

Hon. Barbara Mack
Def's Mtn for SJ
Noted for: 6/17/16, 11:00 a.m.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

MARIA LUISA JOHNSON, CARMELIA
DAVIS-RAINES, CHERYL MUSKELLY,
PAULINE ROBINSON, ELAINE SEAY-
DAVIS, TONI WILLIAMSON, and LYNDA
JONES,

Plaintiffs,

vs.

SEATTLE PUBLIC UTILITIES, a department
of the CITY OF SEATTLE, a municipality,

Defendants.

No. 15-2-03013-2 SEA

**DECLARATION OF SARAH TILSTRA
IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**

I, SARAH TILSTRA, declare as follows:

1. I am an Assistant City Attorney in the Employment Section of the Civil Division of the Seattle City Attorney's Office. I am an attorney of record for Defendant Seattle Public Utilities ("SPU"), in this case. I am over the age of eighteen. I have personal knowledge of the facts contained in this Declaration. I am competent to testify as to the matters herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the transcript of the deposition of Debra Russell, taken on February 9, 2016.

3. Attached hereto as **Exhibit B** is a true and correct copy of two pages of notes taken from a document that was marked as Exhibit 11 during Ms. Russell's deposition.

1 4. SPU provided me and its other counsel with various documents to produce in
2 discovery. I have reviewed the Declaration of Tamra Cole in Support of Defendant's Motion for
3 Summary Judgment, which was filed on May 20, 2016. I am familiar with the documents cited
4 therein.

5 5. In paragraph 5(g) of Ms. Cole's declaration, she describes 13 employees who left
6 employment at SPU before SPU made a recommendation for discipline arising out of the
7 investigation that is the subject of this lawsuit. I have reviewed the documents attached to her
8 declaration as to each of those 13 employees. Only 6 of those employees made transactions that at
9 least arguably conferred a financial benefit (E.D., P.D., J.J., D.Li., S.P., and P.Tr.). One of those
10 employees, D.Li., is David Lindsey, who Plaintiffs identify in their opposition to SPU's motion for
11 summary judgment. The remaining 5 employees are all African-American. Ms. Cole made an error
12 on the cover sheet of S.P.'s file, stating "N/A" for the "Date Employee Left Employment at SPU."
13 I have verified that S.P. left employment at SPU in December 2011.

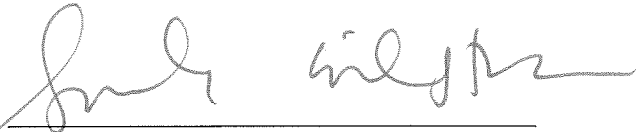
14 6. Ms. Cole's declaration contains 22 files for employees for whom Guillemette Regan
15 issued an investigative report in 2013 or later and who ultimately were at least recommended for
16 a suspension or termination. Those employees are the 7 Plaintiffs in this litigation as well as M.B.,
17 K.M., V.M., T.Wa., D.W., P.W., T.M., J.H., A.T., J.D., M.H., M.Mas., M.L., S.Q., and T.F. Of
18 those 22 employees, Plaintiffs Toni Williamson, Cheryl Muskelly, Pauline Robinson, Lynda
19 Jones, Carmelia Davis-Raines, T.Wa., K.M., and T.M. signed the "Petition of Solidarity" that is
20 attached as Exhibit C to the Declaration of Ray Hoffman, filed on May 20, 2016. SPU ultimately
21 terminated Ms. Williamson and would have terminated Ms. Muskelly had she not retired; SPU
22 suspended or would have suspended the remaining 6 signatories. Of the 14 non-signatories to the
23 petition, SPU terminated Plaintiff Maria Luisa Johnson, M.B., and V.M. SPU suspended or would

1 have suspended the remaining 11 non-signatories (Plaintiff Elaine Seay-Davis, D.W., P.W., J.H.,
2 A.T., J.D., M.H., M.Mas., M.L., S.Q, and T.F.).

3 7. As of March 2012, SPU had disciplined 6 employees as a result of the CCSS
4 investigation. Three were white. Cole Decl. (files of F.S., P.T., & J.C.). Three were people of
5 color. Cole Decl. (files of J.P., S.H., & V.M.). SPU suspended J.C. for 30 days and terminated the
6 remaining 5 employees.

7 **I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS**
8 **TRUE AND CORRECT.**

9 DATED this 14th day of June, 2016.

10 
11 _____
12 SARAH TILSTRA

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EXHIBIT A

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY

MARIA LUISA JOHNSON, CARMELIA)
DAVIS-RAINES, CHERYL MUSKELLY,)
PAULINE ROBINSON, ELAINE) No. 15-2-030313-2 SEA
SEAY-DAVIS and TONI WILLIAMSON,)
)
Plaintiffs,)
)
v.)
)
SEATTLE PUBLIC UTILITIES, a)
department of the CITY OF SEATTLE,)
a municipality, RAY HOFFMAN,)
individually, SUSAN SANCHEZ,)
individually, DEBRA RUSSELL,)
individually, and GUILLEMETTE)
REGAN, individually)
)
Defendants.)

VIDEO
DEPOSITION UPON ORAL EXAMINATION OF
DEBRA RUSSELL

Tuesday, February 9, 2016

9:47 a.m.

The Sheridan Law Firm

705 Second Avenue, Suite 1200

Seattle, Washington

Laurie E. Heckel, CCR, RPR
Court Reporter
CCR License No. 2616

1 01:22p THE WITNESS: My attorney, yes.

2 01:22p Q (By Mr. Sheridan) Okay. Can you meet -- tell me who you met

3 01:22p with.

4 01:22p A I met with Katrina Kelly.

5 01:22p Q Okay. And can you tell me when?

6 01:22p A It was back in May.

7 01:22p Q May of --

8 01:22p A Before -- before we were originally scheduled to do the

9 01:22p deposition.

10 01:22p Q All right. Anyone else?

11 01:22p A Just Denise now, of course.

12 01:22p Q Okay. In preparation for today.

13 01:22p A Yes.

14 01:22p MR. SHERIDAN: Got it. All right. Okay. Let's have

15 01:22p this marked.

16 01:22p (Exhibit 11 marked for identification.)

17 01:22p THE COURT REPORTER: 11.

18 01:22p Q (By Mr. Sheridan) It's 11. So I have here a bunch of

19 01:23p handwritten notes that I'm going to have you decipher if it

20 01:23p turns out this is your handwriting. So first of all -- first

21 01:23p of all, let me begin by asking you to just sort of page

22 01:23p through this quickly and tell me if this appears to be your

23 01:23p handwriting.

24 01:23p A Yes. It appears to be my handwriting.

25 01:23p Q All right. And now it appears that some of these notes seem

- 1 01:23p to have in the background sort of, like -- like, notebook
- 2 01:23p lines.
- 3 01:23p A Uh-huh.
- 4 01:23p Q And are these basically copies of notes from a notebook you
- 5 01:23p kept?
- 6 01:23p A I don't have it no longer.
- 7 01:23p Q Okay. Could you tell me about how you used to keep notes?
- 8 01:23p A Similar to this.
- 9 01:23p Q Okay. But in a -- in bound books, or what did -- what does
- 10 01:23p it look like?
- 11 01:23p A It was in bound notebooks.
- 12 01:23p Q All right. And the notebooks, were they calendars or just --
- 13 01:23p A Just blank pages.
- 14 01:23p Q All right. And -- and was it your practice to keep one for a
- 15 01:24p certain period of time, or just fill it up and use the next
- 16 01:24p one?
- 17 01:24p A Fill it up, use the next one.
- 18 01:24p Q All right. And was it your practice to put dates on entries?
- 19 01:24p A In some cases, yes.
- 20 01:24p Q Okay. And -- and to your knowledge -- well, these -- my
- 21 01:24p understanding is these documents came from a Public Records
- 22 01:24p Act request, so they must not have been destroyed yet. So --
- 23 01:24p so I'm going to go through this.
- 24 01:24p A I don't have them.
- 25 01:24p Q I understand you don't.

1 01:24p A Okay.

2 01:24p Q So I'm -- I'm going to ask you to translate or -- or read

3 01:24p some of these entries if you would. Okay?

4 01:24p A Okay.

5 01:24p Q And I realize that some of them are dated and some aren't,

6 01:24p and so some you may be able to understand the context and

7 01:24p some you may not. Okay? So we'll just do the best we can.

8 01:24p A Okay.

9 01:24p Q So the first one says, 7/16/13. Could you tell me -- go

10 01:24p ahead and read into the record what that is, what that says

11 01:24p below it.

12 01:24p A Well, it says, CCSS Steering Committee.

13 01:24p Q Okay.

14 01:24p MS. MOORE: What -- I'm sorry.

15 01:24p MR. SHERIDAN: We're start -- we're starting at the

16 01:24p front.

17 01:24p MS. MOORE: Okay.

18 01:24p THEWITNESS: Cost allocation study. Will brief both Ray

19 01:25p and Jorge the first week of August.

20 01:25p Q (By Mr. Sheridan) All right. Can you tell me, what is the

21 01:25p CCSS Steering Committee?

22 01:25p A That is a committee consisting of executives from City Light

23 01:25p and SPU.

24 01:25p Q Okay. And what's the cost -- cost allegation study?

25 01:25p A SCL requested a cost allegation study be done on the Contact

1 01:34p You told the supervisor to tell the UAR --

2 01:34p A No, I told usually the UAR.

3 01:34p Q -- UAR and -- to have the meeting. But you weren't -- you

4 01:34p weren't -- during that process you were not a part of the

5 01:34p disciplinary recommendation.

6 01:34p A Correct.

7 01:34p Q So you found out when everyone else found out what the

8 01:34p discipline was going to be for your staff in this context?

9 01:34p MS. MOORE: In this context, you mean, the CCSS --

10 01:34p MR. SHERIDAN: The CCSS.

11 01:34p MS. MOORE: -- investigation.

12 01:34p THE WITNESS: Yes.

13 01:34p MR. SHERIDAN: Okay.

14 01:34p THE WITNESS: I -- I -- you know, because I had to

15 01:34p deliver it to them, I would find out the same time as they

16 01:34p did pretty much.

17 01:34p Q (By Mr. Sheridan) Okay. All right. Next page. And go ahead

18 01:34p and read that.

19 01:34p A Old people not bringing them up to speed to changes, being

20 01:34p communicated.

21 01:34p Q Can you tell us what -- give us some context to this.

22 01:35p A I think this was probably just a thought.

23 01:35p Q Okay. Just taking notes --

24 01:35p A Sometimes I would --

25 01:35p Q -- not necessarily --

- 1 01:35p A Yes. Sometimes I just -- my own shorthand.
- 2 01:35p Q Okay. And, old people, can you tell us who you were
- 3 01:35p referring to?
- 4 01:35p MS. ASHBAUGH: Objection, calls for speculation. Only
- 5 01:35p if you know.
- 6 01:35p THE WITNESS: No, I don't know.
- 7 01:35p Q (By Mr. Sheridan) All right. Next page it says, Guillemette.
- 8 01:35p A Guillemette.
- 9 01:35p Q Guillemette. And go ahead and read that.
- 10 01:35p A UAR expectations every year. Need a tracking system
- 11 01:35p spreadsheet with all staff. Some people -- okay. This just
- 12 01:35p says, Refused to sign. Train supervisor to acknowledge they
- 13 01:35p refused to sign but did agree. Other columns for them to
- 14 01:35p agree. Ethics, we don't do it every year, access code
- 15 01:35p highlight. SPU policy and procedure page, expected to
- 16 01:35p abide. Track agendas. Training, need to acknowledge when we
- 17 01:36p have training. Who? What? Okay? If not.
- 18 01:36p Q Okay. Can you tell when this occurred?
- 19 01:36p A There is no date.
- 20 01:36p Q Okay. How about -- but from the context does it ring any
- 21 01:36p bells for you?
- 22 01:36p A It was probably around the same time period.
- 23 01:36p Q July of 2013-ish?
- 24 01:36p A Possible --
- 25 01:36p MS. MOORE: If you know.

1 01:41p dealing. Hiring a FAS consultant.

2 01:41p Q Okay. You think these two pages go together probably?

3 01:41p A I do.

4 01:41p Q All right. Next page.

5 01:41p A No rules for payment arrangement. Rita needs to keep log.

6 01:41p Training. Victoria Champion. 801 101st Avenue SE, Bellevue,

7 01:41p Washington.

8 01:41p Q Who is Victoria Champion?

9 01:41p A Probably, a customer.

10 01:41p Q Okay. And who is Rita?

11 01:41p A Rita -- Rita is a administrative assistant.

12 01:41p Q Okay. And if we had your book, the original book, did you

13 01:41p put, like, start date finish date?

14 01:41p A No.

15 01:41p Q So you can only know by knowing what came ahead and what came

16 01:41p behind, right?

17 01:41p A Uh-huh.

18 01:41p Q That's a yes?

19 01:41p A That's a yes. Pretty much.

20 01:41p Q Yeah, okay. And it says, No rule for payment arrangements.

21 01:41p Do you know why that's in there?

22 01:41p A No, I don't.

23 01:42p Q Okay. And then, Update on discipline, next one. Let's go to

24 01:42p the next one. It looks like, plantation.

25 01:42p A Uh-huh.

- 1 01:42p Q And go ahead and read that.
- 2 01:42p A Peer to peer program. Kudos. Vacation review committee.
- 3 01:42p Experience engineering training for all the agents. Select
- 4 01:42p committee on utility strategic planning.
- 5 01:42p Q And can you tell me, what was -- was there a committee on
- 6 01:42p utility strategic planning?
- 7 01:42p A Not -- there was a strategic planning committee.
- 8 01:42p Q Uh-huh.
- 9 01:42p A I don't know if it was called -- I don't think it was exactly
- 10 01:42p these words. These are my notes again to myself.
- 11 01:42p Q Right. Do you think these are notes of a meeting?
- 12 01:42p A No.
- 13 01:42p Q What do you think they are?
- 14 01:42p A I think they're my own notes.
- 15 01:42p Q Okay. Do you know why you wrote the word, plantation?
- 16 01:42p A Yes.
- 17 01:42p Q Why?
- 18 01:42p A I had been told that there was a feeling of -- that the
- 19 01:43p Contact Center was like a plantation.
- 20 01:43p Q Who told you that?
- 21 01:43p A The Change Team.
- 22 01:43p Q What's the Change Team?
- 23 01:43p A They were a group that was formed as part of the Race and
- 24 01:43p Social Justice Initiative to -- where employees could go to
- 25 01:43p give their perception.

- 1 01:43p Q Okay. How did you react to being told that some of the
- 2 01:43p employees viewed the place as a -- as a plantation?
- 3 01:43p A I was horrified.
- 4 01:43p Q Did you do or say any -- did you meet with anyone as a result
- 5 01:43p of that?
- 6 01:43p A We met with the Change Team.
- 7 01:43p Q Anyone else?
- 8 01:43p A I don't recall.
- 9 01:43p Q When you say, we met with the Change Team, who is we?
- 10 01:43p A Susan Sanchez.
- 11 01:43p Q Okay. All right. Did -- did your meeting with Change Team
- 12 01:44p produce any plan?
- 13 01:44p A Initial -- well, not at this time.
- 14 01:44p Q Okay. Did there come a time that a plan was created?
- 15 01:44p A There was a time.
- 16 01:44p Q Tell me about that.
- 17 01:44p A It was earlier though.
- 18 01:44p Q Okay. What happened earlier?
- 19 01:44p A We had a plan.
- 20 01:44p Q And what was the plan?
- 21 01:44p A The plan was around communication.
- 22 01:44p Q And what was --
- 23 01:44p A But I don't remember all the specifics.
- 24 01:44p Q Okay. Do you remember any key aspects of the plan?
- 25 01:44p A Working with the Race and Social Justice.

- 1 01:44p Q Committee?
- 2 01:44p A Team.
- 3 01:44p Q Team. Okay. Was that when you first got there?
- 4 01:44p A Within a year or so.
- 5 01:45p Q Okay. Who was -- who was heading the Race and Social Justice
- 6 01:45p Team at the time?
- 7 01:45p A I don't remember.
- 8 01:45p Q Okay. Next page looks like MSTCS in the top there. Do you
- 9 01:45p have any idea what that is?
- 10 01:45p A No.
- 11 01:45p Q Okay. Go ahead and read that.
- 12 01:45p A Common understanding. What training since Policy 106.1.
- 13 01:45p Recreate roll out. Luisa. Any documentation. July 2012.
- 14 01:45p Any signed copy in 2011 of policy 106. LMC minutes/agenda
- 15 01:45p for meeting. The more places we talked about it.
- 16 01:45p Signatures.
- 17 01:45p Q All right. And can you tell us what this relates to?
- 18 01:45p A This would relate to preparation for gathering documentation
- 19 01:46p where I believe there was a hearing, but --
- 20 01:46p Q Oh.
- 21 01:46p A -- I don't know for sure.
- 22 01:46p Q Is this the Luisa Johnson unemployment --
- 23 01:46p A Yes.
- 24 01:46p Q -- hearing?
- 25 01:46p A And this is probably attorney -- probably was with -- but

EXHIBIT B

old people not bringing
them up to speed to
changes;
being communicated

PREPARED BY
DATE

PAGE NO.

PROJECT ACTION NOTES

PROJECT PLANNING NOTES

1 "Plantation"

2

3

4 - Peer to Peer Program

5 - Kudo's

6 - Vacation Review Committee

7

8 - Experience Engineering Training

9 all agents

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12 → Select Committee on Utility

13 Strategic Planning

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