 18 literally allow residents to speak on each |  |
| 19 where Leisure World treated Ms. Katzman's |  | 19 motion before it's voted on. So we have seen |  |
| 20 requests for books and records any differently |  | 20 cases where someone might go on too long. |  |
| 21 from any other resident's request? |  | 21 They might be, as I said, combative. They |  |
| 22 A. No. |  | 22 might be accusatory. In general when a Chair |  |
| 23 Q. When you attend meetings, have |  | 23 has said, stop, stop, it's been when they've |  |
| 24 you attended meetings for Leisure World, |  | 24 overrun their time or have talked over someone |  |
|  |  |  |  |
|  | 66 |  | 68 |
| 1 was present? |  | 1 Q. With respect to Miss Katzman in |  |
| 2 A. Yes. |  | 2 particular, what were the circumstances, if |  |
| 3 Q. What interactions have you had |  | 3 you can recall, when the Chair lost their |  |
| 4 with Ms. Katzman? |  | 4 patience with Miss Katzman? Was it |  |
| 5 A. Very few. I have seen that |  | 5 circumstances where she had run over time or |  |
| 6 she's online. If she's in a Zoom meeting. |  | 6 any of the other examples that you just gave? |  |
| $7 \quad$ Q. What do you observe of Miss |  | 7 A. It was basically the examples I |  |
| 8 Katzman at these meetings? How is her |  | 8 gave. There was -- there were remarks that |  |
| 9 behavior or any other actions? What do you |  | 9 were made. Sometimes they were accusatory. |  |
| 10 observe? |  | 10 Sometimes they were asking for answers for |  |
| 11 A. She can sometimes be combative |  | 11 things and if the Chair said, okay, we'll take |  |
| 12 and I've seen Chairs lose their patients. |  | 12 that under advisement, there would be a |  |
| 13 MS. JAYANTY: Objection. |  | 13 demand, no, you need to answer my question now |  |
| 14 Speculation. |  | 14 and then the Chair would say, that's it. |  |
| 15 MR. WEBSTER: She said I've |  | 15 Q. Your own personal interactions |  |
| 16 seen. |  | 16 with Miss Katzman, anything that you believe |  |
| 17 MS. JAYANTY: She's seen Chairs |  | 17 that you experienced that is of importance or |  |
| 18 lose their patience? |  | 18 has anything to do with what we're here to do |  |
| 19 MR. WEBSTER: That's what she |  | 19 today? |  |
| 20 said. |  | 20 A. The one incident that is -- is |  |
| 21 BY MR. WEBSTER: |  | 21 the one that for me stands out is, I was |  |
| 22 Q. Have you -- strike that. |  | 22 elected January 6th of 2022 and exactly two |  |
| 23 Have you observed Miss Katzman using a |  | 23 weeks later, we had our first executive |  |
| 24 computer at meetings? |  | 24 committee meeting. So this was my first |  |
| 25 A. Yes. |  | 25 meeting with that group. We were discussing |  |



|  | 73 |  | 75 |
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| 1 today without any worry, if that was your |  | 1 Q. Eight. |  |
| 2 concern. |  | 2 A. Okay. |  |
| 3 JUDGE BYRNE: That was. Thank |  | 3 Q. Could you read the last sentence |  |
| 4 you. |  | 4 of the first paragraph? |  |
| 5 CROSS-EXAMINATION |  | 5 A. Yes. However, barring any legal |  |
| 6 BY MR. SHARDELOW: |  | 6 prohibition, recordings will be allowed if the |  |
| 7 Q. Good morning, Mr. Trohan. |  | 7 announcement is made by the person doing the |  |
| 8 A. Good morning. |  | 8 recording that the meeting is being recorded. |  |
| 9 Q. So I'd like to start with the |  | $9 \quad$ Q. And this was passed by the full |  |
| 10 resolution that was passed on January 31, |  | 10 board, correct? |  |
| 11 2023, correct? |  | 11 A. Yes. |  |
| 12 A. Yes. |  | 12 Q. Could we pull up Exhibit 57 A? |  |
| 13 Q. And you said that you had |  | 13 JUDGE BYRNE: Which 57 A? |  |
| 14 meetings to discuss the justifications for |  | 14 MR. SHARDELOW: Oh, sorry. It's |  |
| 15 this resolution in October and November of |  | 15 the CCOC email, and I'm not sure what the |  |
| 16 2022, correct? |  | 16 title of it is. |  |
| 17 A. They were not official meetings. |  | 17 JUDGE BYRNE: 57 A2. Thank you. |  |
| 18 These were like an agenda planning meeting. |  | 18 BY MR. SHARDELOW: |  |
| 19 Something to look at what we should do. I was |  | 19 Q. Can you scroll down on this? So |  |
| 20 conferring with Counsel. |  | 20 this was an email between Marian Altman and |  |
| 21 Q. Correct, but that was made in |  | 21 the CCOC, correct? |  |
| 22 2022, correct? |  | 22 A. Uh-huh. Yes. Sorry. |  |
| 23 A. Yes. |  | 23 Q. Thank you. And do you see the |  |
| 24 Q. Okay. And Miss Katzman |  | 24 paragraph below, the lower paragraph? |  |
| 25 requested her reasonable accommodation before |  | 25 A. You're saying the last paragraph |  |
|  | 74 |  | 76 |
| 1 that, correct? |  | 1 on the page? |  |
| 2 A. I don't know. |  | 2 Q. Yes. |  |
| 3 Q. You didn't hear her testimony |  | 3 A. Yes. |  |
| 4 yesterday about this issue? |  | 4 JUDGE BYRNE: Do you need them to go |  |
| 5 A. I'm supposed to only talk about |  | 5 down a little? |  |
| 6 what I know. |  | 6 MR. SHARDELOW: No. |  |
| $7 \quad$ Q. Were you not made aware of the |  | 7 JUDGE BYRNE: Is that the right |  |
| 8 reasonable accommodation request made and the |  | 8 one? |  |
| 9 complaint that she filed with the OHR after |  | 9 MR. SHARDELOW: Yes. |  |
| 10 you became a board member in 2022? |  | 10 BYMR. SHARDELOW: |  |
| 11 A. When I became a board member in |  | 11 Q. And could you read the first |  |
| 12 2022, I was aware that there might be |  | 12 clause of that last sentence? |  |
| 13 something on the periphery, but that complaint |  | 13 A. The first sentence, the quote |  |
| 14 sat until the end of 2022. I became aware of |  | 14 starting the board? |  |
| 15 it when and I-- I apologize. I don't know |  | 15 Q. Sorry. So on the last |  |
| 16 all the acronyms, but whenever that |  | 16 paragraph, could you read that first part of |  |
| 17 determination came out at the end of December |  | 17 the last sentence of that paragraph starting |  |
| 182022. |  | 18 with members. |  |
| 19 Q. So you are aware? |  | 19 A. Members should not attempt to |  |
| 20 A. I am now, yes. You were asking |  | 20 record a meeting without the permission of the |  |
| 21 about a timeframe that was different. In |  | 21 Board or Committee involved. |  |
| 22 October and November, I was not aware. |  | 22 Q. And that's good. |  |
| 23 Q. Could we pull up the Bessel |  | 23 A. Okay. |  |
| 24 resolution that's Exhibit 57 A? |  | 24 Q. Is this different from the 2011 |  |
| 25 A. Thank you. Eleven? |  | 25 resolution that we just read? |  |


|  | 77 |  | 79 |
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| 1 MR. WEBSTER: I'll object to the |  | 1 reviewed those in preparation for her work on |  |
| 2 speculation and I don't know the opinion, but |  | 2 the board, but the connection and the |  |
| 3 if you can read the documents and we can |  | 3 difference, I don't think she testified to |  |
| 4 compare them ourselves. |  | 4 knowing why it was different. Is that where |  |
| 5 MR. SHARDELOW: Your Honor, she |  | 5 you're going? Am I missing something? |  |
| 6 just read from the document of the resolution. |  | 6 MS. JAYANTY: Your Honor, I |  |
| 7 JUDGE BYRNE: I think the words |  | 7 believe that she is appearing here as a |  |
| 8 are different. So I think you've established |  | 8 representative of the board, and thus, her |  |
| 9 that this sentence is different from that |  | 9 knowledge is not just limited to her own |  |
| 10 sentence. Okay? |  | 10 personal knowledge. We can ask her about |  |
| 11 BY MR. SHARDELOW: |  | 11 board activities and its history, as her |  |
| 12 Q. Was this email ever codified |  | 12 attorney should have prepped her if she is |  |
| 13 into a resolution passed by the full board? |  | 13 supposed to be a point person to speak to the |  |
| 14 A. Not that I'm aware of because |  | 14 board. They can't have her speak to |  |
| 15 the resolution that was adopted was very close |  | 15 activities that occurred prior to her being on |  |
| 16 to the same timeframe. I think it said March |  | 16 the board and then say that she doesn't have |  |
| 17 11th and this says March 17th. The board set |  | 17 the personal knowledge about those activities, |  |
| 18 the policy in 2011. |  | 18 too. They can't have both ways. |  |
| 19 Q. So it's true that a requirement |  | 19 JUDGE BYRNE: To the extent that |  |
| 20 of consent to record, as it says up here, was |  | 20 you know, there a distinction between the -- |  |
| 21 not passed by full board resolution? |  | 21 why does the 2011 Bessel resolution say what |  |
| 22 MR. WEBSTER: Object to the |  | 22 it says and then this say what it says? |  |
| 23 interpretation. The Bessel resolution says |  | 23 MR. WEBSTER: If you know. |  |
| 24 what it says. |  | 24 JUDGE BYRNE: To the extent -- I |  |
| 25 JUDGE BYRNE: I think the Bessel |  | 25 mean, to the extent -- |  |
|  | 78 |  | 80 |
| 1 resolution does speak to that. It is |  | 1 MS. JAYANTY: As a board member, |  |
| 2 definitely different from that. If she has |  | 2 have you -- do you or does the board have an |  |
| 3 knowledge of anything that happened in 2011 or |  | 3 understanding of the difference between this |  |
| 4 why the wording is different, she can testify |  | 4 and the prior resolution? |  |
| 5 to that. If she doesn't, she can't. |  | 5 MR. WEBSTER: So I'm going to |  |
| 6 MS. ELSTER: Your Honor, this |  | 6 object. Just I think one person crossing at a |  |
| 7 witness previously mentioned that she looked |  | 7 time. That's all we need. Also, secondly, |  |
| 8 at the resolution as part of her report of |  | 8 just for clarity, Ms. Trohan is the secretary. |  |
| 9 being a member of the board and getting |  | 9 Her testimony was about the documents that |  |
| 10 familiar with all of the policies. So this |  | 10 existed in the record for LWCC. She did not |  |
| 11 witness is aware of that report and did |  | 11 testify as to what happened in 2011. She said |  |
| 12 testify towards it earlier. |  | 12 she wasn't even nominated to the board until |  |
| 13 JUDGE BYRNE: She did testify to |  | 13 much later in time. Didn't even move into -- |  |
| 14 the fact that she reviewed it. That she was |  | 14 SPEAKERS: (Crosstalk.) |  |
| 15 aware of it. So I think you've established |  | 15 MR. WEBSTER: -- the documents |  |
| 16 that point in that, yes, this is different |  | 16 say what they say. I don't know -- |  |
| 17 from what was passed by the board, but she has |  | 17 JUDGE BYRNE: Okay. Hold on. |  |
| 18 no personal knowledge and I don't think she |  | 18 MR. WEBSTER: I don't know where |  |
| 19 testified to why or -- why that was passed in |  | 19 else she can go with these questions, but they |  |
| 20 2011. So how can she speak to that? Like, |  | 20 can try. |  |
| 21 that's what I'm struggling with and I don't |  | 21 JUDGE BYRNE: I agree with the |  |
| 22 think she testified to why it was passed or |  | 22 one person crossing at a time. I agree with |  |
| 23 the basis behind it. She testified to knowing |  | 23 that. So, Mr. Shardelow, if you'd like to ask |  |
| 24 that this email existed and knowing that the |  | 24 the question again. I think you were -- you |  |
| 252011 Bessel resolution existed and that she |  | 25 were walking through -- you reviewed the $20-$-- |  |



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| 1 to agree. |  | $12023 ?$ |  |
| 2 Q. So I just want to clarify. The |  | 2 MR. WEBSTER: Object to the |  |
| 3 only thing governing recordings in terms of |  | 3 requirement or the questions seeking legal |  |
| 4 the official policy of the board was the one |  | 4 opinion communication. |  |
| 5 in 2011, going up until 2023 when a new |  | 5 JUDGE BYRNE: You can't ask her |  |
| 6 resolution was passed? |  | 6 what her lawyer told her. |  |
| 7 A. Yes. |  | 7 BYMR. SHARDELOW: |  |
| 8 Q. Could we pull up Exhibit 39 B? |  | 8 Q. Did you seek out legal advice in |  |
| 9 That's the CCOC document. So this is a CCOC |  | 9 how this document connects in any way to |  |
| 10 guidance document published in 2018, correct? |  | 10 reasonable accommodations? |  |
| 11 A. I don't see a date on it, but |  | 11 MR. WEBSTER: Hold on. I'll |  |
| 12 I'll trust you. |  | 12 object to vague. Put a timeframe on it and |  |
| 13 Q. You said you reviewed this |  | 13 then it might be okay. At what point in time? |  |
| 14 document? |  | 14 Q. When developing the 2023 |  |
| 15 A. Yes. |  | 15 resolution, did you consult this document in |  |
| 16 Q. And you said you agree with the |  | 16 relation to reasonable accommodation policies? |  |
| 17 guidance from this document? |  | 17 A. I was consulting with an expert |  |
| 18 A. I said I was in general |  | 18 in governance. This is an informational |  |
| 19 agreement with it. This is in -- |  | 19 handout, so it did not come into play because |  |
| 20 Q. Is that a -- I'm sorry. |  | 20 that was not what we were doing. This is |  |
| 21 A. Generally the advice given here, |  | 21 assisted, but I was talking to the lawyer who |  |
| 22 I agree with it. Do I agree with every word? |  | 22 was the expert. |  |
| 23 I can't say that. And I didn't review it as |  | 23 MS. ELSTER: Court's indulgence, |  |
| 24 anything other than an informational handout |  | 24 your Honor. |  |
| 25 by an agency to assist community corporation |  | 25 JUDGE BYRNE: Sure. |  |
|  | 86 |  | 88 |
| 1 boards in their meetings. |  | 1 Q. Did you ask them how your |  |
| 2 Q. So that's a yes? |  | 2 recording policy interacted with reasonable |  |
| 3 A. No, it's not. |  | 3 accommodation law? |  |
| 4 Q. Could we -- |  | 4 MR. WEBSTER: So I'm going to |  |
| 5 JUDGE BYRNE: It is -- go ahead. |  | 5 object to the extent that it's -- I think he's |  |
| 6 Keep going. |  | 6 asking what she asked Counsel. I think what |  |
| $7 \quad$ Q. Could we scroll down to the last |  | 7 Counsel says back to her is certainly off |  |
| 8 page? Could you scroll all the way down to |  | 8 limits. I think we're getting really close. |  |
| 9 the bottom? Thank you. Could you read the |  | 9 When we're talking about an interchange of |  |
| 10 entire last paragraph of that document? |  | 10 information back and forth between Counsel and |  |
| 11 A. There's -- oh, I'm sorry. |  | 11 the client, I think even the questions that |  |
| 12 Q. No. You're fine. |  | 12 the client is asking is a protected statement. |  |
| 13 MR. WEBSTER: Very last page. |  | 13 So I -- |  |
| 14 A. Very last page I'm sorry. I was |  | 14 <br> JUDGE BYRNE: I'm going to let |  |
| 15 not on -- yes. Of course. The information |  | 15 you go ahead and respond, even though -- sure. |  |
| 16 provided here should not be construed as legal |  | 16 MS. JAYANTY: Your Honor, I do |  |
| 17 advice. The specific facts of a given |  | 17 agree that this is close to the line of |  |
| 18 situation or subsequent change in the law may |  | 18 privilege; however, we are asking what Ms. |  |
| 19 dictate a course of conduct other than as |  | 19 Trohan, as a board of director did in terms of |  |
| 20 described in here -- herein. When in doubt |  | 20 Ms . Katzman's reasonable accommodation |  |
| 21 consult with legal Counsel. |  | 21 request, and she already opened the door to |  |
| 22 Q. Did legal Counsel ever mention |  | 22 acknowledging that she relied on Counsel. So |  |
| 23 this paragraph with you when you were trying |  | 23 all we're asking is whether in seeking |  |
| 24 to figure out -- when you were trying to |  | 24 Counsel, she took into consideration |  |
| 25 figure out your recording policy in 2022, |  | 25 disability law at federal and state level, |  |



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| Everybody at home hearing us okay? I'm just checking in because I know I probably only have my microphone on 50 percent of the time that I've talked, so I apologize for that. <br> I'm just checking with Nana. Okay. It seems everything's okay. <br> BY MR. SHARDELOW: <br> Q. Does the board now have a policy regarding reasonable accommodations? <br> A. No. <br> Q. Are you aware prior to your time on the board whether -- if they had any accommodations of policy? <br> MR. WEBSTER: Reasonable <br> accommodations? <br> Q. Yes, reasonable accommodations. <br> A. It's my understanding that those <br> are handled on a case-by-case basis and there <br> isn't one overarching policy that -- <br> MS. JAYANTY: Indulgence, your <br> Honor. <br> JUDGE BYRNE: Sure. <br> BY MR. SHARDELOW: <br> Q. The 2023 recording resolution destroyed all prior recordings, correct? | ```A. However, barring any legal prohibition, recordings will be allowed if the announcement is made by the person doing the recording that the meeting is being recorded. MR. WEBSTER:That's all. Thank you. JUDGE BYRNE: All right. So I think you're excused, Mr. Trohan. Thank you for time. MR. WEBSTER:The Respondent would -- want to go ahead and move to the next witness? JUDGE BYRNE: I think so. If we d do lunch at one. I think -- is that okay with everybody? Does anybody need a break? Are we g good? Can we just keep going? I know I just said, like, }60\mathrm{ things at once. MS. JAYANTY: All right. MR. WEBSTER: The Respondents call Dr. Patricia Hemstead. JUDGE BYRNE: Okay. MS. JAYANTY: Are we going to take a bathroom break? 24 MR. WEBSTER:Would you like to 25 take a break?``` |  |
| A. Yes. <br> Q. That includes recordings in <br> 2019? <br> A. I don't know exactly when the recordings themselves were made. These were specifically the recordings that were made on Zoom. So I know they would have started when Covid started and the board stopped meeting in person. <br> 0 MR. SHARDELOW: No further <br> questions, your Honor. <br> JUDGE BYRNE: Okay. Thank you. <br> Any rebuttal, Mr. Webster? <br> MR. WEBSTER: One question. <br> REDIRECT EXAMINATION <br> BY MR. WEBSTER: <br> Q. If you would please look at <br> Exhibit 57 A7, the Bessel resolution. <br> A. Okay. Yes. <br> Q. And I think -- I think maybe Mr. <br> Shardelow asked you this, but I -- and I <br> 22 forgive me if I did. Starting with the word <br> 23 "however" in the first paragraph towards the <br> 24 bottom of it, would you please read that <br> 25 sentence? | JUDGE BYRNE: I wouldn't mind. <br> MS. JAYANTY: Let's do it <br> because we might be here another hour. <br> JUDGE BYRNE: I'll be very <br> quick. <br> (Off the record.) <br> JUDGE BYRNE: Welcome back. We <br> are back on the record. You guys good? <br> Everybody in? All right. We are back on the 10 record. And now we have, Mr. Webster, your 1 second witness. <br> 2 MR. WEBSTER: Thank you, your <br> 3 Honor. The Respondent calls Dr. Patricia <br> 14 Hemstead. <br> 15 JUDGE BYRNE: Miss Hemstead, <br> 16 could you raise your right hand for me, <br> 17 please? Do you promise to tell the truth, the 8 whole truth, and nothing but the truth? <br> 19 DR. HEMSTEAD: I do. <br> 20 PATRICIA GAIL HEMSTEAD, <br> 21 after having been first duly sworn, was <br> 22 examined and testified as follows: <br> 23 JUDGE BYRNE: Okay. And would <br> 24 you mind spelling your first and last name for <br> 25 our court reporter? | 96 |


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| 1 DR. HEMSTEAD: Patricia, |  | 1 Q. When you moved to Leisure World |  |
| 2 P-A-T-R-I-C-I-A, Gail, G-A-I-L, Hemstead, |  | 2 in 2015, did you get involved in any of the |  |
| 3 H-E-M-S-T-E-A-D. |  | 3 boards either for your mutual or for Leisure |  |
| 4 JUDGE BYRNE: Thank you. |  | 4 World as a whole at that time? |  |
| 5 DIRECT EXAMINATION |  | 5 A. Well, not right away, but in |  |
| 6 BYMR. WEBSTER: |  | 6 October of 2016, there was a vacancy on the |  |
| $7 \quad$ Q. You're doing great, keeping your |  | 7 board and I was encouraged to run and I was |  |
| 8 voice up. I know people have said that we |  | 8 elected. So I've been a member of my mutual |  |
| 9 need to try to be louder. So just try to keep |  | 9 board since 2016. |  |
| 10 that in mind when you're going through this. |  | 10 Q. So for clarification, the board |  |
| 11 Good morning. Dr. Hemstead, where do you |  | 11 that you're referring to there was for your |  |
| 12 live? |  | 12 mutual? |  |
| 13 A. Ilive at 3100 North Leisure |  | 13 A. For my mutual, correct. |  |
| 14 World Boulevard, Apartment 1004 in Leisure |  | 14 Q. And that was 2016? |  |
| 15 World. |  | 15 A. Yeah, October. |  |
| 16 Q. And how long have you lived in |  | 16 Q. Did there come a time when you |  |
| 17 Leisure World? |  | 17 became also elected to the Leisure World |  |
| 18 A. Eight-and-a-half years. |  | 18 Community Corporation board? |  |
| 19 Q. Do you remember the year when |  | 19 A. Yes. That was in January 2020. |  |
| 20 you moved in? |  | 20 Q. Start with your mutual board. |  |
| 21 A. Yes. September 2015. |  | 21 What positions have you held within the mutual |  |
| 22 Q. Okay. A little bit about your |  | 22 board that you served on? |  |
| 23 background, please. What's your educational |  | 23 A. Well, I was just a director for |  |
| 24 background? |  | 24 the first couple of years, and I think it was |  |
| 25 A. Well, I have a bachelor's degree |  | 25 in 2020 that I became -- 2019 that I became |  |
|  | 98 |  | 100 |
| 1 with a major in chemistry. I have a doctoral |  | 1 president. I'm sorry. I'm not sure I |  |
| 2 degree from the University of London with -- |  | 2 remember. |  |
| 3 in microbial genetics and $I$ have a master of |  | 3 Q. That's all right. That's all |  |
| 4 business administration with concentration in |  | 4 right. So you were president of the board for |  |
| 5 marketing, finance and accounting. |  | 5 your mutual? |  |
| 6 Q. Are you retired? |  | 6 A. Yes, and I still am. |  |
| $7 \quad$ A. I am. |  | $7 \quad$ Q. Still are. Within the Leisure |  |
| $8 \quad$ Q. What did you do before you |  | 8 World Community Corporation board, first of |  |
| 9 retired for a vocation? |  | 9 all, let's start low. Committees. Have you |  |
| 10 A. Well, I've actually had three |  | 10 served on any committees for the Leisure World |  |
| 11 careers. I started out as a university |  | 11 Community Corporation boards? |  |
| 12 professor, science person, and that was for |  | 12 A. Yeah, that's actually where I |  |
| 13 about 20 years and that's when I went back to |  | 13 started. In terms of Leisure World, I was on |  |
| 14 school to get my MBA. And then after knocking |  | 14 the advisory standing committee or the audit |  |
| 15 around for a couple of years doing odd things, |  | 15 standing committee, the insurance standing |  |
| 17 association representing municipal governments |  | 17 standing committee, and I was on the community |  |
| 18 in one of the provinces of Canada. Was a |  | 18 planning committee and I became chair of that |  |
| 19 turnaround situation. I had great fun, and |  | 19 somewhere around the early summer of 2019. |  |
| 20 then when I had completed that task, I moved |  | 20 Q. All of those committee |  |
| 21 to California to be closer to my parents who |  | 21 opportunities, can you be -- let me ask this. |  |
| 22 were aging and not doing well. And I became a |  | 22 What are the requirements to be on a committee |  |
| 23 personal financial adviser with Ameriprise |  | 23 in terms of also being on the Leisure World |  |
| 24 Financial, and I did that until the end of |  | 24 Community Corporation board? |  |
| 252015 when I retired. |  | 25 A. There are no restrictions until |  |


|  | 101 |  | 103 |
| :---: | :---: | :---: | :---: |
| 1 -- unless and until you are elected as an |  | 1 secretary, the vice chair and the chair, and |  |
| 2 officer, and then you have to resign. So I |  | 2 in addition to that, there are four at large |  |
| 3 resigned all of those memberships when I |  | 3 members. All of the executive committee are |  |
| 4 became Chair in July of 2022. |  | 4 board members and they are elected to those |  |
| $5 \quad$ Q. Okay. And so -- and that's |  | 5 positions by the board early every January. |  |
| 6 just, again, from a contact standpoint, you're |  | 6 Q. Let's talk for a minute about |  |
| 7 the president of your mutual and you're |  | 7 powers of the Chair and your understanding of |  |
| 8 serving on your mutual board, you're also |  | 8 what you can and cannot do, and we're going to |  |
| 9 serving on a number of committees for the |  | 9 bring it to relevance. I'm anticipating an |  |
| 10 Leisure World Community Corporation, and then |  | 10 objection, but let's start generally with your |  |
| 11 at some point you also joined the Leisure |  | 11 understanding of powers and actions of the |  |
| 12 World Community board, correct? |  | 12 chair. |  |
| 13 A. Yeah. That was in January of |  | 13 MS. JAYANTY: Objection. Was |  |
| 14 2020. Yes. |  | 14 that a question. Your Honor, object to form. |  |
| 15 Q. And when did you become Chair of |  | 15 Q. Yes. I was asking what is her |  |
| 16 the Leisure World Community Corporation board? |  | 16 understanding of the powers and -- |  |
| 17 A. July of 2022? |  | 17 JUDGE BYRNE: That's the |  |
| 18 Q. And what's your current position |  | 18 question. |  |
| 19 on the Leisure World Community Corporation |  | 19 Q. And actions of the Chair. |  |
| 20 board? |  | 20 A. Actually, the Chair doesn't have |  |
| 21 A. I'm Chair. |  | 21 very many powers at all. Not much authority. |  |
| 22 Q. And what's your current position |  | 22 I have a say in how the agendas are organized |  |
| 23 on your mutual board? |  | 23 and what items and in what order and so on |  |
| 24 A. I'm still president there. |  | 24 they would be brought before the board. I |  |
| 25 Q. All right. Good. Have you |  | 25 have the ability with suitable notice to call |  |
|  | 102 |  | 104 |
| 1 served on any special committees for Leisure |  | 1 special meetings. I can present as I -- I |  |
| 2 World? |  | 2 have some judgment in terms of the slate of |  |
| 3 A. I served on the special |  | 3 members that are being proposed for the |  |
| 4 personnel committee, which was responsible for |  | 4 various standing committees that comes to the |  |
| 5 leading the evaluation of the general manager |  | 5 board for approval, but I have some leeway in |  |
| 6 and ultimately led to a change in general |  | 6 terms of who should be on those lists and -- |  |
| 7 manager for the corporation. |  | 7 Q. How about voting? Anything -- |  |
| 8 Q. And time wise, can you -- |  | 8 A. Oh, yeah, and I can also |  |
| 9 roughly when that was? |  | 9 determine the method of voting. We've had a |  |
| 10 A. Oh. |  | 10 policy since Covid that if no more than six |  |
| 11 Q. Would it help if -- |  | 11 members of the board are either in favor or |  |
| 12 A. $20-$ I think -- yeah. Can you |  | 12 against a given motion, depending on which |  |
| 13 help me? |  | 13 way, you know, it's going to go, we can |  |
| 14 Q. Yes. Was it prior to becoming |  | 14 determine that it is either approved or fails |  |
| 15 elected Chair? |  | 15 by general consent. If there are six or more |  |
| 16 A. Oh, yes. Absolutely. So, yes. |  | 16 that are opposite to the majority, I have to |  |
| 17 So my work on the special committee, in fact, |  | 17 call a rollcall vote, but I have the option, |  |
| 18 the special committee was dissolved in |  | 18 if it is a particularly significant issue, to |  |
| 19 November of 2021 when we hired a new general 20 manager. |  | 19 request a rollcall vote, even if the outcome 20 is clear before that, in order for clarity and |  |
| 21 Q. In your role as Chair, do you |  | 21 so that it's obvious. It adds gravity to |  |
| 22 also serve on the executive committee for |  | 22 particularly important motions. |  |
| 23 Leisure World Community Corporation? |  | 23 Q. What actions in terms of |  |
| 24 A. Yes. The executive committee |  | 24 policies or resolutions or those sorts of |  |
| 25 consists of three officers. The executive |  | 25 things can you take unilaterally as Chair? |  |





|  | 117 |  | 119 |
| :---: | :---: | :---: | :---: |
| 1 executive committee weighs in in terms of is |  | 1 even explore this possible policy |  |
| 2 this ready for prime time? That's the way -- |  | 2 clarification? |  |
| 3 the terminology we tend to use. Is it, you |  | 3 A. Nothing. None at all. We |  |
| 4 know, appropriately worded? Is there anything |  | 4 didn't even know about it at the time we began |  |
| 5 missing, you know, is the rationale that that |  | 5 exploration. |  |
| 6 sets out the reasoning behind it? Is it, you |  | 6 Q. What was the outcome of the |  |
| 7 know, clear and unambiguous and is there |  | 7 motion? |  |
| 8 anything left out? Sometimes resolutions are |  | 8 A. This was one of those situations |  |
| 9 sent back to the sponsoring committee to |  | 9 where I called for a rollcall vote, even |  |
| 10 clarify some of those issues or we do not make |  | 10 though it was obviously overwhelmingly -- |  |
| 11 the -- the executive committee does not |  | 11 considered overwhelmingly favorably. And, in |  |
| 12 approve amendments, but may flag the |  | 12 fact, the end result was, as Colette |  |
| 13 possibility that an amendment could be made |  | 13 testified, I don't remember the exact numbers, |  |
| 14 during the board meeting. |  | 14 but, you know, it was -- it passed |  |
| 15 Q. Amendment to the proposed -- |  | 15 overwhelmingly, but I did call a rollcall vote |  |
| 16 A. Resolution, correct. |  | 16 because I felt this was an important issue. |  |
| 17 Q. That happened sometime in the |  | 17 Q. Okay. Leisure World itself. I |  |
| 18 middle of January 2020 -- |  | 18 asked this question to Miss Trohan and I think |  |
| 19 A. Yes. |  | 19 we're going to get the same kind of debate |  |
| 20 Q. -- is that right? And then the |  | 20 that arises out of it. |  |
| 21 meeting itself occurs on January 31 of 2023? |  | 21 When you attend as chair of Leisure |  |
| 22 A. Yes. |  | 22 World Community Corporation Board meetings, do |  |
| 23 Q. By January 31 of 2023, did you |  | 23 you believe you have a privacy right at that |  |
| 24 personally know that Ms. Katzman's action was |  | 24 meeting? |  |
| 25 pending before this body? |  | 25 A. Yes. |  |
|  | 118 |  | 120 |
| 1 A. I did. |  | 1 Q. Why? |  |
| 2 Q. What discussions, if any, did |  | 2 A. I define privacy or an |  |
| 3 you have within the board about going forward |  | 3 expectation of privacy or what constitutes a |  |
| 4 with the resolution even though Miss Katzman |  | 4 prior -- |  |
| $5--$ you knew Ms. Katzman's action was pending? |  | 5 MR. SHARDELOW: Objection, your |  |
| 6 A. I think we all understood |  | 6 Honor. Legal opinion. |  |
| 7 clearly that it could be construed erroneously |  | 7 A. No. I'm saying what my |  |
| 8 in people's minds, I think, but it could be |  | 8 definition -- |  |
| 9 construed as an act of retaliation. |  | 9 JUDGE BYRNE: Hold on. Hold on, |  |
| 10 Q. Did you think it was? |  | 10 Miss Hemstead. |  |
| 11 A. No. Not at all. We determined |  | 11 MR. WEBSTER: You don't need to |  |
| 12 that in spite of the risk that this could be |  | 12 be the judge, too. |  |
| 13 misconstrued, it was an important enough issue |  | 13 JUDGE BYRNE: I didn't get the |  |
| 14 that it needed to be brought forward as |  | 14 terminology issue because that phrase, |  |
| 15 quickly as possible. |  | 15 "expectation of privacy," goes to what's our |  |
| 16 Q. Stated differently, what impact |  | 16 -- a legal question, you know. So while you |  |
| 17 did Ms. Katzman's pending action have on your |  | 17 may put expectation of privacy together as a |  |
| 18 decision to bring this resolution forward on |  | 18 string of just two individual words, we put |  |
| 19 January 31, 2023? |  | 19 expectation of privacy together as something |  |
| 20 A. It gave us pause to think about |  | 20 as -- as a legal theory, right? Or as the |  |
| 21 it, but at the end of the day, it did not |  | 21 law, right? So we use legal terminology that |  |
|  |  | 22 has been handed down either in the law or from |  |
| 23 Q. And, again, the motivation for <br> 24 the resolution, what impact did Ms. Katzman's |  | 23 the courts. So it's hard to -- I know I'm |  |
| 25 discrimination action have on your decision to |  | 25 understand. So I think, Mr. Shardelow, just |  |



|  | 125 |  | 127 |
| :---: | :---: | :---: | :---: |
| 1 between Leisure World activities versus |  | 1 because I need to hear what -- don't answer |  |
| 2 Leisure World Foundation. Whether or not it |  | 2 anything, Miss Hemstead. I need to hear what |  |
| 3 matters at the end of the day -- |  | 3 he's saying in order to match it up with the |  |
| 4 MS. JAYANTY: It's a legal |  | 4 objection. I just -- I want to process. |  |
| 5 question. |  | 5 Okay? All right. |  |
| 6 JUDGE BYRNE: Well, no, I don't |  | 6 BYMR. WEBSTER: |  |
| 7 think it is a legal question. It's to the |  | $7 \quad$ Q. What, if any, actions do you |  |
| 8 extent she knows any of her engagement with |  | 8 believe were taken during your time as Chair |  |
| 9 Leisure World Foundation versus Leisure World |  | 9 of the board that were either -- that were |  |
| 10 Board. So there was cross-examination of Miss |  | 10 motivated by either an intention to |  |
| 11 Katzman yesterday and I think -- and also of |  | 11 discriminate against Miss Katzman or to |  |
| 12 Mr . Dunn, as well, between the distinction |  | 12 retaliate against Ms. Katzman? |  |
| 13 between Leisure World Foundation and Leisure |  | 13 JUDGE BYRNE: Okay. So I'm not |  |
| 14 World of Maryland or Leisure World Community |  | 14 going to let you answer -- ask that question. |  |
| 15 Corporation. So we've already had some |  | 15 I'm going to go with the objection. She's |  |
| 16 testimony on it. So it is a bit duplicative, |  | 16 already actually testified to that. So you've |  |
| 17 but because it's already come in on both |  | 17 asked those questions. You're asking her |  |
| 18 sides, I have no problem with him asking her |  | 18 essentially to make a conclusion based on the |  |
| 19 these questions. |  | 19 facts that she's testified. And so it's |  |
| 20 MR. WEBSTER: And your Honor is |  | 20 jumping over a little bit too much. Okay? So |  |
| 21 right. It's been covered, so I'll withdraw |  | 21 I know I'm a bit wordy. I apologize. |  |
| 22 the question. |  | 22 MR. WEBSTER: You're fine. |  |
| 23 BY MR. WEBSTER: |  | 23 Court's indulgence. I think that's all we |  |
| 24 Q. Dr. Hemstead, let's talk for a |  | 24 have. Thank you very much. Thank you, Dr. |  |
| 25 quick second about -- strike that. |  | 25 Hemstead. |  |
|  | 126 |  | 128 |
| 1 Do you believe any of the actions taken |  | 1 JUDGE BYRNE: All right. Thank |  |
| 2 during your time as chair were the products of |  | 2 you. So cross-examination. Thank you. |  |
| 3 or were motivated by some intention to either |  | 3 CROSS-EXAMINATION |  |
| 4 discriminate or retain -- |  | 4 BYMS. ELSTER: |  |
| 5 MS. JAYANTY: Objection, your |  | 5 Q. Good afternoon, Dr. Hemstead. |  |
| 6 Honor. |  | 6 A. Oh, good afternoon. |  |
| 7 Q. -- against Sheryl Katzman. |  | $7 \quad$ Q. It is the afternoon by ten |  |
| 8 MS. JAYANTY: Objection, your |  | 8 minutes. I just want to clarify one thing. |  |
| 9 Honor. Again, calls for a legal opinion. |  | 9 You mentioned foundation meetings and how |  |
| 10 JUDGE BYRNE: He's asking her |  | 10 board members or you personally haven't |  |
| 11 whether or not their actions amounted to -- |  | 11 attended any of the foundation meetings, but |  |
| 12 their actions amount -- I know. Their actions |  | 12 it's not true that no board member has ever |  |
| 13 amounted to a legal conclusion, retaliation or |  | 13 attended a foundation meeting, correct? |  |
| 14 discrimination. Miss Hemstead cannot testify |  | 14 MR. WEBSTER: Object to the |  |
| 15 to that. Let me hear the question again. |  | 15 form. |  |
| 16 Q. Yes. During your time as Chair, |  | 16 JUDGE BYRNE: I think she can |  |
| 17 do you believe or did you do -- what actions, |  | 17 answer it. I think what she's doing is she's |  |
| 18 if any, were taken by the board that you |  | 18 parroting back essentially what Ms. Hemstead |  |
| 19 believe were either motivated by an intention |  | 19 said just to get clarification. |  |
| 20 to discriminate against Ms. Katzman -- |  | 20 MR. WEBSTER: Can she clarify |  |
| 21 MS. JAYANTY: Objection. |  | 21 the board she's referring to because she's -- |  |
| 22 Leading. |  | 22 MS. ELSTER: Board of directors. |  |
| 23 MR. WEBSTER: You got to let me |  | 23 MR. WEBSTER: I think you mean |  |
| 24 finish the question. |  | 24 to say Leisure World board on foundations |  |
| 25 JUDGE BYRNE: Let him hear it |  | 25 board. I think that's what you're trying to |  |


|  | 129 |  | 131 |
| :---: | :---: | :---: | :---: |
| 1 ask. |  | 1 because on direct examination you did mention |  |
| 2 BY MS. ELSTER: |  | 2 that you can call for a rollcall vote. So I |  |
| 3 Q. Correct. On her direct |  | 3 just wanted to clarify that. |  |
| 4 examination, you discussed, although you're a |  | 4 A. Under certain circumstances, |  |
| 5 board of directors, you personally haven't |  | 5 yes. |  |
| 6 attended foundation of Leisure World board |  | 6 Q. Moving on to Ms. Katzman. You |  |
| 7 meetings. And I just wanted to clarify that |  | 7 mentioned she follows the rules during these |  |
| 8 it is fair to say that other board members of |  | 8 meetings. |  |
| 9 Leisure World have attended these foundation |  | $9 \quad$ A. She does. |  |
| 10 meetings, correct? |  | 10 Q. Similar to the way that other |  |
| 11 A. Yes, but be aware, not as |  | 11 residents at Leisure World do? |  |
| 12 official representatives of the Leisure World |  | 12 A. I'm sorry? |  |
| 13 board. They were there as individuals in the |  | 13 Q. Miss Katzman behaves in similar |  |
| 14 same way that I could belong to a church as an |  | 14 manners as other residents that attend these |  |
| 15 individual and would not be there as a |  | 15 meetings? |  |
| 16 representative of the Leisure World board. |  | 16 A. In general, people are civil. |  |
| 17 Q. Yes. I understand. I was just |  | 17 Q. Okay, and then if we can -- I'm |  |
| 18 clarifying that board members do attend. |  | 18 going to need to pull up exhibit -- this is -- |  |
| 19 Whether they are in their official |  | 19 it says Exhibit 2, the HR determination. Yes. |  |
| 20 representative or not, they're still there? |  | 20 Thank you. |  |
| 21 A. They can be. |  | 21 A. Which -- |  |
| 22 Q. Moving on just to a few |  | 22 MR. WEBSTER: I'll get it for |  |
| 23 questions regarding your role as chairwoman of |  | 23 you. |  |
| 24 the board. So you'd agree with me that <br> 25 controlling voting is a unique power of the |  | $\begin{array}{ll}24 & \text { MS. ELSTER: Sorry. } \\ 25 & \text { MR. WEBSTER: Is there a }\end{array}$ |  |
|  | 130 |  | 132 |
| 1 Chair, correct? |  | 1 specific page? |  |
| 2 A. I don't control voting. What I |  | 2 MS. ELSTER: Yes. Page two. |  |
| 3 do is determine the method of the vote. |  | 3 BYMS. ELSTER: |  |
| $4 \quad$ Q. You would agree with me that the |  | 4 Q. Dr. Hemstead, on direct |  |
| 5 method or deciding on the method of voting is |  | 5 examination, you testified that the board was |  |
| 6 a responsibility, is power over the rest of |  | 6 unaware of Ms. Katzman's complaint, correct? |  |
| 7 the board? |  | 7 MR. WEBSTER: Object to the |  |
| 8 A. No. |  | 8 form. I think that mischaracterizes. |  |
| 9 Q. But no other board member has |  | 9 JUDGE BYRNE: Actually, say it |  |
| 10 that same responsibility, correct? |  | 10 again because I missed it. |  |
| 11 A. Not correct. A board member may |  | 11 MS. ELSTER: On direct |  |
| 12 request a rollcall vote when none was |  | 12 examination, she testified that the board was |  |
| 13 indicated. |  | 13 not aware of Ms. Katzman's complaint. |  |
| 14 Q. But you're the last person to |  | 14 JUDGE BYRNE: Correct. So |  |
| 15 give the formal say that you can call the |  | 15 that's your question? |  |
| 16 rollcall vote, correct? |  | 16 MS. ELSTER: Yes. |  |
| 17 A. I'm not the only one that can do |  | 17 JUDGE BYRNE: You're asking her |  |
| 18 that. Anyone on the board can do that. And |  | 18 if that's what she testified to? |  |
| 19 be aware, too, that it would be required to |  | 19 MS. ELSTER: Yes, your Honor. |  |
| 20 call a rollcall vote independent of anything |  | 20 JUDGE BYRNE: I think she can |  |
| 21 I might decide. If there are more than -- if |  | 21 answer that. |  |
| 22 there are six or more people on the other side |  | 22 MR. WEBSTER: I think that |  |
| 23 of the camp, a rollcall vote is mandated. I |  | 23 mischaracterizes her testimony, but that's all |  |
| 24 have no control over that. |  | 24 right. Go ahead. Clarify it or answer |  |
| 25 Q. I just wanted to clarify, |  | 25 however you feel that you need to. |  |


|  | 133 |  | 135 |
| :---: | :---: | :---: | :---: |
| 1 A. I can speak for myself. I was |  | 1 JUDGE BYRNE: Okay. So I guess |  |
| 2 not aware of it and that is what I believe I |  | 2 to the extent you can answer the question. |  |
| 3 testified to. I can't say for anyone else on |  | 3 MS. ELSTER: I can rephrase and |  |
| 4 the board. |  | 4 add some more foundation. |  |
| 5 Q. The board acts as a collective |  | 5 JUDGE BYRNE: That would be |  |
| 6 group, right? |  | 6 great because I got lost a little bit there, |  |
| 7 A. For decisionmaking purposes, |  | 7 too. |  |
| 8 yes. |  | 8 BY MS. ELSTER: |  |
| $9 \quad$ Q. You're familiar with other board |  | $9 \quad$ Q. Okay. So just going back to -- |  |
| 10 members? |  | 10 so the board -- you mentioned that the board |  |
| 11 A. I know who they are. |  | 11 is collaborative and you know other residents |  |
| 12 Q. You know, Mr. Eisenhaur? |  | 12 or other members of the board -- when you |  |
| 13 A. I do. |  | 13 became a member of the board, you were briefed |  |
| 14 Q. You're familiar that he was or |  | 14 on board policies? |  |
| 15 is on the board? |  | 15 A. No. |  |
| 16 A. Correct. |  | 16 Q. You never received any briefing |  |
| 17 Q. And so if you direct your |  | 17 on board policies prior to your -- |  |
| 18 attention to page two of this OHR |  | 18 A. I received the same binder as |  |
| 19 determination. |  | 19 was mentioned in direct testimony by Mr. Dunn |  |
| 20 A. Uh-huh. |  | 20 yesterday. |  |
| 21 Q. So first it says Respondents -- |  | 21 Q. I just want to make sure I have |  |
| 22 if you see in the middle on the underline |  | 22 this correct. So when you joined the board, |  |
| 23 section it says, Respondent's response to |  | 23 you weren't made aware of any other policies |  |
| 24 complaint, and then if we can turn to page |  | 24 prior to your time joining the board? |  |
| 25 three, please. |  | 25 A. Not formally. |  |
|  | 134 |  | 136 |
| 1 A. I got to get my fingers to work. |  | 1 Q. Okay. On direct examination, |  |
| 2 JUDGE BYRNE: It's okay. |  | 2 you -- strike that. Sorry. |  |
| 3 Q. I just want to -- sorry for |  | 3 Turning your attention to the recording |  |
| 4 flipping back a page. I just want to confirm |  | 4 policy at Leisure World for these meetings, |  |
| 5 that on page three, that's Paul Eisenhaur, the |  | 5 you admit the policy was unclear at one point? |  |
| 6 chairman of the board you were just speaking |  | 6 MR. WEBSTER: Object to the |  |
| 7 to about -- |  | 7 form. There is multiple policies. There are |  |
| 8 A. He was chair at that time, I |  | 8 multiple policies? |  |
| 9 believe. |  | 9 MS. ELSTER: I specified the |  |
| 10 Q. And then going back to page two |  | 10 recording policy and that was a direct quote |  |
| 11 under that underline subheading. Sorry for |  | 11 from her direct exam -- testimony. |  |
| 12 the flipping back and forth. You would agree |  | 12 MR. WEBSTER: 2011? 2023? |  |
| 13 with me that, please accept this as |  | 13 Which one is she asking about? |  |
| 14 correspondence as my response to your letter |  | 14 MS. ELSTER: She mentioned that |  |
| 15 dated September 11, 2019 regarding this |  | 15 the reason, even after the 2023 policy on her |  |
| 16 complaint confirms that the board was aware of |  | 16 testimony on direct, that the recording policy |  |
| 17 Miss Katzman's complaint. |  | 17 at Leisure World was unclear. |  |
| 18 MR. WEBSTER: Object to the |  | 18 JUDGE BYRNE: Can you put what |  |
| 19 form, but go ahead. Hold on. |  | 19 you just said in a question, please. |  |
| 20 JUDGE BYRNE: I believe the |  | 20 BY MS. ELSTER: |  |
| 21 objection that he's making is, you're |  | 21 Q. You admit that the 2023 |  |
| 22 referencing the board. So -- and when did you |  | 22 recording policy was unclear? |  |
| 23 say you were on the board? You started with |  | 23 A. No. I never said that. |  |
| 24 the board in 2020? |  | 24 Q. I'll rephrase. Just -- so you |  |
| 25 DR. HEMSTEAD: Yes. |  | 25 were -- excuse me. |  |


|  | 137 |  | 139 |
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| 1 JUDGE BYRNE: We can have |  | JUDGE BYRNE: You think you can |  |
| 2 Brendon go back to it if you want. So |  | 2 go? All right. Thank you. |  |
| 3 Brendon, could you go back to when Miss |  | 3 MS. JAYANTY: You don't want him |  |
| 4 Hemstead or Dr. Hemstead testified to, like, I |  | 4 to reread it? I think it'd be helpful to have |  |
| 5 think it was October or November, you know, |  | 5 him read out. |  |
| 6 like, what her understanding of the recording |  | 6 JUDGE BYRNE: So Dr. Hemstead |  |
| 7 policy was? I'm trying to think when was -- |  | 7 testified over confusion with the recording |  |
| 8 how could you find that? |  | 8 policy. Can you find that language? |  |
| 9 MR. WEBSTER: For the assistance |  | 9 THE REPORTER: I'll see if it |  |
| 10 of all, objection to the form. Meaning, I |  | 10 can. Do you have a time? |  |
| 11 don't like some of the phrasing that's being |  | 11 JUDGE BYRNE: Ten minutes maybe. |  |
| 12 used, right? Usually it's ambiguous or vague. |  | 12 Ten, 15 minutes. I think you're right. At |  |
| 13 In this instance, the question asked about a |  | 13 10:10, we started cross-examination, so go |  |
| 14 policy, but we have two policies on the table. |  | 14 back 25 minutes and look for, like, the word |  |
| 15 I think the answer to the question can be |  | 15 confusion and reporting policy together. |  |
| 16 asked just identifying this is the policy. Do |  | 16 THE REPORTER: Was it during Mr. |  |
| 17 you agree that the 2011 policy was ambiguous |  | 17 Webster's questioning? |  |
| 18 or something like that? |  | 18 JUDGE BYRNE: Mr. Webster's |  |
| 19 JUDGE BYRNE: I don't think |  | 19 questioning directly to her. |  |
| 20 that's what she's asking. |  | 20 (TESTIMONY PLAYED BACK.) |  |
| 21 MS. ELSTER: No, that is not -- |  | 21 "A: Well, it -- it -- yeah. It depends |  |
| 22 JUDGE BYRNE: That is -- |  | 22 on where it's coming from. It could be a |  |
| 23 MS. ELSTER: -- the witness' |  | 23 resolution submitted by one of the standing |  |
| 24 attention to the recording. |  | 24 committees about approving the budget or |  |
| 25 JUDGE BYRNE: That's -- I think |  | 25 spending money to renovate some |  |
|  | 138 |  | 140 |
| 1 that -- like that's the problem is -- |  | 1 infrastructure. In this instance, it came |  |
| 2 MS. JAYANTY: That chunk of time |  | 2 from the officers who felt that -- I felt that |  |
| 3 between the 2011 -- |  | 3 this was an important endeavor. That we |  |
| 4 JUDGE BYRNE: And the 2023. I |  | 4 needed to look at this. As a result, in |  |
| 5 think that's what she's testifying to and |  | 5 consultation with legal Counsel. We developed |  |
| 6 that's what Dr. Hemstead actually testified to |  | 6 the wording that was presented to the board. |  |
| 7 was her own personal confusion. I think |  | $7 \quad$ Q. Does Leisure World have a board |  |
| 8 that's what -- where the question is coming. |  | 8 meeting in December? |  |
| 9 MS. ELSTER: Yes, your Honor. |  | 9 A. No, it does not. January would |  |
| 10 Okay. |  | 10 have been the first meeting after we really |  |
| 11 JUDGE BYRNE: So let's go again. |  | 11 became aware of how challenging our current |  |
| 12 I know where you were going. |  | 12 situation was. |  |
| 13 MS. ELSTER: Thank you. |  | 13 Q. In order to have a resolution |  |
| 14 JUDGE BYRNE: But I don't think |  | 14 addressed at a board meeting, what needs to |  |
| 15 Dr. Hemstead and Mr. Webster know where you |  | 15 happen to it in terms of the agenda? |  |
| 16 are going. |  | 16 A. Well, typically we have an |  |
| 17 MR. WEBSTER: I didn't know |  | 17 executive committee meeting about 11 days |  |
| 18 where she was going. |  | 18 before the board meeting --" |  |
| 19 MS. ELSTER: Thank you, your |  | 19 (END OF PLAYBACK.) |  |
| 20 Honor. |  | 20 JUDGE BYRNE: I think it was |  |
| 21 JUDGE BYRNE: Brendon, do you |  | 21 after that. |  |
| 22 need something from me to try to find that or |  | 22 MS. ELSTER: Yes. |  |
| 23 -- |  | 23 JUDGE BYRNE: Definitely after |  |
| 24 MS. ELSTER: I think I could |  | 24 that. |  |
| 25 proceed. |  | 25 (TESTIMONY PLAYED BACK.) |  |




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| 1 email request, the March 10, 2017 email |  | 1 meeting, Miss Katzman, again, brought up her |  |
| 2 request that she sent to several board members |  | 2 reasonable accommodation request with Marian |  |
| 3 requesting a reasonable accommodation for the |  | 3 Altman at the foundation meeting and in the |  |
| 4 use of her laptop while in attendance at |  | 4 June 19, 22, and July 8th emails to Paul |  |
| 5 foundation meetings, a meeting in which Ms. |  | 5 Eisenhauer, she sent those requests to Paul |  |
| 6 Katzman had a right to attend as a Leisure |  | 6 Eisenhauer, who was Chair at the time. |  |
| 7 World resident. |  | 7 Unfortunately, we were not able to hear from |  |
| 8 Additionally, on April 12, 2017 at the |  | 8 Paul Eisenhaur today, who could have |  |
| 9 foundation meeting, Ms. Katzman reiterated her |  | 9 potentially spoken to his previous statements |  |
| 10 request when asking Marian Altman, you |  | 10 in the complaint that he did not know about |  |
| 11 received my request for a reasonable |  | 11 these. So -- but those emails were sent and |  |
| 12 accommodation, did you not? I need my |  | 12 making that reasonable accommodation request. |  |
| 13 computer because I cannot write notes at |  | 13 So Leisure World was made aware of these |  |
| 14 length. On June 19 2019, Miss Katzman sent |  | 14 requests. And, therefore, Plaintiff has |  |
| 15 more reasonable accommodation requests. On |  | 15 satisfied the second retaliation element. |  |
| 16 this particular day, June 19th, she sent a |  | 16 Third, Leisure World took adverse action |  |
| 17 reasonable accommodation request over email to |  | 17 against Ms. Katzman. You heard from Ms. |  |
| 18 then Chair, Paul Eisenhauer. A few days |  | 18 Katzman and Jack Dunn that Leisure World |  |
| 19 later, she followed up after not receiving a |  | 19 called security on her and at least two |  |
| 20 response, explaining that she is unable to |  | 20 meetings, 2017 and the 2019 committee meeting. |  |
| 21 write copious notes as a result of her being |  | 21 You heard from Jack Dunn and Crystal Castillo |  |
| 22 permanently disabled in an accident and |  | 22 that Miss Katzman is very polite. These are, |  |
| 23 reiterated her request for reasonable |  | 23 quotes, sat quietly in the back of the 2019 |  |
| 24 accommodation to record meetings. On July 8, |  | 24 meeting. An overall quote, she behaves |  |
| 25 it was a final attempt of by Ms. Katzman to |  | 25 herself very well and doesn't say anything |  |
|  | 150 |  | 152 |
| 1 request a reasonable accommodation by email to |  | 1 until open forum, end quote, in all governance |  |
| 2 Paul Eisenhaur again. Ms. Katzman never |  | 2 meetings that she attends. Additionally, |  |
| 3 received a response. Defendants attempt to |  | 3 today you heard from both Dr. Hemstead and |  |
| 4 confuse the Court by digging into details of |  | 4 Miss Trohan. They testified and said that Ms. |  |
| 5 the specific accommodations that were |  | 5 Katzman acts like all other attendees. So |  |
| 6 requested, as well as the necessity of |  | 6 these actions do not make Miss Katzman a |  |
| 7 specific accommodations that Miss Katzman |  | 7 security threat that amount to the necessity |  |
| 8 requested. However, these specifics are |  | 8 of having security called to try and forcibly |  |
| 9 immaterial to the elements of retaliation |  | 9 remove her. Nevertheless, at the April 12, |  |
| 10 claim. Miss Katzman requested a reasonable |  | 102017 foundation meeting, security was called |  |
| 11 accommodation from the Leisure World board |  | 11 by Marian Altman when Miss Katzman was trying |  |
| 12 members on multiple occasions. These actions |  | 12 to assert her right to a reasonable |  |
| 13 in and of themselves are protected activities. |  | 13 accommodation. And Marian Altman was the same |  |
| 14 Plaintiff has, therefore, satisfied this first |  | 14 board member that Ms. Katzman had emailed the |  |
| 15 retaliation element. Second, Leisure World |  | 15 request to. On September 18, 2019, Phil Marks |  |
| 16 was aware of Ms. Katzman's reasonable |  | 16 called security on Ms. Katzman to forcibly |  |
| 17 accommodation request. You heard that Ms. |  | 17 remove her from that meeting, as well. Again, |  |
| 18 Katzman sent her emails requesting a |  | 18 without any, you know, as Miss Katzman ask -- |  |
| 19 reasonable accommodation to various board |  | 19 she acts in these meetings very politely and |  |
| 20 members and, at one point, requested her |  | 20 for the 2019 meeting, specifically, was |  |
| 21 accommodation in front of one. Again, for the |  | 21 sitting quietly in the back. |  |
| 22 March 10, 2017 email, she sent that -- Miss |  | 22 You heard from Ms. Katzman and saw |  |
| 23 Katzman sent that to Marian Altman, then Chair |  | 23 exhibits that the Leisure World board and |  |
| 24 David Frager and Phil Marks. |  | 24 management has created this retaliatory |  |
| 25 In the April 12, 2017 foundation |  | 25 atmosphere, as well. In the 2017 meeting, Ms. |  |



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| the retaliatory events, that there was no consensus or agreement on what the policy was for recording. They also explicitly said that the policy was implemented differently, which can give opportunity to weaponize this policy in these retaliatory meetings. Ms. Trohan -I'm sorry. One moment. <br> JUDGE BYRNE: That's okay. Take your time. <br> MS. PIPER: Because Respondents <br> were not able to show that they had any sort 2 of justification and that these retaliatory 13 acts did, in fact, happen, they cannot speak 14 -- they cannot speak to any element of the 5 test and Plaintiff today has met all four of 16 the retaliation requirements. So thank you. <br> JUDGE BYRNE: Thank you. Mr. <br> Webster? <br> MR. WEBSTER: Thank you, your <br> 0 Honor. Okay. So let's circle back to where <br> 21 we started from when we began this case. So <br> 22 it's a retaliation claim. So we know that <br> 23 much. We know the four elements. They are as <br> 24 Plaintiff's Counsel has indicated. We know <br> 25 the applicable case law. It's Roads and it's | 1 requested protected activity or the protected activity and whatever retaliation occurs. You can't have retaliation before you've even requested the item that you think you're entitled to request. She's not here saying that what we did in 2017 created or was a failure to give a reasonable accommodation. That's not her cause of action. Her cause of action is that in 2019, she asked to be able 10 to record. That was denied. That is what 11 she's saying is her denied request or a 12 reasonable accommodation. Those are her 13 testimonial words, as well. Not just what's 14 in the documents, but that's also what's in 15 the documents. We would submit that the 2017 16 information is not relevant to this analysis 17 and fails under the causal connection to prong 18 specifically, also fails under a variety of 9 other issues, but I'll just leave the 2017 information at that. <br> So then we have her June and July 2019 submission. Request of a reasonable 23 accommodation. What we know is that those 24 went to Paul Eisenhauer. What we don't know 25 or what there isn't any evidence of, is what |
| Williams. That's the universe of the law side of things, and then we need to parse through what we've heard over the past two days. Remember, please also that the complaint of alleged discrimination -- and this was also verified by Ms. Katzman in her testimony, is based upon her June 22 of 2019 request for reasonable accommodation to record. That's the first time she ever asked to record. 10 That's what she says she's entitled to as a 1 result of her disability. That's the 12 reasonable accommodation she's asking for. 3 Whatever happened in 2017, first of all, those 4 were requests for use of a computer. It's not 5 what she's complaining about here today, but 6 whatever happened in 2017 involved foundations of Leisure World board, which is a separate 8 entity. If she felt that she had been 9 discriminated against by them, that would be a 20 separate cause of action against a separate 21 party. It doesn't have any bearing on what 22 we're doing here. It is also from a temporal 23 standpoint, if we want to look at the specific 24 elements associated with retaliation, there 25 has to be a causal connection between the | happened. The response is, according to Miss <br> Katzman, no response at all. I would submit that that can't also be retaliation. <br> Retaliation requires some sort of action in response, right? If you look at the cases in Roads, the retaliation is that her rent gets doubled. That's the retaliation. She makes a complaint for housing discrimination, and then her rent gets doubled. In Williams, the 10 retaliation component is, she makes a claim 11 for discrimination, racial and housing, and 12 then she gets assessed fines under the 13 covenant applicable to that homeowner's 14 association, and she says that those 15 assessments that are occurring after she has 16 taken her action, that is what is retaliatory. 17 Retaliation, by definition, requires an action 18 and then some kind of a response to it. We 19 don't have that in the June and July 2019 20 emails. There's no response and she hasn't 21 even filed her claim yet. Her claim doesn't 22 get filed until August 27 of 2019. That's 23 when her claim gets filed. From our 24 perspective, the timeline starts and should 25 start in August 27 of 2019 and then move |




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| 1 believe them because really what was going on |  | 1 on the topic. |  |
| 2 was this and they didn't come forward with |  | 2 The last thing that I will say is, Miss |  |
| 3 anything in that respect. They didn't come |  | 3 Katzman also testified on cross that the |  |
| 4 forward with any evidence, they didn't present |  | 4 damages and the treatment she has received has |  |
| 5 any evidence, that all of those reasons why we |  | 5 roughly been the same throughout her entire |  |
| 6 didn't give her this reasonable accommodation |  | 6 time at Leisure World. Well, if it's roughly |  |
| 7 was merely pretextual and that there was a |  | 7 been the same, then there hasn't been any |  |
| 8 discriminatory basis behind what we were |  | 8 retaliation because she's being treated the |  |
| 9 doing. |  | 9 same now as the way she was being treated |  |
| 10 The last comment I'll make is in -- |  | 10 then. I asked one too many questions, which |  |
| 11 well, maybe not the last comment. Never |  | 11 attorneys do all the time and it's a mistake |  |
| 12 believe a lawyer when they say that, but under |  | 12 and you try to learn from it, but you still |  |
| 13 the Williams case, Judge Chasanow specifically |  | 13 make the mistake from time to time, and then |  |
| 14 says that -- and I'll just read it because I |  | 14 she said, it got worse. Okay? She tagged |  |
| 15 don't want to misquote it because what Judge |  | 15 that on at the end when I was saying, well, |  |
| 16 Chasanow says is intriguing. In Williams -- |  | 16 did it improve and she said, no, it actually |  |
| 17 and it's going to take me a moment to get |  | 17 got worse. Okay, but her original testimony |  |
| 18 there. Okay. This is on 2021 US District |  | 18 was, throughout, this is how I have been |  |
| 19 Lexis 103488 star page 34 and spilling onto |  | 19 treated at Leisure World. That's not |  |
| 20 35. What Justice -- Judge Chasanow says is, |  | 20 retaliation. It can't be. It's the same |  |
| 21 in fact, Plaintiff even attempted to use the |  | 21 treatment that she's received the entire time |  |
| 22 threat of filing of such complaints as |  | 22 that she's been there and that's not |  |
| 23 leverage to deter Aurora from continuing to |  | 23 retaliation. It's the same treatment. For |  |
| 24 find the property, as evidenced by her |  | 24 all of these reasons, we submit that this |  |
| 25 statements to Mr. Eckloft so on and so forth. |  | 25 claim fails, evidentiary wise, to either |  |
|  | 170 |  | 172 |
| 1 Okay. Thus, rather than being deterred or |  | 1 establish any of the four or most of the four |  |
| 2 dissuaded from filing complaints, the alleged |  | 2 elements under the retaliation standard, |  |
| 3 adverse actions actually seemed to encourage |  | 3 especially the causal connection one, but in |  |
| 4 Plaintiff to lodge her complaints. Just as |  | 4 addition the notice or acknowledgment or |  |
| 5 Plaintiff was not deterred from standing her |  | 5 knowledge by the Defendant on certain of the |  |
| 6 ground, I think we would all agree that Miss |  | 6 dates, depending on the timeline, and also |  |
| 7 Katzman has stood her ground and pursuing |  | 7 that because she was able to continue to make |  |
| 8 multiple complaints against Aurora, the Court |  | 8 whatever actions she believed were right, |  |
| 9 is not persuaded that Aurora's actions would |  | 9 there was no dissuading or deterring under |  |
| 10 dissuade any other reasonable person from |  | 10 Williams, that means she also similarly has a |  |
| 11 making or supporting a charge of |  | 11 claim that fails, and last, because the |  |
| 12 discrimination. Because Plaintiff has not met |  | 12 treatment of her throughout this time period |  |
| 13 her burden of satisfying the adverse action |  | 13 was the same. That it hasn't been anything |  |
| 14 requirement of a retaliation claim under the |  | 14 changed that she cannot maintain an action for |  |
| 15 FHA, Defendant is also entitled to summary |  | 15 retaliation. There hasn't -- hasn't been any. |  |
| 16 judgment on count one. Miss Katzman |  | 16 It's up to your Honor to decide the facts in |  |
| 17 acknowledged in cross-examination by my 18 questions that she never was dissuaded from |  | 17 this case. That's your job and there's a lot, 18 I guess, to pursue or parse through here in |  |
| 19 doing what she thought she was right to do, |  | 19 this past two days, but from our submission of |  |
| 20 what she was entitled to do. She pursued and |  | 20 it, the Plaintiff does not or the Claimant |  |
| 21 maintained all avenues of actions that she |  | 21 does not make her burden of proof on these |  |
| 22 believed she could take. Williams says, if |  | 22 items, especially when viewed under the |  |
| 23 you do that, then it's not a retaliation |  | 23 Mc Donald Douglas shifting of the burden back |  |
| 24 issue. It's just not. It's not an adverse |  | 24 to them to demonstrate our stated reasons are |  |
| 25 action. That's what Judge Chasanow has to say |  | 25 merely pretextual. I don't think they gave |  |


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| you anything that you can hang your hat on evidence wise to show that it was just pretextual, but you will ultimately make that decision. <br> Unless your Honor has a specific question from me that you'd like me to address, that was all I intended to say. JUDGE BYRNE: I'm good. Thank <br> you. <br> MR. WEBSTER: Thank you. <br> JUDGE BYRNE: I want to think <br> the parties, I want to think the attorneys. <br> MR. SHARDELOW: Your Honor, do <br> we get a chance for a quick rebuttal? <br> JUDGE BYRNE: It's closing, so <br> 16 that's -- the rebuttal would come with the 17 testimony. So you've made your legal 18 arguments. He's made his legal arguments. 19 So, no, on the -- no, on the closing. Okay. <br> 20 All right. I appreciate the effort, though. <br> 21 It's always good to ask. I think in some <br> 22 forms you would, but in this particular <br> 23 instance, closing closing. Okay. I <br> 24 appreciate it. <br> 25 Again, I want to thank the parties. A | 1 transcript. So we ask for the transcript. It takes approximately 10 days to come back to us, so no other documents will come in. A decision will be rendered within 45 days of when the record finally closes. So it's 45 plus 10 essentially from today. I'll do my best to try to get it out as quickly as I can. Things -- I'll have the original report and recommendation on the reasonable accommodation 10 will be part and parcel of it, as well as the 11 -- my decision on the motion to dismiss will 12 be part and parcel of that report and 13 recommendation. That will go back to the HRC. 14 As I said at the beginning, I'm just -- I'm 15 the heavy lifter here, right? So I'm the 16 person that's going through all of this. The 17 HRC can make a determination as to whether 18 they adopt a whole, in part or none of my 19 report and recommendation. So, again, thank 20 you all. And as soon as -- I'm making an 21 assumption everybody would like a copy of the 22 transcript. All right. So as soon as it 23 comes in, I'll ask Nana to forward it to the 24 attorneys for both parties. All right. Thank 25 you, all. Everybody have a great day. Thank |
| good job really by everyone. Witnesses were good. I think one thing that I've come away from this hearing is that people love Leisure World. Miss Katzman clearly has a passion for it. The other witness is Mr. Dunn. All of the witnesses, you love where you live, you're passionate about your community, and you don't always hear that or find that. So I appreciate that and I appreciate the effort 10 and time that everyone put into this. An 1 excellent job for you all. It's good to get 12 real experience. And this is -- it's in the 3 administrative form, it's a little looser, so 4 it's nice to practice and use that exercise. 5 The rules of evidence aren't so close. And 6 while it's formal, it's still informal. So 17 excellent job all around and I appreciate 8 everyone's efforts and time. And thank you 9 all for being here. <br> All right. So what do we do next? <br> Well, what we have is the hearing is concluded. I'm going to close the record as of today. So all documents in are in the 24 record. I'm going to open it -- well, I'm 25 going to keep it open for 10 days only for the | 1   <br> 2   <br> 3   <br> 4   <br> 5   <br> 6   <br> 7   <br> 8   <br> 9   <br> 10   <br> 11   <br> 12   <br> 13   <br> 14   <br> 15   <br> 16   <br> 17   <br> 18   <br> 19   <br> 20   <br> 21   <br> 22   <br> 23   <br> 24   <br> 25   |

Conducted on February 23, 2024

| 177 |  |
| :---: | :---: |
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| 2 |  |
| 3 I, Cynthia Bauerle, do hereby certify |  |
| 4 that this transcript was prepared from the |  |
| 5 digital audio recording of the foregoing |  |
| 6 proceeding; that said transcript is a true and |  |
| 7 accurate record of the proceedings to the best |  |
| 8 of my knowledge, skills, and ability; and that |  |
| 9 I am neither counsel for, related to, nor |  |
| 10 employed by any of the parties to the case and |  |
| 11 have no interest, financial or otherwise, in |  |
| 12 its outcome. |  |
| 13 |  |
| 14 |  |
| 15 Cynthia Bauerle |  |
| $16$ |  |
| 17 CYNTHIA BAUERLE, CSR |  |
| 18 3/2/24 |  |
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| 178 |  |
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| 2 I, Brendon Cuenca, the officer before |  |
| 3 whom the foregoing proceedings were taken, do |  |
| 4 hereby certify that any witness(es) in the |  |
| 5 foregoing proceedings were fully sworn; that |  |
| 6 the proceedings were recorded by me and |  |
| 7 thereafter reduced to typewriting by a |  |
| 8 qualified transcriptionist; that said digital |  |
| 9 audio recording of said proceedings are a true |  |
| 10 and accurate record to the best of my |  |
| 11 knowledge, skills, and ability; and that I am |  |
| 12 neither counsel for, related to, nor employed |  |
| 13 by any of the parties to this case and have no |  |
| 14 interest, financial or otherwise, in its |  |
| 15 outcome. |  |
| 16 |  |
| 17 |  |
| 18 |  |
| 19 Res |  |
| 20 Brendon Cuenca, |  |
| 21 NOTARY PUBLIC FOR THE STATE OF MARYLAND |  |
| 22 2/26/2024 |  |
| 23 |  |
| 24 |  |
| 25 |  |

Transcript of Hearing - Day 2
Conducted on February 23, 2024

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