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In the Matter of:

RYAN SANTHUFF

VS

STATE OF WASHINGTON

DAVID NOBACH

*July 10, 2020*

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IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR KING COUNTY

RYAN SANTHUFF, an individual, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 19-2-04610-4 KNT  
 )  
 STATE OF WASHINGTON, and DAVID )  
 JAMES NOBACH, an individual, )  
 )  
 Defendants. )

VIDEOTAPED DEPOSITION OF DAVID J. NOBACH

July 10, 2020

Tacoma, Washington

Reporter: Barbara Castrow, CCR, RMR, CRR

APPEARANCES

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Also present: Allison Borgida, Videographer

Ryan Santhuff (Via Zoom)

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1 BE IT REMEMBERED that on Friday,  
2 July 10, 2020, at 2208 North 30th Street, Suite 202,  
3 Tacoma, Washington, at 9:34 a.m., before BARBARA CASTROW,  
4 CCR, RMR, CRR, appeared DAVID J. NOBACH, the witness  
5 herein;

6 WHEREUPON, the following proceedings  
7 were had and videotaped, to wit:

8  
9 <<<<<< >>>>>>

10  
11 (Exhibit Nos. 1-33 marked  
12 for identification.)

13 VIDEOGRAPHER: All right. Good  
14 morning. We are going on the record at 9:34 a.m. on  
15 Friday, July 10th, 2020. This is Volume I, Media Unit I,  
16 of the video recorded deposition of James Nobach in the  
17 matter of Santhuff versus the State of Washington, filed  
18 in the Superior Court of Washington in and for King  
19 County. The case number, 19-2-04610-4 KNT.

20 This deposition is being held at 2208 North 30th  
21 Street, Suite 202, Tacoma, Washington, 98403.

22 My name is Allison Borgida. I'm the videographer  
23 today from SRS Premiere Realtime. The court reporter  
24 today is Barbara Castrow, also from SRS Premier Realtime.

25 Will counsel and all present please note their

1 appearances and affiliations for the record and then the  
2 court reporter may swear in the witness.

3 MR. SHERIDAN: This is Jack Sheridan  
4 representing the plaintiff, Trooper Ryan Santhuff, who is  
5 present remotely, as am I, and Mark Rose, who is an  
6 attorney in our office, who is also present remotely.

7 MR. BIGGS: This is Andrew Biggs  
8 representing the defendants.

9 DAVID J. NOBACH, having been first duly sworn  
10 by the Certified Court  
11 Reporter, testified as  
12 follows:

13 MR. BIGGS: I would like to confirm on  
14 the record before we begin, also, that although we are  
15 appearing by Zoom, some parties are on the Zoom, it is  
16 not being recorded and is not part of the record. The  
17 official record is the court transcript and the official  
18 video.

19 MR. SHERIDAN: That's agreed.

20 Okay. Did we swear the witness yet?

21 REPORTER: Yes.

22 EXAMINATION

23 BY MR. SHERIDAN:

24 Q Okay. Good morning, Lieutenant Nobach. Please state  
25 your full name for the record.

1   **A   David James Nobach.**

2   **Q   All right.  And, Lieutenant Nobach, you are the head of**  
3   **the aviation section?**

4   **A   Correct.**

5   Q   And could you explain for us how you get to be the head  
6   of the aviation section?  What are your qualifications?

7   A   I rose through the ranks from trooper to sergeant to  
8   lieutenant.  The qualifications that I have were  
9   commercial instrument and airline transport pilot.  And I  
10   tested through the State Patrol system as administered by  
11   HRD and interviewed for the position of sergeant and  
12   interviewed for the position of lieutenant of aviation  
13   and was selected.

14   Q   All right.  And did you fly for anybody before joining  
15   the State Patrol?

16   A   Yes.

17   Q   Who did you fly for?

18   A   **I flew for Big Bend Community College.  I flew a little**  
19   **bit for Era Aviation in Alaska.**

20   Q   Anyone else?

21   A   That's all I recall.

22   Q   Okay.  And how did you go about getting your private  
23   pilot's license?

24   A   I went to Snohomish Flying Service at Harvey Field in  
25   Snohomish County when I was in high school and received

1       **my private pilot's license.**

2   Q   All right. Did you get commercial qualified at that  
3       time?

4   A   **I went to Big Bend Community College where I received my**  
5       **commercial instrument and CFI ratings.**

6   Q   What year was that?

7   A   **I started Big Bend in '85, graduated in '87.**

8   Q   All right. And tell us about -- is it A-R-A in Alaska,  
9       Ara?

10   A   **No, it's E-R-A, Era Aviation.**

11   Q   All right. And what did you do there and for how long?

12   A   **I was at Era for a little over two years. I started off**  
13       **working the ramp up there. Their new pilots, they would**  
14       **work the ramp. And then I moved up and went to work as a**  
15       **mechanic for them in the shop.**

16       **And then I got to go out on some flights out of the**  
17       **Bethel area in Caravans and Twin Otters, but mainly I was**  
18       **a mechanic for them.**

19   Q   Okay. So when you were with E-R-A for two years --  
20       you -- Era for two years, you were -- your main job was  
21       being a mechanic, right?

22   A   **Correct.**

23   Q   All right. And then you said you flew a little bit for  
24       the community college. Can you tell us about that? Were  
25       you an instructor?

1 A Yes. So after I graduated with my four-year degree out  
2 of Central, I was hired back at Big Bend as a junior  
3 flight instructor. And their maximum time for a junior  
4 flight instructor is a year and a half. So I flew there  
5 for a year and a half as a flight instructor.

6 Q Okay. And when you say the maximum time is a year and a  
7 half, can you explain what that is and what your  
8 understanding is as to why that might be a rule?

9 A It was just something that the aviation department had in  
10 place for junior flight instructors, a year and a half.

11 Q All right. And how many flight instructors were there  
12 besides you during that year and a half that you worked  
13 there?

14 A Unknown. Probably around 10.

15 Q 10. And is it fair to say that was not a full-time job?

16 A It was a full-time job.

17 Q It was. Okay.

18 And when you -- you were a flight instructor. Could  
19 you just in lay person terms explain what that means?  
20 What did you do?

21 A We would -- I would take initial students with zero  
22 flight time and work them all the way up through a  
23 commercial instrument license.

24 Q All right. And did you have the same students, or did  
25 they rotate around among the other nine instructors?

1 A It would rotate around. It was a college-based system,  
2 so every quarter or semester -- I can't recall what they  
3 were on -- you would get new students.

4 Q All right. And approximately how many students did you  
5 train in that year and a half?

6 A 20 plus.

7 Q Okay. All right.

8 And then when you joined to become a trooper, you  
9 were not immediately put into the aviation section; is  
10 that right?

11 A Correct.

12 Q All right. Can you tell us how and when you went about  
13 applying to become a pilot for the State Patrol?

14 A They had a four-year requirement to be a trooper before  
15 you could apply. And after I had my four years on and an  
16 opening became available, which was advertised in the  
17 Daily Bulletin, then I applied.

18 Q All right. And how long were you a pilot -- strike that.

19 As I understand it, you qualified first on the  
20 Cessnas; is that right?

21 A Yes.

22 Q And then you may qualify later on the King Air; is that  
23 right?

24 A Yes.

25 Q And how long did you fly the Cessnas before you became



1 qualified to fly alone on a King Air?

2 **A We fly the King Air as two pilots, so never.**

3 Q Never. Okay.

4 And is there any sort of certification required to  
5 be a King Air pilot among -- it may be a certification  
6 that is internal or one by the FAA?

7 **A Multiengine instrument -- commercial multiengine rating**  
8 **to be a copilot.**

9 Q Okay. It's fair to say that at the time you joined the  
10 aviation section, you had both of those qualifications,  
11 right?

12 **A Yes.**

13 Q And so how long did you work in the section before you  
14 could copilot a King Air?

15 **A A little over one year.**

16 Q All right. And during that time, I assume you got time  
17 in the King Air as a trainee?

18 **A No.**

19 Q Could you explain how that happens?

20 **A You will have to clarify your question.**

21 Q Sure.

22 So in that year before you became qualified to be a  
23 copilot of the King Air, I assume you must have spent  
24 time flying in the King Air; is that right?

25 **A No.**

1 Q You didn't.

2 A No.

3 Q Okay. So could you explain to us in lay person terms how  
4 after a year you became a copilot in the King Air?

5 A Based on previous experience.

6 Q But you didn't have to fly it before -- you didn't have  
7 to fly as a trainee before you could become a copilot  
8 after a year; is that right?

9 A They evaluate how well you do in the Cessna programs,  
10 especially your instrument skills. And then either  
11 you're next in line or you are chosen to go to the King  
12 Air program. I was next in line to go to the King Air  
13 program.

14 Q Could you explain again in lay person terms what that  
15 means to be next in line?

16 A At that time, I was just a trooper, so I was the next  
17 pilot in line. So you would have to ask my three bosses  
18 ago.

19 Q Okay. Were you -- are you currently in a union?

20 A Yes. Well, they are a bargaining union, so they're CBAs,  
21 so not a full union.

22 Q Okay. Could you explain what union you are in and then  
23 tell us if that's the same union the troopers are in?

24 A I'm in the captains and lieutenants union, and it is not  
25 the same.

1 Q All right. And when did you join that?

2 A When I was promoted to lieutenant.

3 Q And when was that?

4 A August of 2011.

5 Q Okay. So before that, you were in the same union that  
6 Trooper Santhuff is now in, right?

7 A Correct.

8 Q And there's no differentiation in that union between  
9 being a trooper on the road versus a trooper in the air,  
10 right?

11 A The same union.

12 Q The same union. Got it. All right.

13 So when did you become the head of the aviation  
14 section, what year?

15 A My boss left in February, 2011, so I was appointed as the  
16 acting. And I've been in the acting and/or promoted to  
17 lieutenant in August of 2011. So since --

18 Q Okay.

19 A -- February of 2011.

20 Q Okay. Oh, you became acting in February, 2000?

21 A 2011, yes.

22 Q 2011. Okay. Got it.

V1 23 Okay. And is there some -- is there a qualification  
24 that you have called "certified flight instructor"?

25 A Yes.

1 Q And when did you get that?

2 A Probably around 1987.

3 Q Okay. All right. And does -- is it a requirement for  
4 the position of lieutenant that you be a certified flight  
5 instructor?

6 A No.

7 Q All right. And is it even important to your job?

8 MR. BIGGS: Objection to form of the  
9 question.

10 Go ahead.

11 Q (By Mr. Sheridan) You can answer.

12 A You will have to clarify the question. Important -- I  
13 guess I don't understand what you mean.

14 Q Well, I mean --

15 A Is it written down in a regulation manual or...?

16 Q Yeah. So who is the next in seniority after you  
17 currently?

18 A There is no next in seniority. It's an interviewed  
19 position.

20 Q Okay. Did you say "interviewed"?

21 A Yes. You interview for the positions. In the patrol,  
22 you interview for the positions when they open up. So  
23 there's nobody standing in line. You would have to  
24 interview for the position.

25 Q Okay. And so who would you say has the next most

1 experience after you currently in the section?

2 **A I don't know who is out in the field, so I can't answer**  
3 **that question.**

4 **Q** Well, give me the name of somebody -- like does Sweeney  
5 still work there?

6 **A No.**

7 **Q** Give me the name of somebody that is a pilot there.

8 **A Jared Elliott.**

9 **Q** How do you spell that?

10 **A J-A-R-E-D E-L-L-I-O-T-T, I believe.**

11 **Q** Wow. First name?

12 **A Jared.**

13 **Q** Oh, Jared. Okay.

14 All right. And to your knowledge, does this person  
15 report to you?

16 **A No.**

17 **Q** Are you out of the position?

18 **A No, I'm in the position, but he's a trooper, so he**  
19 **reports to a sergeant.**

20 **Q** Oh, I see. I see. Who are your current sergeants?

21 **A Sergeant Jeff Hatteberg and Sergeant John Ames.**

22 **Q** And Ames. Okay.

23 All right. Does Hatteberg have -- is he a certified  
24 flight instructor?

25 **A No.**

1 Q And does that -- does that affect whether he can train  
2 new people, new pilots?

3 A Can you clarify what is a "new pilot"?

4 Q Sure. Let's say -- well, like let's take you. When you  
5 first joined the aviation section, you were a new pilot.  
6 That's the definition. Okay?

7 And can you tell us whether or not Sergeant  
8 Hatteberg would have been qualified to train you -- to  
9 provide you with training?

10 A Yes.

11 Q Okay. So it didn't matter that Hatteberg is not a  
12 certified flight instructor, right?

13 A Correct.

14 Q Is there -- to your knowledge is there any FAA  
15 requirement that would require a certified flight  
16 instructor conduct training?

17 A Yes.

18 MR. BIGGS: Did you hear that answer?

19 MR. SHERIDAN: No, I didn't. I'm  
20 sorry.

21 MR. BIGGS: I'm going to move the  
22 speaker phone a little bit closer to the witness and  
23 perhaps that will help.

24 MR. SHERIDAN: Thanks, Andrew.

25 MR. BIGGS: Okay. See if that's any

1 better. He said -- the answer he said was yes.

2 Q (By Mr. Sheridan) Okay. Okay. So let me just ask  
3 again. Sorry about that.

4 So could you please explain that?

5 A For primary instruction for people who are not pilots,  
6 they would have to fly with a certified flight  
7 instructor.

8 If we had to go up and do an instrument competency  
9 check, they would have to go up with the flight  
10 instructor to be signed off. And if they had to have a  
11 flight review, they would have to go up with a flight  
12 instructor to be signed off.

13 If they were going to take a written test for a new  
14 rating like their airline transport pilot's license, they  
15 would have to be signed off by the flight instructor.

16 Q All right. And the people -- the things that you just  
17 described, during the time that Trooper Santhuff worked  
18 there, did he need any of those things done?

19 A I don't recall.

20 Q All right. And is there -- did you -- you sometimes  
21 second-seated in the planes that Trooper Santhuff flew,  
22 correct?

23 A You would have to explain or clarify what you mean by  
24 "second seat."

25 Q Actually, I'm hoping you will. Can you tell us, was

V2

1 there times that you flew with Trooper Santhuff?

2 A Yes.

3 Q Could you now explain to us why that was? Why did you  
4 fly with him?

5 A I would fly with Trooper Santhuff to move him through the  
6 progression training program, to lift limitations on his  
7 flying skills.

8 Q Okay. Can you give us a lay person's example of, for  
9 example, what was it you needed -- what was it he needed  
10 to do to move through?

11 A They may have never flown a Cessna 182 before. So they  
12 would come to us, and I would go out, and we would go fly  
13 in a Cessna 182, and they would be signed off to fly that  
14 aircraft, which would meet our insurance requirements.

15 Q Okay. And given that example, were you the only person  
16 who could do that?

17 A No.

18 Q Who else could do that?

skip 19 A A sergeant could have performed that skill.

20 Q Both Sergeants Hatteberg and Ames could both do that?

21 A No, John Ames is my L&I sergeant. He's not a pilot.

22 Q Oh. Oh, oh, oh. Okay. So just Hatteberg then?

23 A During -- for what year?

24 Q Say 2016.

25 A Yes, Sergeant Hatteberg could have performed that.



start

1 Q Okay. Now, what -- what were the qualifications that  
2 Sergeant Hatteberg had that permitted him to perform that  
3 function?

4 A There were no qualifications required besides he was a  
5 command pilot within the section.

6 Q Okay. And could you tell us in lay person terms what  
7 does it mean to be a command pilot in the section?

8 A They are an airline transport pilot that can fly all  
9 aircraft, all missions.

end

10 Q Okay. And could we -- let's hand out the books at this  
11 point, and let's look at an exhibit.

12 And, sir, will you open to Exhibit 7. They are  
13 tabbed.

14 And are you there?

15 A Yes.

16 Q Okay. So this says aviation personnel timeline. Can you  
17 tell us what this is?

18 A Yes. It's a timeline that is submitted to the command  
19 staff so they can see the progression of the pilots  
20 and/or when pilots are going to retire.

21 Q Okay. And is yours color-coded?

22 A No.

23 Q Okay. So that's going to make it a little more  
24 challenging.

25 But looking at you in the line, Item No. 1, it says

1 Lieutenant Nobach, and then it says 1/1/16, and then the  
2 color which you can't see, says chief  
3 pilot/standardization/instructor pilot.

4 And is that an accurate representation of your  
5 status in January -- on January 1st, 2016?

6 **A Yes.**

7 **Q** Okay. Now can you tell us in lay person terms how -- how  
8 that title -- it appears to only apply to you. Could you  
9 explain why that only applies to you out of the other  
10 names listed?

11 **A I would review and/or put together the training program**  
12 **and submit it up the chain of command for approval.**

13 **Q** Okay. And how long had you been doing that?

14 **A Since 2001.**

15 **Q** And does that come with -- does that responsibility come  
16 with being a lieutenant within the section, or is there  
17 some other qualification?

18 **A No. I was the flight instructor and the only flight**  
19 **instructor the agency had.**

20 **Q** Oh, okay. And that includes Hatteberg?

21 **A As -- clarify your question. Hatteberg as what?**

22 **Q** So you said -- I think you just said, I was the only --  
23 was it qualified instructor the agency had? Is that what  
24 you said?

25 **A I was the only certified flight instructor, correct.**

1 Q Okay. So it's an accurate statement that in 2016, you  
2 were the only certified flight instructor the agency had,  
3 correct?

4 A No.

5 Q Okay. Please -- I got it wrong then.  
6 Could you explain.

7 A There's flight instructors within the agency that are out  
8 in the field operations bureau. I was the only flight  
9 instructor in aviation at that time.

10 Q Okay. In the section?

11 A Correct.

V3 12 Q In the section. All right. So I'm going to say it again  
13 just to make sure I got this one right.

14 Okay. So in 2016, you were the only certified  
15 flight instructor in the aviation section?

16 A Correct.

17 Q Okay. Now, that meant that you could do certain things  
18 that other people couldn't do. Could you now list for us  
19 the things that you could do that others couldn't do  
20 because you were the only certified flight instructor in  
21 the section?

22 A Yes. So that's the same as the question you asked  
23 before.

24 So I could do instrument competency checks with sign  
25 off, flight reviews with the sign off, and I could sign

END

1 people off so they could go take a written test.

2 Q Okay. And the things -- so instrument sign offs, flight  
3 review sign offs and sign offs for a written test, right?

4 A Correct.

5 Q Anything else?

6 A That requires a flight instructor?

7 Q Yes.

8 A That's all that I can recall right now.

9 Q Okay. Fair enough.

10 Can you tell us whether or not in 2016, it would  
11 have come up that you needed to either check somebody off  
12 for instrument flight review or sign off for a written  
13 test?

14 A I could have.

15 Q Okay. You just don't remember?

16 A I don't recall.

17 Q All right. In 20 -- so in 2017, were you the only  
18 certified flight instructor in the section?

19 A No.

20 Q Who became a flight instructor in 2017?

21 A Jared Elliott and Anson Statema.

22 Q How do you spell the second name?

23 A S-T-A-T-E-M-A.

24 Q All right. And how about in 2018, were you the only  
25 certified flight instructor?

1   **A    No.**

2   Q    Okay.   The same people?

3   **A    Correct.**

4   Q    Okay.   And how about 2018?

5   **A    The same people.**

6   Q    And 2019?

7   **A    The same people.**

8   Q    And now?

9   **A    The same people.**

10  Q    Thinking from a perspective of let's say you retired  
11       today, would either Jared Elliott or -- is it  
12       Mr. Statema -- be able to step into your position?

13  **A    No.**

14                               MR. BIGGS:   Objection; form of the  
15       question.

16                               **THE WITNESS:   Sorry.**

17  Q    (By Mr. Sheridan)   You can answer.

18  **A    No.**

19  Q    Why not?

20  **A    They -- they are still at the trooper level, so they**  
21       **would have to promote to sergeant and then take the test**  
22       **to be eligible to promote to lieutenant.**

23  Q    So -- so -- and can you tell us whether or not -- let's  
24       say you did retire tomorrow and they wanted somebody to  
25       replace you.   Is it okay to skip -- let's say they both

1 applied for the job as lieutenant.

2 Do they have to have time in as a sergeant before  
3 they can be a lieutenant --

4 **A Yes.**

5 Q -- if you know?

6 **A Yes.**

7 Q Okay. So who is it that would be integral to their being  
8 promoted to sergeant?

9 **A Can you clarify your question?**

10 Q Yeah, yeah. Let me ask it a little easier.

11 Who does the performance evaluations for these two  
12 individuals?

13 **A Sergeant Hatteberg.**

14 Q Sergeant who?

15 **A Hatteberg.**

16 Q Hatteberg. Thank you.

17 And is there only one sergeant position at this  
18 time?

19 **A There's two.**

20 Q Well, no, I understand. One of them is nonflying, right?

21 **A Well, actually, I have three sergeants.**

22 Q Oh, please explain. Just tell us who is in the mix now.

23 **A Sergeant -- well, Jeff Hatteberg is at aviation, and**  
24 **Sergeant James Ames, he's in charge of my L&I security**  
25 **detachment.**

1 Q And who is the third?

2 A **That position is open.**

3 Q Oh, it is. Okay.

4 And would you agree with me that from the succession  
5 perspective, it would make sense for you to have somebody  
6 in the sergeant position so they can become qualified to  
7 replace you if you had to go?

8 A **Not my decision.**

9 Q All right. And how are they as employees, those two  
10 gentlemen? Any concerns about their performance or  
11 proficiency?

12 MR. BIGGS: Objection to form of the  
13 question.

14 Q (By Mr. Sheridan) Let me ask it again.

15 Any concerns about their performance?

16 A **For who?**

17 Q For the two fellows that are -- let's see. It would be  
18 Jared Elliott and I have a Mr. Statema.

19 A **They don't report to me. They report to the sergeant.**  
20 **So they complete their JPAs.**

21 Q Well, who signs off on performance evaluations? Don't  
22 you have to approve them?

23 A **At my position, I'm a flow-through, so there's really not**  
24 **approval. The sergeant completes the JPAs, the sergeant**  
25 **sends them to me. I just review them. I can't change**

1       them in any way. And then they go forward to the  
2       captain.

3       Q     You sign off on them though, right?

4       A     That's technically not correct. They are just a  
5       flow-through. I just sign that I have read the JPA.

6       Q     Okay. And you supervise the sergeants, right?

7       A     Correct.

8       Q     You do the performance evaluations of the sergeants,  
9       right?

10      A     Yes.

V4 11      Q     Okay. In 2016, if you had just quit, who would have done  
12      the instrument flight review and signup for written  
13      tests?

14      A     Jared Elliott or Anson Statema.

15      Q     Okay. So he could have done that. He could have done  
16      that even though he was just a trooper?

17      A     Yes. They are a flight instructor.

18      Q     Okay. Got it.

19             And in 2016, did you have Mr. Elliott, or Trooper  
20      Elliott, perform any of those duties?

21      A     I didn't hand over the flight training program until, I  
22      believe, late 2016 when they finished up with the  
23      progression initial program.

24      Q     Will you explain that? What progression and initial  
25      program?



1 A They were just hired into the aviation program in early  
2 2016, midsummer 2016. They went through the same  
3 training program that Trooper Santhuff went through, and  
4 they were signed off, I believe, in October or November  
5 of 2016.

6 Q All right. Okay. And -- okay.

7 And can you tell me, when you say "they," could you  
8 just repeat for the record who you are talking about?

9 A Anson Statema and Jared Elliott.

10 Q Okay. Thanks.

11 All right. And so in the spring of 2016, you were  
12 pretty much the only game in town in terms of signing off  
13 for instrument flight review and sign off for written  
14 tests, right?

15 MR. BIGGS: Objection; form of the  
16 question.

17 If you understand the question, you can answer.

18 THE WITNESS: No.

19 Q (By Mr. Sheridan) Who else was available to do that?

20 A We would send pilots sometimes out to local field  
21 operations -- or not -- correction -- not field  
22 operations, but local flight schools to have -- to be  
23 signed off.

24 Q I see. All right.

25 And in 2016, did you do hiring and firing?

1   **A    I don't do hiring and firing.**

2   Q    Okay.  So whose idea was it to bring in Elliott and  
3       Statema?

4   **A    We have an interview board, and so they go through an**  
5       **interview.  And then the top candidates are picked and**  
6       **submitted up the chain of command for approval.**

7   Q    All right.  And was it -- did you participate in the  
8       interviews?

9   **A    I don't recall.**

10  Q    Okay.  All right.

11           Now, when you're the head of the aviation section,  
12       and let's say since 2016, to whom have you reported?

13  **A    Since 2016?**

14  Q    Yes.

15  **A    Captain Alexander, Captain Ashley and Captain Hullinger.**

16  Q    When did Ashley take over?

17  **A    I believe 2018.**

18  Q    Okay.  Is Alexander retired, or has he just rotated out  
19       somewhere else?

20  **A    Rotated out.**

21  Q    Do you know where he went?

22  **A    I believe he's the assistant chief of commercial vehicle**  
23       **bureau.**

24  Q    Okay.  And has it been typical that in your chain of  
25       command, no one else above you is a pilot?

1 **A Spanning what timeframe?**

2 Q 2016 and to the present.

3 **A Correct.**

4 Q Okay. And is it also true that as the head of the  
5 section, you do the budget?

6 **A No.**

7 Q Who does the budget?

8 **A Budget and fiscal.**

9 Q Yes, please.

10 MR. BIGGS: That was the answer.

11 MR. SHERIDAN: Oh, I'm sorry. I just  
12 didn't get that. Please say it again.

13 **THE WITNESS: Budget and fiscal.**

14 Q (By Mr. Sheridan) Yes, please.

15 **A No, that's who does the budget, their whole bureau. It's**  
16 **budget and fiscal.**

17 Q Oh, I see.

18 Is there a person that you liaison with to do the  
19 budget?

20 **A Yes.**

21 Q And who is that?

22 **A It would be the current captain, and our budget analyst**  
23 **right now is -- her name is Kendra.**

24 Q Okay. In 2016, who was it?

25 **A Current captain, and I believe Kathy.**

1 Q Okay. And the captain at the time was who?

2 A **Alexander.**

3 Q Okay. All right.

4 Do you recognize the name Ashley?

5 A **The last name Ashley?**

6 Q Yeah.

7 A **Yes.**

8 Q And what position did that person have in 2016?

9 A **Unknown.**

10 Q Okay. And how do you know this person?

11 A **Works for the State Patrol, pass in the hallways.**

12 Q Okay.

V5 13 Okay. So does your position require leadership

14 skills?

15 A **We go through supervisor basic.**

16 Q Okay. But I'm asking as a practical matter. You've been

17 in the job for several years. Can you tell me, is

18 leadership an important quality of a lieutenant who is

19 running the aviation section?

20 A **Leadership skills are a part of all the lieutenants' jobs**

END 21 **in the State Patrol.**

22 Q Would you say that your sergeants also have to have  
23 leadership skills?

24 A **Sergeants within the State Patrol go through a supervisor  
25 basic, yes.**

1 Q Okay. Okay. And so they go through it, and that's to  
2 gain leadership skills, right?

3 A **Correct.**

4 Q Okay. And how long have you been in a supervisory  
5 capacity, how many years?

6 A **16.**

7 Q All right. I apologize. I have to ask you some of these  
8 foundation questions. Have you ever been arrested?

9 A **No.**

10 Q Have you ever been convicted of a crime?

11 A **No.**

12 Q Have you ever had testimony you have proposed to give in  
13 court stricken?

14 A **Not that I recall.**

15 Q Okay. Have you ever been terminated from a job?

16 A **No.**

17 Q Ever been demoted?

18 A **No.**

19 Q Ever been suspended?

20 A **No.**

V6 21 Q Ever been disciplined?

22 A **2016.**

23 Q All right. In 2016, what -- how were you disciplined?

24 A **I was given a negative 095.**

25 Q A 095. Could you explain for the record, what is a 095?

1 A It's a counseling statement.

2 Q Okay. And what were you given it for?

3 A I don't have it in front of me, so I believe it was

4 conduct --

5 Q Okay.

6 A -- in the office.

7 Q Okay. I'm sorry. Let's take a look at Exhibit 4,

8 please.

9 All right. And what is Exhibit 4?

10 A Job performance documentation record.

11 Q Is this the 095?

12 A Yes.

13 Q All right. And let's just go through it. First of all,

14 is that your signature at the bottom?

15 A Yes.

16 Q And I see that it says Badge No. 50. When you identify

17 yourself in an abbreviated form, do you put the No. 50,

18 for example?

19 A No.

20 Q Okay. And then who else signed this besides you?

21 A It was the supervisor's signature.

22 Q Okay. And that was who?

23 A Johnny Alexander.

24 Q Got it.

25 And he was a captain at the time?

**END<sup>1</sup> A Yes.**

2 Q Got it.

3 Could you tell us within the State Patrol, are there  
4 any positions between the level of lieutenant and  
5 captain?

6 A Not that I know of.

7 Q Okay. So pretty much if you were to be promoted to the  
8 next level, you would be promoted from lieutenant to  
9 captain?

10 A Yes.

11 Q Thank you.

12 All right. And so -- so this is what is in the  
13 performance evaluation -- I'm sorry. It is the job  
14 performance documentation record.

15 It's first dated March 30th, 2016. And does that  
16 seem about right in terms of the date that this happened?

17 A Yes.

18 Q All right. And is this basically -- this is not a  
19 document you prepared? It's a document that  
20 Mr. Alexander prepared or had prepared, right?

21 A Correct.

22 Q All right. And it says, "On March 29th, I was informed,"  
23 so this is first person for Captain Alexander, "that you  
24 participated in behavior that was not consistent with  
25 agency policies, rules and regulations."

1           Would you agree that that's a fact?

2                       MR. BIGGS:  Objection; form of the  
3       question.

4   Q    (By Mr. Sheridan)  Sorry.  Did you answer?  I didn't  
5       hear.

6                       MR. BIGGS:  No.  Are you asking is it  
7       a fact that's what it says?

8                       MR. SHERIDAN:  No.  I'm asking if he's  
9       in agreement that he participated --

10   Q    (By Mr. Sheridan)  That on March 29th, 2016, you  
11       participated in behavior that was not -- not consistent  
12       with agency policies rules or regulations?

13   A    No.

14   Q    You disagree then.  Tell us why you think that's not an  
15       accurate statement.

16   A    Because when I was given this documentation, I was read  
17       this document, wasn't allowed to even talk about my side  
18       of the story or anything that happened.  The whole  
19       meeting on this document lasted probably less than five  
20       minutes, and that's it.  I don't even have a copy of this  
21       document.

22               Knowing what I know now after reading it in the  
23       newspaper, no, I don't agree with this at all.

24   Q    Well, this has to do with the allegation that your -- I  
25       think you referred to her as your secretary, rubbed her



1       breasts up against the back of your neck, right?

2   **A   No.**

3   Q   That's not the allegation that you understand that --

4   **A   I wasn't given any allegations. I was given this piece**  
5       **of paper. I read those allegations in the newspaper.**

6   Q   Well, wait a minute. So what you are saying then is your  
7       management team never notified you of what you did wrong?

8   **A   That's absolutely correct.**

9                               MR. BIGGS: Object to the form of the  
10       question.

11               Go ahead.

12   Q   (By Mr. Sheridan) And --

13                           MR. SHERIDAN: I'm sorry. Court  
14       Reporter, did we get the answer, Barbara?

15                           REPORTER: He said, "That's absolutely  
16       correct."

17                           MR. SHERIDAN: Okay. All right.

18               And sorry, Andrew, I should have not spoken over  
19       you.

20   Q   (By Mr. Sheridan) Okay. So at the time, what union were  
21       you in?

22   **A   Lieutenants and captains.**

23   Q   All right. And so you -- is there a collective  
24       bargaining agreement in that union?

25   **A   Yes.**

V7

1 Q And does it provide for grievances?

2 A Yes.

3 Q And did you go to your union and seek to grieve this  
4 document?

5 A No.

6 Q Why not, if you say it was wrong?

7 A Because I didn't realize what the allegation was until I  
8 read it in The Olympian newspaper.

9 Q Well, you acknowledge, do you not, that an 095 in your  
10 file reduces your score on the annual performance  
11 evaluations, right?

12 A Yes.

13 Q So you knew it was going to hurt you in some way, yet you  
14 say you chose not to take any action to see what this  
15 document was for?

16 A I tried to explain myself on the document, but I wasn't  
17 allowed to explain or gain any information about it.

18 Q Well, I'm sure you must have gone to your shop stewards  
19 for help, right?

20 MR. BIGGS: Objection to form of the  
21 question.

22 THE WITNESS: No.

23 Q (By Mr. Sheridan) Well, isn't it true that the reason  
24 you didn't do anything is because you knew that you were  
25 wrong?

1   **A    Incorrect.**

2   Q    Well, wasn't there -- strike that.

3               Isn't it also true that the evaluation is used for  
4   selection to specialty positions and promotional scores?

5   **A    Yes.**

6   Q    So if you do nothing, you are hurting your chances for  
7   promotion, too, right?

8   **A    That's correct.**

9   Q    And did you go back and ask for a copy?

10   **A    No.**

11   Q    So you didn't really -- you weren't concerned enough to  
12   look for a copy, correct?

13                       MR. BIGGS:  Objection to form of the  
14   question.

15   Q    (By Mr. Sheridan)  Let me ask that again.

16               You weren't concerned enough to seek out a copy,  
17   correct?

18                       MR. BIGGS:  Same objection.

19                       **THE WITNESS:  No.**

20   Q    (By Mr. Sheridan)  You are disagreeing with me, right?

21   **A    Correct.**

22   Q    Okay.  And could you explain for me, to me, if you  
23   thought that this was wrong why you took no action to  
24   grieve it?

25   **A    I did not know this was wrong until The Olympian**

1 published an article with Ryan Santhuff's statements in  
2 it.

3 Q Then would you explain to us, please, what you thought  
4 you did wrong that caused you to take no action until --  
5 or to seek no information until you read about it in the  
6 paper?

7 A As lieutenant of aviation, you are kind of in charge of  
8 everyone and everybody in that section. So I read this  
9 that there were things going on, you know, behind the  
10 scenes. Could have been talk on the flight decks or up  
11 in the flight stuff. You are kind of responsible for  
12 everybody.

13 So I took that, since I'm head of aviation, being  
14 kind of responsible for everybody, and you are kind of  
15 the fall guy for what goes on. So that's the way --

16 Q And --

17 A -- I took this document.

18 Q I'm sorry for interrupting.

19 So it's your testimony, is it not, that Captain  
20 Alexander read this to you, correct?

21 A I don't recall if he read it to me or if I read it.

22 Q Okay. But in any case, the words went into your brain  
23 one way or the other, right?

24 A Correct.

25 Q All right. And so you also knew at the same time that --

1 hang on a second -- that Brenda Biscay was also being  
2 disciplined?

3 A I did not. All I was told was to have Brenda report over  
4 to the captain.

5 Q Well, you talked to her afterwards and learned that she  
6 was also disciplined, right?

7 A She mentioned she received a documentation record.

8 Q So you are telling us that you knew that she was  
9 disciplined, and that you were disciplined. You  
10 understood it was for an interaction between the two of  
11 you, did you not?

12 A No.

13 Q So you thought that she was being separately disciplined  
14 for something that was not something that you would try  
15 to find out about, right?

16 A I thought that she was being disciplined for flipping the  
17 shoulder holster strap over on my shoulder that was  
18 upside down.

19 Q While she was standing behind you?

20 A Yes.

21 Q And while you were seated at your desk?

22 A I wasn't at my desk.

23 Q Where were you?

24 A We were sitting in a conference room table.

25 Q Oh, okay. All right. And so she stood behind you, and

1 the story is -- what you are telling us now -- is that  
2 she flipped your holster over?

3 MR. BIGGS: Objection; form of the  
4 question.

5 Q (By Mr. Sheridan) And if I said it wrong, please help me  
6 clarify that.

7 A My story has always been the shoulder holster strap on my  
8 left shoulder, she flipped it over.

9 Q All right. And she was standing behind you, right?

END 10 A Yes.

11 MR. BIGGS: He said yes.

12 Q (By Mr. Sheridan) I'm sorry I --

13 A Yes.

V8 14 Q All right. And did you read her disciplinary letter?

15 A No.

16 Q All right. Why don't you flip the page and let's look at  
17 Exhibit 5.

18 And do you recognize this as her disciplinary  
19 letter?

20 A I have never seen it before.

21 Q Okay. So you didn't seek that out either?

22 A No.

23 Q All right. So -- so do you have any -- in 2016, did you  
24 have any supervisory authority over Ms. Biscay?

25 A Yes.

1 Q Did you complete her performance evaluations?

2 A Yes.

3 Q Did you approve her vacation requests?

4 A Yes.

5 Q Was she eligible for overtime?

6 A I believe that position is, yes.

7 Q And did you approve her overtime?

8 A Yes.

9 Q Did you make reservations -- strike that.

10 Did you make recommendations for salary increases  
11 for her?

12 A For that position, yes.

13 Q All right. And was she in the position when you made  
14 those recommendations for salary increases?

15 A Yes.

16 Q All right. And in that position, were you -- were you  
17 authorized to give her the lower forms of discipline,  
18 like counseling and coaching?

19 A The same as every State Patrol supervisor, yes.

20 Q That's a yes. All right.

21 And could you give her a written reprimand if you  
22 were so inclined in her position?

23 A No. That would be the captain's level.

24 Q Okay. So anything below written reprimand, you could do,  
25 right?

END

1 A Basically, verbal or this doc -- or job performance  
2 documentation record.

3 Q Got it. Okay.

4 And was she a direct report to you in 2016?

5 A Yes.

6 Q All right. And was she also -- she was a direct report  
7 to you. Was she also your only direct report?

8 A No.

9 Q Because you had the sergeants, right?

10 A Correct.

11 Q And besides the sergeants and Brenda Biscay, were there  
12 any other direct reports to you in 2016?

13 A Yes.

14 Q And who were they?

15 A Maintenance supervisor.

16 Q And who was that?

17 A Sam Loska.

18 Q How do you spell the last name?

19 A L-O-S-K-A.

20 Q All right. And -- okay.

21 All right. Let's go back to Exhibit -- I guess it's

22 4. And the second sentence of the first paragraph says,

23 "Although it is alleged that the third party was not

24 offended by your actions, the existence of an offended

25 party is not a requirement to support a violation of



1 inappropriate conduct in the workplace. In addition, it  
2 is alleged that similar behavior by members of your staff  
3 have become an acceptable practice for an extended period  
4 of time."

5 And you read that, right?

6 **A Yes.**

7 Q So as the head of the aviation section, you had a  
8 responsibility to address this statement that it's  
9 alleged that similar behavior by members of your staff  
10 has become an acceptable practice for an extended period  
11 of time? That must have concerned you, correct?

12 MR. BIGGS: Objection; form of the  
13 question.

14 Q (By Mr. Sheridan) You can answer.

15 **A I have addressed this previously in the past.**

16 Q Well, would you just explain -- tell us -- just answer  
17 the question, if you would. Just tell us whether that  
18 concerned you to read that.

19 **A Yes.**

20 Q All right. And what, if anything, did you do to remedy  
21 that situation?

22 **A During 095 meetings, we again talked about activities in**  
23 **the workplace, and then I was directed by Captain**  
24 **Alexander to seek out sexual harassment training and have**  
25 **that provided to everybody in the aviation section.**

1 Q Okay. So it's true then that you understood that this  
2 095 that you received from Captain Alexander had to do  
3 with sexual harassment?

4 A Go ahead and describe your term for sexual harassment and  
5 how it describes this. It's a very --

6 Q Well, let me ask you --

7 (Reporter clarification.)

8 THE WITNESS: It's a very broad term.

9 MR. SHERIDAN: I'm sorry, Barbara.

10 Q (By Mr. Sheridan) Okay. So I guess it doesn't matter  
11 what I think. What matters is what you understand sexual  
12 harassment is since you were the one who was directed to  
13 give a presentation, right?

14 A No, I was not directed to give a presentation.

15 Q Oh, please explain. What -- what were you directed to do  
16 regarding sexual harassment?

17 A To seek out a third-party vendor to provide sexual  
18 harassment training.

19 Q All right. And you understood that that was connected to  
20 the fact that you received this 095, right?

21 A Yes.

22 Q Okay. So when you say you didn't understand anything,  
23 would you like to change that testimony?

24 MR. BIGGS: Objection; form of the  
25 question.

1 THE WITNESS: Go ahead and explain

2 what "understand" means. It's a pretty broad question

3 you gave me there, so go ahead and cut it up and explain

4 it to me, please.

5 Q (By Mr. Sheridan) Well, what's your understanding of the  
6 word "understand"?

7 A I don't understand --

8 Q It's --

9 A -- your question.

10 Q Please. I'm sorry. I didn't mean to interrupt.

11 Go ahead.

12 A I don't understand your question.

13 Q Sure.

14 Well, it's true, is it not, that you -- or I guess

15 you've already answered it -- that it was true that you

16 understood that there was a link between you having to

17 find a third-party vendor to address sexual harassment in

18 the workplace and the 095 that you received on March

19 30th, 2016.

20 So my question to you is, could you explain how you

21 didn't understand that this 095 had to do with sexual

22 harassment?

23 A As a broad term of sexual harassment, it could be

24 language. It could be inappropriate hugging as it talks

25 about in training. So I just took this that these

1 activities were going on in the aviation section with me  
2 knowing or without me knowing, because I'm not everywhere  
3 all the time, and so that's why I signed this.

4 Q Did you ever tell any of your bosses that this -- you  
5 said you didn't hear about the breast rubbing until you  
6 read about it in the newspaper; is that right?

7 A That's correct.

8 Q All right. And you must have just been livid when you  
9 heard that, right?

10 A After I read that in the newspaper, I called my captain,  
11 said, "If I would have known that, I would have never  
12 ever signed this, and I would have requested an OPS  
13 investigation."

14 Q And who's your captain?

15 A It was Alexander.

16 Q All right. And what did he say to you in response?

17 A Nothing.

18 Q Okay. So -- and so did you request an investigation?

19 A It was done. So they said leave everything alone because  
20 all of this was going on.

21 Q So you -- so you felt powerless to do anything; is that  
22 true?

23 A That's true.

24 Q That must have really been upsetting; would you agree?

25 A It's unfortunate.

END

1 Q All right.

2 And it's fair to say that you knew by, what, May of  
3 20 -- well, strike that.

4 When did you read it in the paper, what year?

5 A I don't recall. 2017, 2018. I don't recall when The  
6 Olympian printed the article.

7 Q All right. Well, let's take a look at Exhibit 22, if we  
8 can.

9 Now, this is your performance appraisal, is it not?

10 A Yes.

11 Q And if you would, go ahead and flip down to the last page  
12 of that. And, you know, we use these things called Bates  
13 stamps in the lower right-hand corner, and I think the  
14 Bates stamp number is 00533. It's also Page 9 of the  
15 exhibit. Would you turn to that.

16 Do you have that there, sir?

17 A Yes.

18 Q All right. And would you agree these are your electronic  
19 signatures?

20 A Yes.

21 Q Okay. So this is the -- let's go back to the first page  
22 of it, of Exhibit 22. And you recognize this as being  
23 your performance evaluation covering the period January,  
24 2016, to December 31st, 2016, correct?

25 A Yes.

1 Q All right. And it's an annual appraisal, as it says on  
2 the first page, right?

3 A Yes.

4 Q All right. So let's flip over to the second page. And  
5 under leadership, it says you failed to meet  
6 expectations, right?

7 A Yes.

8 Q And you were aware -- let's see. It was signed -- what's  
9 the date of that signature? It looks like it was signed  
10 on February 15th, 2017, right?

11 A Yes.

12 Q All right. So let's look at the narrative on Page 1  
13 where it says failed to meet expectations for leadership.

14 When you saw this, is it fair to say you were  
15 devastated?

16 A No.

17 Q Why not?

18 A It's a standard matrix, so if you receive counseling  
19 documentation, it automatically reduces the score.

20 Q Well, I mean, it could have been exceeds down to meets,  
21 right?

22 A I don't believe so.

V10 23 Q Okay. Fair enough.

24 Let's look at the narrative. It says, "Lieutenant  
25 Nobach is the aviation section commander. Reports of

1 retaliation/harassment allegations against the lieutenant  
2 were reported by section troopers."

3 When you read that, who did you identify as the  
4 troopers that had made these reports in your mind?

5 **A I assumed it was Ryan Santhuff.**

6 Q Well, it didn't say singular trooper. It said troopers,  
7 so there must have been more, right?

8 **A It could have been -- I don't know.**

9 Q Well, who else were you suspicious of at the time?

10 **A I really wasn't.**

11 Q Okay. Well, let's see. Had -- besides -- but you  
12 certainly agree that it must have been this Trooper  
13 Santhuff, right?

14 MR. BIGGS: Objection to form of the  
15 question.

16 Q (By Mr. Sheridan) You can answer.

17 **A No, I wasn't sure who it was at all. I just assumed.**

18 Q Okay. All right.

19 And you assumed it was Trooper Santhuff?

20 **A I assumed.**

21 Q Okay. All right.

22 And then it says, "Investigations into the  
23 allegations did not validate the retaliation/harassment  
24 complaints; however, the investigation did reveal a lack  
25 of communications by the lieutenant which contributed to

1       misunderstanding by members of his staff. In addition,  
2       inappropriate behavior in the workplace was tolerated  
3       over a period of time, some of which the lieutenant was a  
4       participant contributing to some of the staff questions  
5       questioning his ability to lead."

6               That didn't bother you at all, that narrative?

7   **A    Yes.**

8   Q    It did bother you. Okay.

9               And did you discuss with Captain Alexander the  
10       language contained in this narrative?

11   **A    It was off the table.**

12   Q    It was what?

13   **A    Off the table.**

14   Q    What does that mean?

15   **A    Not open for discussion.**

16   Q    Oh, you were not allowed to?

17   **A    No.**

18   Q    You can grieve performance evaluations, can't you?

19   **A    I haven't looked into it.**

20   Q    Okay. So you didn't seek -- you didn't contact your  
21       union about this, right?

22   **A    I may have. I don't recall for this.**

23   Q    Okay. Have you ever interrogated suspects as a trooper?

24   **A    As in what realm and what's interrogation?**

25   Q    Well, I assume you must know -- what's interrogation mean



1 to you? Let's say you have arrested somebody for theft.  
2 What would interrogation be?

3 **A Usually if you would arrest somebody for theft of a**  
4 **stolen vehicle, it was turned over to the detectives, so**  
5 **no.**

6 Q Okay. Have you ever -- so do you understand what it is  
7 they do when they interrogate a witness?

8 **A I've never been a part of that process.**

9 Q Okay. So even though you are a police officer, and  
10 you've been one for a lot of years, you really don't know  
11 what it means to question a suspect, right?

12 MR. BIGGS: Objection; form of  
13 question.

14 **THE WITNESS: I would say that's not**  
15 **correct.**

16 Q (By Mr. Sheridan) Okay.

17 **A I just have not been a part of the interrogation process**  
18 **performed by detectives.**

19 Q Okay. Great.

20 So when a person is confronted with, say, theft, and  
21 they don't deny it, what does that mean to you in  
22 general?

23 **A You still have to put together all the evidence.**

24 Q Okay. So it means if they are not denying it. There's a  
25 pretty good chance they are guilty, right?

1 MR. BIGGS: Objection to form of the  
2 question.

3 THE WITNESS: It could, yes.

4 Q (By Mr. Sheridan) Okay. All right. And so your --  
5 would it surprise you if -- your lack of challenging the  
6 accuracy of the 095 and this performance evaluation,  
7 wouldn't you agree that your management had no reason to  
8 think that you were not guilty of this behavior?

9 A No, I believe that statement is incorrect.

10 Q Well, please explain. How -- if you never stood up and  
11 said, "Well, I never did what's in the 095, and I never  
12 did what is in this performance evaluation," how would  
13 management know if you didn't tell them?

14 A I wasn't really allowed to discuss it, never allowed to  
15 discuss it when I did sign the negative 095, really  
16 didn't even know what it was about until it was published  
17 in The Olympian newspaper.

18 Q So you were feeling picked on, right?

19 MR. BIGGS: Objection to form of the  
20 question.

21 THE WITNESS: No.

22 Q (By Mr. Sheridan) Okay. All right.

23 So you were -- you must have -- at the point that  
24 you learned that Trooper Santhuff was the person who --  
25 and I say this without meaning opinion -- turned you in

1 on the allegation of sexual harassment with Ms. Biscay,  
2 you must have been angry at him?

3 A I never knew it was Ryan Santhuff. He never talked to me  
4 about it. The only person that ever even mentioned  
5 something about it was Sergeant Scott Sweeney.

6 Q And what did he mention about it?

7 A He came down to my office, said Ryan wanted to talk about  
8 the meeting we had, but he had no complaints and that he  
9 would handle it.

10 Q What did he tell you happened?

11 A Just exactly what I just said on the statement.

12 Q Which is what?

13 A He said Ryan Santhuff wanted to talk about the meeting we  
14 had down in my office, but Scott Sweeney said Ryan didn't  
15 want to talk about it, and Scott Sweeney said he would  
16 handle it.

17 And I asked him, "Well, let's bring down Ryan.  
18 Let's talk about it."

19 Scott said, no, he had it handled.

20 Q And he was a sergeant, right?

21 A Yes.

22 Q And he was your boss -- I mean, you were his boss, right?

23 A Correct.

24 Q Okay. And so the handling it, you are saying now that  
25 Sweeney never told you that it had to do with an

1 allegation that Mr. Santhuff -- that Trooper Santhuff  
2 observed Ms. Biscay rubbing her breasts against the back  
3 of your neck?

4 **A That was never ever mentioned.**

5 Q All right. Is it true, is it not, that -- I apologize  
6 for having to ask this. Did you ever have a sexual  
7 relationship with Ms. Biscay?

8 **A No.**

9 Q All right. Did you ever date her?

10 **A No.**

11 Q But you took her out for coffee frequently, correct?

12 **A I went to coffee with all my supervisors.**

13 Q She was not your supervisor.

14 **A I mean correct. Let me strike that.**

15 **I went to coffee with all of my frontline**

16 **supervisors.**

17 Q Okay. Was she a supervisor?

18 **A She's an office manager.**

19 Q Okay. All right.

20 So -- but you would take her to coffee alone without  
21 anybody else there, right?

22 **A I would go get coffee alone with all of my supervisors.**

23 Q Okay. But I'm just trying to get an answer to this one.

24 It's true, is it not, that you would take her to  
25 coffee where it was just the two of you alone, right?

1 A We had to go downtown to the Helen Sommers building for  
2 meetings. They had a new AA3 down there. So the coffee  
3 stand we would swing by was right in the direct path to  
4 the Helen Sommers Building on Old Highway 99. So we  
5 would swing in there and get a cup of coffee and continue  
6 on to our meetings downtown.

7 Q Was that at Capital Perks?

8 A Probably. I don't recall the name.

9 Q Okay. And that's -- you would agree with me, would you  
10 not, that it would be inappropriate for you to have any  
11 type of relationship with a subordinate?

12 A I can't -- could you repeat that? I can't tell if you  
13 said inappropriate or appropriate.

14 Q Oh, let me ask again.

15 You would agree that it would be inappropriate for  
16 you to have any type of a relationship with Ms. Biscay,  
17 correct?

18 MR. BIGGS: Objection; form of the  
19 question.

20 Go ahead.

21 THE WITNESS: Like --

22 Q (By Mr. Sheridan) Let me change the question. I agree  
23 that it's too vague.

24 You would agree with me, would you not, that it  
25 would be inappropriate for you to have any type of

1 romantic relationship with Ms. Biscay?

2 A I had no romantic relationship with Biscay or the office  
3 manager.

4 Q Okay. Would you agree with me that it would be  
5 inappropriate?

6 A Yes.

7 Q All right. And especially since you are -- you are the  
8 person who directly supervises her and you can impact her  
9 career, correct?

10 A Not entire. I mean, everything has to go through the  
11 chain of command.

12 Q I understand. But, for example, you get to do her  
13 performance evaluation; you get to recommend her for  
14 promotion, that kind of stuff, right?

15 A There's no promotion within that position. And I just  
16 complete the evaluations, and it still has to be reviewed  
17 by the chain of command.

18 Q Oh, I see.

19 I thought -- I thought she wasn't a manager  
20 originally, and she got promoted to management. Is that  
21 wrong?

22 A I reallocated the position.

23 Q Could you explain in lay person terms what that means?

24 A I believe -- so they are a WFSE employee, which means  
25 that's a bargaining unit. And I believe that position

1 was working outside the scope of the WFSE position. So I  
2 submitted to HRD to have that position -- what is called  
3 a desk audit performed to review that position and have  
4 it reallocated so she wasn't performing any duties  
5 outside the position she was currently in.

6 Q Okay. Does that mean that her salary stayed the same?

7 A I believe the other position had an increase in salary.

8 Q Okay. So did she make more money after your action or  
9 not?

10 A It's not my action. It's an action by HRD. And, yes, I  
11 believe she did.

12 Q Okay. All right. What year was that?

13 A I don't recall.

14 Q All right. It's true, is it not, that there came a time  
15 when -- you know what, this might be a good time to take  
16 a break.

17 MR. SHERIDAN: Can we go off the  
18 record?

19 VIDEOGRAPHER: Yes, let me take us off  
20 record. We are now going off record at 10:41 a.m.

21 (Recess from 10:41 to 10:59.)

22 VIDEOGRAPHER: We are back on record.  
23 The time now is 10:59 a.m.

24 Q (By Mr. Sheridan) Okay. Lieutenant, would you please  
25 take a look at Exhibit 6 and tell us what it is.

1   **A    It's an email.**

2   Q    All right.  And is it an email dated April 1st, 2016,  
3       from you to Brenda Biscay and others?

4   **A    Yes.**

5   Q    And what's the purpose of the email?

6   **A    I was directed by the captain to send an email out to**  
7       **everybody concerning sexual harassment and office**  
8       **conduct.**

9   Q    Okay.  And did this bother you that you would be tasked  
10       to do this?

11  **A    No.**

12  Q    Okay.  And you write, "All, as discussed during today's  
13       a.m. briefing, inappropriate office conduct will not be  
14       accepted in the workplace."

15               And can you tell us what happened in the a.m.  
16       briefing?

17  **A    We always have a.m. briefings with anybody available that**  
18       **attends, and we discussed what was captured here in the**  
19       **a.m. briefing.**

20  Q    All right.  And it says -- after the bullet, it says,  
21       "Mandatory sexual harassment training will be scheduled  
22       for all section employees and will be conducted in the  
23       near future," and that is -- that's what you were  
24       referring to earlier about finding a third party to teach  
25       it, right?



1   **A    Correct.**

2   Q    Then you write, "I've attached the QMR Preventing Sexual  
3       Harassment slide that was discussed in today's meeting  
4       and lists the broad range of unacceptable conduct."

5       And that's an attachment to this. I guess it's two  
6       pages back. Would you flip over to that?

7       Do you have that, sir?

8   **A    Yes.**

9   Q    Okay. And it says, "A hostile environment/sexual  
10       harassment can include a broad range of behaviors  
11       including," and then it lists off-colored jokes, comments  
12       about body parts or sex life, suggestive pictures,  
13       posters, leering, stares or gestures, repeated requests  
14       for dates or sexual favors and touching, brushes, pats,  
15       hugs, shoulders, rubs, pinches, et cetera, and then  
16       assault or rape.

17       Is that the attachment that you gave out at the  
18       time?

19   **A    I believe so.**

20   Q    All right. And you understood that all of these things  
21       were wrong, right?

22   **A    Yes.**

23   Q    All right. And it's true, is it not, that if you were  
24       found -- strike that.

25       It's true, is it not, that if you found that one of

1 your subordinates was engaging in one of these  
2 activities, they would be subject to discipline, would  
3 they not?

4 **A Discipline is a broad word, but yes.**

5 **Q** Okay. And it's true, is it not, that there came a time  
6 when somebody requested your emails under the Public  
7 Records Act; is that true?

8 **A Correct.**

9 **Q** And it turned out that after that person obtained your  
10 emails, they put them up on the internet, right?

11 **A Correct.**

12 **Q** And did you find that embarrassing?

13 **A No.**

14 **Q** All right. Did you find it -- did you find it  
15 objectionable?

16 **A Can you go ahead and bring up the email we're talking**  
17 **about?**

18 **Q** Well, first I want to know generally what you understood  
19 to be the release. I mean, would you agree the release  
20 contained things that weren't just about -- about work,  
21 but also contained some interactions between you and  
22 certain women?

23 **A Unknown. I received numerous public disclosure requests**  
24 **for my emails that are uploaded.**

25 **Q** Okay. All right. Well, let's take -- take a look at

1 Exhibit 1. And these are some of the emails that come  
2 off the internet if a Google search of Nobach emails is  
3 done.

4 In the middle of the bottom is a page number, and if  
5 you will turn to Page 8 -- I'm sorry -- Page 9, let's  
6 take a look at that.

7 VIDEOGRAPHER: Hey, Mr. Nobach, can  
8 you do me a favor and move your mic over to your jacket?

9 **THE WITNESS: (Complies.)**

10 VIDEOGRAPHER: Thank you.

11 Q (By Mr. Sheridan) Okay. All right. So on Page 9 is a  
12 Facilities Management Thanksgiving Feast for 2013. Do  
13 you recall this event?

14 **A They have them every year.**

15 Q Okay. Do you attend?

16 **A No.**

17 Q All right. In 2013, were you married?

18 **A Yes.**

19 Q Are you married now?

20 **A Yes.**

21 Q Okay. How long have you been married?

22 **A Almost 20 years.**

23 Q Okay. Let's look at Page 8 now. Go to the page before.  
24 And we're going to take a look at the bottom.

25 And the bottom email that has content is from Tanyah

1 Williams. It was sent on October 31st, 2013. Do you  
2 know who Tanyah Williams is?

3 **A Yes.**

4 **Q** Who is she?

5 **A She's an employee for the State Patrol.**

6 **Q** All right. And she's writing to Brenda and you and the  
7 subject line is Thanksgiving Feast. And she writes,  
8 "Hope you can make it," smiley face.

9 Then you write back on October 31st to her and to  
10 Ms. Biscay, and you say, "I will need a date." Did you  
11 write that?

12 **A Yes.**

13 **Q** All right. And then from Tanyah Williams, the next one  
14 in the email string, she says, "I thought Brenda was.  
15 I'm the hostess."

16 And then you write back and say, "This sounds more  
17 interesting. I might actually show up."

18 So you wrote all these things, right?

19 **A The ones that are my name that say from.**

20 **Q** Okay. And you read the ones from Tanyah and Brenda,  
21 right?

22 **A Yes.**

23 **Q** All right. And at the time, Brenda Biscay was your  
24 direct report, right?

25 **A Correct.**

1 Q In retrospect, do you see anything wrong with this?

2 A It was a bantering email back and forth amongst friends.

3 I wouldn't write these now.

4 Q Okay. All right. Fair enough.

5 And look at this one. Let's go to Page 6. And it's  
6 an email from -- at the bottom, it's dated November 5th,  
7 2013, and it's an email from Joni, J-O-N-I, it looks like  
8 N-J-O-S-T and then second word is Zink, Z-I-N-K.

9 And it's to you, and it's says, "Jim Nobach, How are  
10 you? A blast from the past. It's Joni, formerly of the  
11 Shoreline court."

12 Do you recognize -- do you know her?

13 A Yes.

14 Q All right. And then you wrote back to her saying, "Joni,  
15 long time. I remember putting the windshield in your  
16 Jeep. I'm not sure on the DUI case. Do you have any  
17 more information on it or the old case to forward?"

18 Basically, how did you know her before November,  
19 2013?

20 A She worked in the Shoreline court system.

21 Q Okay.

22 A She was pretty much our main contact when you were a new  
23 trooper up on the road.

24 Q All right. Going back to Page 5 at the bottom, Joni  
25 writes to you and says, "So long ago. How are you?"

1       What's the good word? Did you marry that gal that you  
2       were seeing forever? Remember when I went on the fly  
3       along?"

4               And did you marry that gal, by the way?

5   **A   Who?**

6   Q   The one that you were seeing forever according to the  
7       email.

8   **A   Yes.**

9   Q   Okay. All right. And she goes on to tell you some more  
10       about her past.

11               Did there come a time that you became aware that  
12       these emails and ones like it were released essentially  
13       to the internet?

14   **A   It was part of a public disclosure request.**

15   Q   All right. Were you upset by the fact that this type of  
16       information was getting out on the web?

17   **A   No, it's meaningless information.**

18   Q   Well, then can you tell us, isn't it true that there was  
19       another request for your emails around -- let's see, I  
20       guess it's around May of 2014; do you recall that?

21   **A   Can you go ahead and tell me what the public disclosure  
22       request was? I had several.**

23   Q   Sure. Let's go to Exhibit 2, if we can.

24               And this -- take a look at this and see if you  
25       recognize it.

V11

1 A I recognize the form.

2 Q Okay. And you see your name up -- handwritten in the  
3 upper right-hand corner?

4 A Yes.

5 Q And do you know whose handwriting that is?

6 A No.

7 Q All right. It says the request -- it says second request  
8 and first request. The first request at the bottom of  
9 the second paragraph says, "All WSP aviation officers as  
10 well as this request, whenever they were deployed on May  
11 1st, 2014."

12 And then the second request is emails related to  
13 preparing the missions or emails resulting from the  
14 mission, et cetera, et cetera.

15 Do you recall this PRA request?

16 A Yes.

17 Q All right.

18 And you had to produce documents, emails, in  
19 response to it in the May timeframe, right?

20 A Yes.

21 Q All right. And it's true, is it not, that at this time,  
22 you told your -- you told the pilots and others in your  
23 organization that you wanted them to delete emails?

24 A No.

25 Q What did you tell them, if anything?

1 A Nothing. I'm not the public disclosure request officer.

2 Q So you are denying that you told anybody to destroy  
3 emails?

4 A For this public disclosure request? No.

5 Q Yes.

6 A No.

7 Q I'm sorry. I just want to make sure when you say no, you  
8 mean, no, it didn't happen?

9 A No, it didn't happen.



END

10 Q Got it.

11 All right. Let's look at Exhibit 3, if we can. And  
12 this document has your signature on the second page, does  
13 it not?

14 A It does.

15 Q All right. And you signed it on May 20th, 2014, right?

16 A Correct.

17 Q And the No. 50, that is your badge number, right?

18 A Correct.

19 Q All right. Let's go back to the first page of Exhibit 3,  
20 and this is pretty much the same request, right?

21 A Yes.

22 Q All right. And you did -- is it your testimony that to  
23 your knowledge no documents -- no emails were destroyed?

24 A None of my emails were destroyed.

25 Q All right. Do you know if any emails were destroyed as a



1 result of this -- in response to this request?

2 **A I don't know what the other folks do with their**  
3 **information when they receive one of these documents.**

4 Q Okay. But you deny that you told anybody to destroy  
5 emails in connection with this, right?

6 **A I deny. I did not tell anybody to destroy emails for**  
7 **this document.**

8 Q All right. And it came to your attention that the -- the  
9 state actually investigated this, did they not?

10 **A Yes.**

11 Q And you were interviewed, were you not?

12 **A I was sent questions to respond.**

13 Q Written questions?

14 **A Yes.**

15 Q All right. And did you complete those? Did you respond  
16 to the written questions?

17 **A Yes.**

18 Q All right. Let's go to Page -- Exhibit 15 and tell me if  
19 this is your exculpatory questions and the answers?

20 **A These are questions and answers.**

21 Q Okay. Are these your answers to the questions?

22 **A Yes.**

23 Q Did you type it up?

24 **A Yes.**

25 Q Okay. And these exculpatory questions have nothing to do

1 with the Public Records Act request, do they?

2 **A Let me review them question by question.**

3 Q Please. Please do.

4 **A (Peruses documents.) No, these questions do not look**  
5 **like they deal with the public disclosure request.**

6 Q Okay. Were you also interviewed and asked about the  
7 destruction of emails by somebody?

8 **A Possibly. I don't recall.**

9 Q All right. And did you ever meet with your captain about  
10 the allegation that you destroyed emails?

11 **A Only if there was paperwork that needed to be signed.**

V11 12 Q Okay. And you understood that it was Trooper Santhuff  
13 who accused you of destroying emails, correct?

14 **A I believe, yes.**

END 15 Q All right. And it's true, is it not, that you were  
16 pretty angry at him for causing you to be the focus of  
17 potential discipline?

18 **A No.**

19 Q Well, you knew -- it's fair to say that even though you  
20 don't admit that you knew that the allegation had to do  
21 with Ms. Biscay rubbing her breasts against your neck,  
22 you knew that you were basically being focused on because  
23 of something that happened in the room when Trooper  
24 Santhuff was there?

25 MR. BIGGS: Objection to form of the

1 question.

2 Q (By Mr. Sheridan) You can answer.

3 A No.

4 Q Okay. All right.

5 Okay. So did you -- did you become aware that other  
6 witnesses were interviewed who said that you did tell  
7 them to destroy documents, emails, in response to a PRA  
8 request?

9 MR. BIGGS: Objection to form of the  
10 question.

11 THE WITNESS: No.

12 Q (By Mr. Sheridan) You mean nobody ever told you that  
13 other people challenged your veracity?

14 A I was pretty much left in the dark until I was  
15 interviewed by Larry McKnight with the AG's office.

16 Q That was after the lawsuit was filed, right?

17 A No.

18 Q Okay. All right. And what did you tell him regarding  
19 the emails?

20 MR. BIGGS: Objection; form of the  
21 question. That's attorney-client privilege or work  
22 product.

23 MR. SHERIDAN: Okay. Andrew, we  
24 can -- we can delay conversation about that. I suspect  
25 it's not, but I have to honor your position.

MR. BIGGS: Right. Larry McKnight works with the Attorney General's office, just so you know.

MR. SHERIDAN: Yeah, it's a matter of record. I mean, we did a big long transcript with him.

Okay. Okay. Got it.

Q (By Mr. Sheridan) So did anybody talk to you about the release of these emails that are in Exhibit 1, anyone in management?

**A No.**

Q Okay. All right. And let's talk about what happened after March. So you, basically, were told to hire a third party to do sexual harassment training, and you received an 095.

It's your testimony that for the rest of the year, you had no conversations with Captain Alexander with regard to these events?

**A Possibly, but pretty much I don't recall any.**

Q Okay. Is there anything that Trooper Santhuff said or did that you -- in 2016 that you considered to have been untruthful?

**A Pretty much the entire newspaper article.**

Q You said you read that in 2017, right?

In 2016, did you at any time believe that Trooper Santhuff had said or done anything that was untruthful?

1 A Go through all the allegations he brought up in 2016 for  
2 me.

3 Q The allegations. I'm not sure what you mean, sir.

4 A Well, all the complaints he filed against me in 2016, if  
5 you can bring those up one at a time, and we'll go over,  
6 and I will answer each one whether I thought they were  
7 truthful or untruthful.

8 Q Oh. So as you sit here today, there's nothing that you  
9 can identify that you would say was untruthful?

10 A I believe most of the stuff that Ryan brought up is  
11 untruthful.

12 Q In 20 -- did you believe it in 2016?

13 A What did he bring up in 2016?

14 Q Well, I mean, we know that he brought up the business  
15 about the email destruction in response to a PRA, right?

16 A I believe that was untruthful. Never happened.

17 Q Okay. And also the King Air thing, right?

18 A Untruthful. Never happened.

19 Q And you knew about that in 2016, too, right?

20 A I don't recall the exact dates. But if you said it  
21 happened in 2016, then it happened in 2016, or it was  
22 brought up in 2016.

23 Q Right.

24 And -- all right. And let's just jump to that for a  
25 second. The King Air issue, did you talk to the captain

1 about that?

2 **A I believe it was questions issued from OPS, and I**  
3 **probably did talk to the captain, yes.**

4 Q Okay. And so you believe that Ryan Santhuff's statement  
5 about the King -- or in 2016, you believed that Ryan  
6 Santhuff's statements about the King Air issue were  
7 untrue?

8 **A Correct. They're untrue.**

9 Q All right. And then you also believed in 2016 that the  
10 whole allegation of Brenda rubbing her breasts against  
11 your neck were untrue?

12 **A I didn't know those allegations until they came out in**  
13 **The Olympian newspaper.**

14 Q Okay. Is it fair to say that you attended a meeting --  
15 oh, let me digress for a second. Turn to Exhibit 27, if  
16 you would.

17 **A (Complies.)**

18 Q Tell me what is that?

19 **A It's a flight evaluation.**

20 Q All right. And let's just take a look at it.

21 It says -- on the top it says "WSP Aviation" and  
22 then it says "Applicant Flight Evaluation." Is that  
23 right? It's kind of hard to read.

24 **A Yes.**

25 Q And whose handwriting is that?

1 A Mine.

2 Q And can you tell us what this pertains to?

3 A Myself, Ryan, Jeff Hatteberg had a meeting with the  
4 captain. Ryan wanted -- didn't think that I had clarity  
5 with him after flights. And so I brought up that I  
6 could -- you know, I had this sheet prepared many years  
7 ago. In fact in '03 is when I put this together. And  
8 that I could just use this and write down everything that  
9 Ryan does on a training flight so Ryan would have clarity  
10 with where he's at.

11 So this was a request by Ryan.

12 Q So Ryan asked for clarity because isn't it true that he  
13 said that he felt like you were retaliating against him?

14 A No. He just didn't think that we were communicating  
15 enough after our flights together.

16 Q Okay. So this document, this form, had not been used, I  
17 guess, in many years, and you pulled it out to use it  
18 regarding Ryan Santhuff, right?

19 A Incorrect.

20 Q Please explain.

21 A This form, I just said I put it together in 2003. It's  
22 used all the time. It's just a basic form that outlines  
23 the practical test standards at that time of the FAA.

24 Q Well, why was he in need of practical test standard  
25 analysis in May of 2016? He was already a qualified

1 pilot, right?

2 A No.

3 Q Well, what was his qualifications in May, 2016?

4 A You would have to pull up his flight training records and  
5 see what -- where he was checked off in the program or if  
6 he had any limitations. So there's a limitation sheet.

7 Q Okay. All right. And we can do that.

8 Let's take a look at what you wrote down. Under --  
9 it says -- it says, "Applicants shall require -- be  
10 required to demonstrate instrument and commercial flight  
11 proficiency."

12 Was he an applicant?

13 A It was just a general form to use.

14 Q Well, could you explain -- well, you -- did you design  
15 this form?

16 A Yes.

17 Q Okay. So in your mind, who would be an applicant?

18 A New pilots when they come into the aviation section. But  
19 it's just a form that lists a bunch of maneuvers that are  
20 easy to read.

21 Q Okay. So, I mean, its purpose was not really to use for  
22 people like Trooper Santhuff, right? It was for  
23 applicants?

24 A No, it could be used for Trooper Santhuff. It just lists  
25 all the practical test standards. That's all it does.



1 Q All right.

2 A And it just makes it very easy for the applicant and/or  
3 people like Ryan Santhuff to read all the practical test  
4 standards, and it has a check-off box whether you met the  
5 standard or you didn't meet the standard broken apart in  
6 all five parts, which the FAA puts together.

7 Q Okay. So when you used this for Trooper Santhuff, you  
8 did not use it for any of the other pilots, correct?

9 A I've used this probably for other pilots before.

10 Q Well, you just said probably. Do you have any specific  
11 recollection and can you give us the names of any other  
12 pilot you used this for?

13 A I use it for all initial pilots. I probably used it for  
14 one of our previous pilots, Johnny Montemyor. I may have  
15 used this back then or a --

16 Q You don't recall?

17 A -- version of it.

18 I don't recall.

19 Q All right. And you also used it for applicants, right?

20 A Yes.

21 Q All right. And do you know -- this actually wound up  
22 being put in Trooper Santhuff's training record, right?

23 A Correct.

24 Q All right. And is this a positive or negative evaluation  
25 of his flying?

MR. BIGGS: Objection to form of the question.

**THE WITNESS: Neither.**

Q (By Mr. Sheridan) You can answer.

**A Neither. It's just an evaluation of where they stand and their skills.**

Q Okay. And where did you decide he stood in his skill?

**A I know Ryan still had limitations that weren't lifted yet, so this gave Ryan a guideline for things to practice.**

Q All right. And let's see. It says -- if we look under Task: Flight Deck Management, could you help us discern some of your handwriting there? It says, "Use all appropriate checklists," and then what does it say after that?

**A What page are you on?**

Q So I'm on Page 1.

**A Okay.**

Q And so I'm in -- I'm under Task 1.

**A Okay.**

Q And then sub item 4 says, "Use all appropriate checklists," and then there's some handwriting. Could you tell us what the handwriting says?

**A So "call clear." So when he started the engine, he didn't call out the window to call clear of the prop**

1 rotating so you wouldn't have somebody walk into it.

2 He didn't describe where --

3 Q What else?

4 A -- the ELT was, didn't describe the egress of the doors  
5 and emergency exiting.

6 Q Does that mean he did it or didn't do it?

7 A Didn't do it. Anything there are notes on here are items  
8 to review.

9 Q Okay. So if you wrote it down, it means that something  
10 wasn't appropriate -- was not correct?

11 A Not correct.

12 Q Okay. All right. Now let's go down to scoring.

13 It doesn't -- I can't see any scoring for Task No.  
14 1; is that right?

15 A Correct.

16 Q So you didn't -- you didn't fill this one out?

17 A It was just a training flight so...

18 Q Okay.

19 A Ryan wanted clarity on the training flight, so we just  
20 made all the notes and all the elements and wrote it down  
21 so Ryan could go out and practice.

22 Q Okay. So now let's take a look at scoring. And it  
23 says -- what's the handwriting on the right? It says,  
24 like, "no," and then I can't tell.

25 A "No checklist used after initial" -- it's too blurred

1 out. So it's no checklist used.

2 Q And could you just explain in lay person terms, what's  
3 the significance of no checklist used?

4 A All aircraft have a checklist that you follow as a pilot  
5 for all aspects of flight.

6 Q Okay. And what's the next line say?

7 A "Use of checklist."

8 Q Okay. So, again, no -- this would be a -- this would be  
9 something he did wrong, right?

10 A No, it's not necessarily wrong. It's just stuff -- these  
11 are items to practice to make you a better pilot, which  
12 we try to do. We try to lift the limitations on the  
13 pilots so they can, basically, move on to be a command  
14 pilot. So that's all this is, is a guideline to lift  
15 limitations.

16 Q Uh-huh. And in May -- on May 18th or the week before or  
17 after, did you do this for anybody else?

18 A I don't know if there's anybody else in the program at  
19 Ryan's place. Everybody is individual, and they progress  
20 at different rates.

21 Q Okay. But there were people junior to him, right?

22 A Once more?

23 Q There were people with less experience than him as of  
24 May, 2016, right?

25 A Yes.

Q Okay. And then so now I'm looking at the bottom handwriting, and it looks like this may be a summary.

Would you just go ahead and read, not too fast, into the record beginning with "use of checklist"?

A **"Use of checklist after initial cruise for rest of the flight (excluding shutdown)."**

Q Okay. Keep going, please.

A **That's the end of the page.**

Q Oh, I thought -- oh, I was starting a little higher, and then the next line would have been, "Did not call clear."

A Okay. So then everything I read is incorrect. So we're starting three-quarters of the way down the page. So the first line would be, "Did not call clear before start."

Q Okay.

A **"Did not provide complete passenger brief."**

Q And --

A **"Personal locator beacon, ELT, no baggage door exit, fire bag. Did not use checklist after initial cruise for rest of the flight (excluding shutdown)."**

Q Okay. And what does it mean to provide passenger briefs?

A So if you have to exit the aircraft in any way besides normal shutdown, you give a brief to your passengers that, you know, if we crash the aircraft, we're going to always try to meet in this kind of a location or these are your emergency exits, and we'll rally at some point

1       so you know all your passengers got out of the aircraft.

2   Q   All right. And what plane were you in at the time?

3   A   I assume a Cessna 182.

4   Q   All right. And is that a four-seater?

5   A   Yes.

6   Q   Okay. And you had been in that plane before?

7   A   Yes.

8   Q   So I guess I'm wondering why you wrote down that he  
9       didn't give you a passenger brief since you are the  
10      instructor.

11  A   He's the pilot in command.

12  Q   So do you mean every time you get in a plane, no matter  
13      who you are sitting next to and how many times they've  
14      been with you, if they are -- if they are pilots like you  
15      who fly the same plane, you also give them a passenger  
16      brief?

17  A   Every time I go up on an instruction flight, yes.

18  Q   Okay. So this is an instruction flight.

19            Could you explain for the record what you mean by  
20      "instruction flight"?

21  A   If a pilot goes up with a sergeant and/or myself as the  
22      flight instructor, the goal is to lift limitations. So  
23      they are instruction flights.

24  Q   Okay. And is there anything on Page 1 that could tell us  
25      what his limitations were, if any?

1    **A    No.**

2    Q    Okay.  Let's turn to Page 2.  And it says applicant, and  
3       then it says Santhuff, and it says 50 again.

4               It says -- under taxiing, there's some handwriting  
5       after No. 1, "Performs brake check."  What does that say?

6    **A    "Brake check after approximately 50 feet."**

7    Q    Oh, I see.  But what about the handwritten above that?  
8       It looks like L-A-T-E maybe?

9    **A    Late.**

10   Q    What's that?  What does that pertain to?

11   **A    It means he performed the brake check 50 feet after we**  
12       **started to taxi.  Usually you perform the brake check**  
13       **right after you start to move to make sure the brakes**  
14       **work.**

15   Q    Okay.  All right.  And then let's turn the page again,  
16       and now we're on Page 3.

17               Any handwriting that you can read to us?

18   **A    It says Steep Turns, so, "VRF okay plus or minus 10**  
19       **knots.  IMC" --**

20   Q    What does that mean?

21   **A    It means when he was visually looking out the window in**  
22       **clear weather that he was holding his air speed plus or**  
23       **minus 10 knots.**

24   Q    Is that good or bad?

25   **A    It's acceptable.**

1 Q Okay. Is it optimal?

2 A You have to read the standard, which you can't read here.

3 Q Okay. Can you tell us?

4 A I don't quote the standard. They are written down by the  
5 FAA. They change -- or can change all the time, so I  
6 just go right to the book.

7 Q Okay. And then it says, it looks like, VFR and then  
8 hood. What did you write down there?

9 A VFR, so it's "VFR air speed plus or minus 10 knots. Hood  
10 air speed plus or minus 10 knots. Roll out plus or minus  
11 10 degrees."

12 Q And is that all acceptable?

13 A You would have to read the standard, which is too blurry  
14 here. I can't read it.

15 Q Okay. Got it.

16 How about under 5, what is the handwriting there?

17 A "Plus 10 degrees. Didn't check the weather. Minus 100  
18 feet." Can't read the rest due to the clarity.

19 Q Okay. And then it says, "100 feet RV from" -- what is  
20 that?

21 A "Minus 100 feet. RV from Shelton to localizer 17,  
22 heading plus 10 degrees when setting the radios, check  
23 weather."

24 Q Okay. And so can you sort of summarize this page for us  
25 as to the things that he did incorrectly that you have



1 described on this page?

2 A It looks like he couldn't hold his air speed plus or  
3 minus 10 knots. It looks like his rollouts were plus 10  
4 degrees past heading. He forgot to check his weather.  
5 He was 100 feet low on the approaches. And he forgot to  
6 check his weather when coming back into Olympia. And  
7 then he rolled out and maintained a heading of plus 10  
8 degrees --

9 Q All right.

10 A -- or he drifted 10 degrees when setting the radios.

11 Q Okay. And this -- can you tell us why this document --  
12 this document is not an official document, right?

13 A No, I created these documents. But the standards --

14 Q Okay.

15 A -- mimic what the FAA duplicates or mimic what the FAA  
16 puts out.

17 Q Can you tell us why you put this in his training file?

18 A Because they're guidelines to practice so Ryan can  
19 increase and hone his skills to be a better pilot.

20 Q Was it your view at this time that his performance was  
21 substandard?

22 A His performance was not passing during this time in these  
23 certain elements.

24 Q Was not passing. Okay.

25 And is that how you folks talk about training, it's

1       either pass or don't pass?

2   **A   No.**

3   **Q**Okay. Does it have any significance to say that he was  
4       not passing at the time?

5   **A**What we look for on the training program, and to clarify  
6       this, is when we train pilots to be professional pilots,  
7       we want them to pass the standard 10 out of 10 times. If  
8       they can only pass the standard 1 out of 10 times, that's  
9       kind of considered not passing, and you need more  
10      practice.

11           And so when we get down into layman terms, we say,  
12      you know, 10 out of 10 you are proficient, a safe pilot.  
13      If you can only do it 1 out of 10 times, that means the  
14      other 9 times, you probably killed your passenger. So we  
15      look for the 10 out of 10.

16           That's why we perform and go out and do all these  
17      practice flights with the pilots. You know, whether it's  
18      myself, the sergeants and/or senior line pilots, they go  
19      out so they can hone in or practice their skills so the  
20      pilots can go out and practice their skills on their own.

21   **Q**Do you ever go out with the sergeants?

22   **A   Yes.**

23   **Q**In 2016, did you ever fly out with the sergeants?

24   **A   I don't recall.**

25   **Q**Okay. And it's fair to say that you didn't complete a

1 form like this for the sergeants, right?

2 **A I don't recall.**

3 Q And it's also fair to say that you have no recollection  
4 of having completed a form like this for any other  
5 trooper besides Ryan Santhuff?

6 **A No, that's incorrect. I have completed this on almost**  
7 **all the troopers that have come into our aviation**  
8 **section.**

9 Q But that was when they first came in, right?

10 **A I've used this form all the time. And so whether it's**  
11 **for reference or whether I write on it, I mean, it**  
12 **usually goes in their training manual -- or their**  
13 **training file when I use it.**

14 Q Can you give me the name of one person where you know  
15 that this type of document is in their training file --

16 **A It should be --**

17 Q -- that is not somebody who was an applicant at the time?

18 **A I don't recall.**

19 Q Fair enough.

20 All right. Now we're looking at the next page, and  
21 it says -- we're up to Task No. 6. Could you read what  
22 it says above in the handwriting, your handwriting, above  
23 Task No. 6?

24 **A "OLM VOR-A."**

25 Q What does that mean?

1 A That we were at the Olympia airport when we performed the  
2 VOR alpha approach.

3 Q Okay. And that's just data, right? That's not  
4 judgmental in any way?

5 A Yes, just the approach we performed.

6 Q Okay. And now under 5, could you read what you wrote  
7 there? It looks like four lines.

8 A That we had a late let down from 2,900 to 2,500 and the  
9 procedure hold inbound, no check of one-minute weather,  
10 flaps -- flaps at 4 miles and 10 degrees.

11 Q All right. And does that represent any deficiencies?

12 A He did not let down in the hold and didn't check the  
13 one-minute weather for a non-precision approach and then  
14 set the flaps at 10 degrees instead of -- we teach at 3  
15 degrees.

16 Q All right.

17 A I mean, correction, that's three miles, at three miles.

18 Q Okay. And is this done with the hood on?

19 A Sometimes they are done with the hood on and sometimes  
20 they are done in VFR conditions.

21 Q Can you tell if this particular flight was with the hood  
22 on?

23 A Since it was an instrument training flight, I will assume  
24 it was. But there's nothing here that indicates on this  
25 page that it was.

1 Q Okay. Can you just explain in lay person terms what is  
2 the use of the hood for persons who are practicing to get  
3 their instrument rating?

4 A You use the hood so you can only make your flight by sole  
5 reference to the instruments of the aircraft, so you  
6 can't see outside.

7 Q So the idea is that if you were flying in fog, you  
8 would -- you would be under the same circumstances? You  
9 would be looking at your -- the readings on your dash,  
10 and you wouldn't be looking out the window?

11 A The fog might be different because you think more of a  
12 ground-based reference. And so it would be more probably  
13 in flight in the clouds.

14 Q Oh, thanks. Okay. But is what I've said actually  
15 correct?

16 A No.

17 Q Let me ask it again.

18 So the hood is meant to, basically, sort of  
19 replicate what the conditions would be if you were in a  
20 cloud?

21 A Correct.

22 Q Okay. And when you do an instrument training, do you  
23 take off and land also with the hood on?

24 A No.

25 Q Okay. So, basically, you get up in the air, put the hood

1 on and then follow your instructions?

2 A Correct, or ATC's instructions.

3 Q All right. And then let's take a look at RV turn and  
4 read, if you would, those words.

5 A Let's see. "RV turn to track inbound OLM on the 351  
6 degree was 4.5 miles south of the airport on missed from  
7 ILS 17. Cross VOR outbound." I can't read -- due to  
8 something aircraft. "Late let down in hold from 2,900 to  
9 2,500. No check of one minute before. Flaps at 10  
10 degrees at 4 miles not per Chapter 2 of the training  
11 manual and the final approach fix are 3-2-1, 3 mile 10  
12 degrees, 2 miles 20 degrees."

13 Q And what does all that mean to summarize it, if you  
14 would?

15 A It just means he wasn't following the standard instrument  
16 procedures.

V12 17 Q Okay. All right.

18 And with the amount of things you are writing down,  
19 is this something that could hurt his career?

20 A No --

21 Q How come?

22 A -- it could better his career. Because we do training to  
23 make people better pilots. Like I said, the whole goal  
24 is to get people through the system and command pilot.

25 So this is all part of the training program. We try

1 to produce safe, proficient pilots. So all this does is  
2 help the pilot. In fact, this form was used at Ryan's  
3 request because he wanted extreme clarity when he went  
4 flying with me.

5 Q Could you tell me, he had been there two years when you  
6 did this evaluation; isn't that right?

7 A Yes.

8 Q And he had been flying the 182s for two years, right?

9 A Yes.

10 Q And can you tell me whether he was instrument qualified  
11 on the 182?

12 A With certain limitations, yes.

END

13 Q Okay. And was he -- did he fly alone during those first  
14 two years?

15 A No.

16 Q Does anybody fly alone?

17 A Well, they fly with an -- with a senior pilot, or once  
18 they have limitations lifted, yes, they can fly alone.

19 Q Okay. All right.

20 If you can turn to the next page now. And it's --  
21 below Task 7 is some handwriting. If you would just be  
22 kind enough to read the first grouping, and then we'll go  
23 down to the one that says "no" something.

24 A "Minus 100 feet before glide slope intercept, 10 degrees  
25 flaps at 6 miles of the final approach fix or 3 miles.

1 Did not start time on the -- did not start the time at  
2 Opoyu inbound."

3 Q Okay. And what does that mean in lay person terms?

4 A Did not follow procedures on the instrument approach.

5 Q All right. And then go ahead and read the next grouping.

6 A "No before landing checklist, no flaps at 2 miles, 20  
7 degrees at 100 knots, no radio call after 10-mile call."

8 It's a little blurry here, but something when we  
9 were at 325 feet, missed call at 4.5 miles south of OLM.

10 Q Okay. And then how about the little bullets on the right  
11 side that begins with 100 feet?

12 A "Minus 100 feet before glide slope intercept, 10 degrees  
13 flaps at 6 miles, not per Chapter 2, final approach fix  
14 at 321 procedure, 3 miles at 10 degrees, 2 miles at 20  
15 degrees, did not start time, no flaps at 2 miles, at 2  
16 miles air speed 100 knots, called missed at 4.5 miles  
17 south."

18 Q Okay. And can you give us just a summary of what the  
19 criticisms were that are stated on this page?

20 A Did not fly the approaches to the published instrument  
21 procedures.

22 Q Okay. All right.

23 Let's look at the next one. And it says, going down  
24 to just above No. 9, Airborne Aircraft Handling, it says  
25 hood, and would you go ahead and read your writing below



1 that?

2 A "Plus or minus 100 feet -- 3 red on base to final, on 3-5  
3 circle to land, plus or minus 100 feet, rudder control,  
4 leads turns, rudder control transition from climb to  
5 cruise."

V13<sup>6</sup> Q And what's the -- summarize for us what that means, if  
7 you would.

8 A He didn't follow the standard instrument procedures on  
9 the approach and had poor rudder control while flying the  
10 aircraft.

11 Q Was there anything that was a safety issue?

12 A Well, if he was flying alone, all of this would be a  
13 safety issue.

14 Q Okay. You mean somebody could die?

15 A They could, yes.

16 Q Okay. And did you pass this on to anyone --

17 A I discussed this with the sergeants.

18 Q I'm sorry. Let me ask it again.

19 Did you pass on to anyone this critique?

20 A It was discussed with the sergeants.

21 Q All right. And which sergeant would that have been at  
22 the time?

23 A Sergeant Sweeney and Jeff Hatteberg.

24 Q All right. And had you ever evaluated the flight

25 performance of Trooper Santhuff negatively before May

1 18th, 2016?

2 A I don't recall.

3 Q All right. Could you turn the page again, please, and

4 tell us what this is? It says Aviation Section, and it's

5 some kind of a chart.

6 A Okay.

END

7 Q What is this?

8 A When I came into the aviation section, they really had no  
9 means or paperwork to track any kind of instruction or  
10 dual flight. So I put this together so we could actually  
11 track the training program.

12 Q All right. Let's just take a look at one of the ones  
13 that's not in gray because it will be easier to read.

14 Would you look at the one that has a date of 4/13/15  
15 and tell us -- guide us through -- across the row and  
16 tell us what you're -- what's being written down and by  
17 whom.

18 A Okay. So the date is 4/13/15. We were in aircraft  
19 November-1-0-2-lima-papa assessed at 182. We spent 6  
20 hours on ground instruction. We spent 3.1 hours of dual  
21 night, 3.1 hours of cross country night, .8 hours of IFR  
22 training, for a total flight of 3.1 hours, total flight  
23 time 3.1 hours, total time 3.1 hours.

24 Q Okay. And does the No. 50 mean your badge number?

25 A Yes.

1 Q On the left side, right? Okay.

2 Then under solo time, could you tell us what is solo  
3 time and what is dual time?

4 A Solo time is flying -- if we send -- again, this was a  
5 form that was used from the college that I called the  
6 college and I borrowed since we didn't have anything  
7 really in the patrol to use.

8 So solo time would be if you are a brand new pilot  
9 without any ratings, you would log your time under solo  
10 time so it can be tracked in the training program.

11 Q Oh, so you could get in enough hours to get the  
12 certification you were trying for?

13 A Correct.

14 Q Okay. And in this case, where it says "solo time" in  
15 that column, is that something -- first of all, is this  
16 all your handwriting?

17 A No.

18 Q Can you tell us whose handwriting it is, if you know?

19 A Well, it looks like my handwriting, it looks like  
20 Sergeant Sweeney's handwriting, and it looks like  
21 Sergeant Hatteberg's handwriting. Not because of their  
22 handwriting, but only because they have a badge number  
23 there. So other than that --

24 Q Okay.

25 A -- I don't know whose handwriting it is.

1 Q Okay. So wherever we see badge -- Badge 50, that's you?

2 A Yes.

3 Q Okay. And then if you would, for the timeframe April

4 5th, 2016, would you go over to solo time and explain

5 what you wrote there? It looks like RT something.

6 A "RTC plus."

7 Q What does that mean?

8 A Right seat plus pilot authorized procedures.

9 Q And what does that mean in lay terms?

10 A Ryan wanted trained in the right seat of the aircraft, so

11 we were doing right-seat training.

12 Q Okay. And could you explain the significance of that to

13 a lay -- in lay person terms?

14 A So it's a move up in pilot status, so to say. So if you

15 want to go out and help train new pilots, you -- what we

16 do is we conduct training in the right seat so you are

17 familiar with the aircraft from the right seat. That's

18 basically what it is.

19 Q Okay. All right.

20 And was that the case here, that Ryan Santhuff told

21 you he wanted some training in the right seat so he

22 could, I guess, train others down the road?

23 A Correct.

24 Q Okay. And this is -- this is not judgmental. It's just

25 logging time, right?

1   **A**    Right.  It's familiarity.  You fly in the right seat for  
2           familiarization, but we were conducting these as training  
3           flights also to lift limitations that he had.

4   **Q**    Okay.  And we can't tell what those limitations are, as  
5           you said, from looking at any of the documents we have  
6           seen so far, right?

7   **A**    No.

8   **Q**    Okay.  And if we could, it looks like -- just looking at  
9           this one page, it looks like -- is this sort of a  
10          complete record of the amount of times that you went up  
11          in the air with Ryan Santhuff, realizing that there may  
12          be more pages?

13  **A**    If we were conducting training flights.  But I wouldn't  
14          put anything in here if Ryan Santhuff and I flew together  
15          on a traffic flight or something.

16  **Q**    Oh, I see.  Okay.  So this is only about training, and  
17          so -- okay.  All right.

18                 And so this is in gray, and it's going to be hard to  
19          read, but is the 5/18 entry that you wrote about and we  
20          talked about before, is that -- is that on this chart?

21  **A**    5/18/16?

22  **Q**    Yes.

23  **A**    Yes.

24  **Q**    Yeah, look in the gray.

25                 And is there anything we could -- could you tell us

1 what there is to tell across the row?

2 **A 5/18/16 November-3-5-3-2-kilo, C182, .6 ground**  
3 **instruction, 1.4 hours a day, .8 hours of IFR, 1.4 hours**  
4 **total, 1.4 hours total flight time, 1.4 hours total time.**

5 **Q** Okay. Is it true that you are the one who mandated the  
6 right seated -- the right-seat training at this time as  
7 depicted on the chart?

8 **MR. BIGGS:** Objection to form of the  
9 question.

10 **THE WITNESS:** You are going to have to  
11 rephrase your question. I don't understand.

12 **Q** (By Mr. Sheridan) Yeah, I'm sorry.

13 So if we go back up to the 4/7/16 entries, we have  
14 that right-seat training thing that you discussed. Do  
15 you see that there?

16 **A Yes.**

17 **Q** Isn't it true that you are the one who wanted him to sit  
18 in the right seat?

19 **A No. You already asked that question. It was Ryan**  
20 **Santhuff's request to be right-seat trained.**

21 **Q** Okay. And you didn't think there was anything wrong with  
22 that, right?

23 **A No, I try to help pilots move along in the training**  
24 **program.**

25 **Q** Okay. And then is there any reason why -- I'm still on

1 that same page. It looks like May 19th, 2014, would be  
2 the first entry on this -- on this page, right?

3 **A Yes.**

4 Q And then as we go down the page, it looks like -- am I  
5 right that the newer -- the newer information is on top  
6 and the older information is below, like, you are  
7 actually going up the chart when you are filling it out?

8 Oh, no, no. I'm wrong. I withdraw that. It's  
9 2014, '15 and '16, isn't it?

10 **A Correct.**

11 Q Okay. So if we -- if we go to 2016, you don't start  
12 training him until April 4th, 2016, right, in terms of  
13 training flights?

14 **A No, the first on this page is 5/19/14.**

V14 15 Q No, no. I mean in the year 2016. The first entry where  
16 you are training him is on April 4th, 2016?

17 **A Correct, because he requested right-seat training, so**  
18 **that captures that date. So I started training with Ryan**  
19 **when he requested it.**

20 Q Now, was he assigned to be trained by somebody else  
21 before this time?

22 **A Ryan probably trained with numerous pilots before this**  
23 **time.**

24 Q And -- okay. And why is it you took over the training in  
25 April of 2016?

1 A Ryan wanted right-seat training. So at that time, I was  
2 the only CFI because the other CFIs weren't checked out  
3 yet.

4 Q And would you just say what CFI means for the record?

5 A Certified flight instructor.

6 Q Okay. All right. So it's your testimony that because he  
7 wanted to sit in the right seat, that's why you took over  
8 his training, correct?

9 A Just the right-seat training. I conducted that because  
10 he wanted to fly in the right seat.

11 Q And it's during this time, a month later, that you wrote  
12 the things that he did wrong on the pages that we've been  
13 talking about before, right?

END 14 A At Ryan's request, yes.

15 Q I got it. Okay.

16 And let's turn the page again and look at 2014. It  
17 looks like you only trained him three times on this page?

18 A The page is full. It looks like he trained for a full  
19 page.

20 Q Okay. But were you the trainer on all of these?

21 A No.

22 Q You only trained him on the three entries at the bottom,  
23 right?

24 A Yeah, the areas where I had to train him.

25 Q All right. Okay.



1 Now would you turn the page again and tell us what  
2 this is.

3 **A It's a basic evaluation sheet for how they perform the**  
4 **maneuvers.**

5 Q And when is this filled out?

6 **A After the flights.**

7 Q Is it done for every flight?

8 **A Typically for every flight when you go up with somebody**  
9 **for instruction, yes.**

10 Q So wait. Why didn't you just fill this out for May 18th,  
11 2016?

12 **A Is there not a line in there for May 18th, 2016?**

13 Q Tell me if you see one. Oh, look at the next page. It  
14 looks like maybe 5/18? 16 is the second entry of the  
15 next page.

16 **A 5/18/16, yes.**

17 Q But it's dark, and we can't really see what was on there.  
18 Can you see on your copy?

19 **A No.**

20 Q Okay. All right. For that particular page, could you  
21 just help us, with a 3, is that sort of -- that's  
22 standard, right?

23 **A Average, yes.**

24 Q Okay. And 4 is better? Or not, below average?

25 **A Below average.**

1 Q Okay. And do these get done for every training flight?

2 A They are supposed to.

3 Q Okay. And it's typically the person who is sitting in  
4 the right seat that does it, right?

5 A No.

6 Q Please explain.

7 A So it would be whoever is providing the flight  
8 instruction or the monitoring pilot would fill this out.

9 Q Okay. And is the monitoring pilot in the plane with the  
10 person who is flying?

11 A Yes.

12 Q Okay. And do the sergeants have these filled out for  
13 them, too?

14 A Everybody that comes through the section has one of  
15 these, yes.

V15 16 Q Okay. And is there a minimum number of times that a  
17 pilot in the aviation section has to have this done, this  
18 type of evaluation?

19 A We perform these and, actually, we keep moving forward in  
20 the progression program until all your limitations are  
21 lifted. We've had pilots that have actually retired out  
22 that never have had all their limitations lifted.

23 Q Okay. And if all your limitations are lifted, how does  
24 that change your job assignment, if at all?

25 A You are released to fly more missions.

END

V16

1 Q Are there a maximum number of missions you can fly if you  
2 are not fully released?

3 A **Correct. It's stipulated in your limitations.**

4 Q I see. Okay. All right.

5 All right. Now, would you agree with me that you  
6 can -- you as the instructor -- you can effect how well a  
7 person flying the plane does based on how quickly you  
8 give them things to do?

9 MR. BIGGS: Objection to the form of  
10 that question.

11 Q (By Mr. Sheridan) You can answer, if you can.

12 A **Just like any field, you can bury anybody if you want to.**

13 **I can sit here and start speaking extremely fast and get**  
14 **in front of the court reporter so...**

15 Q Okay. And you can do that for pilots as well, right?

16 A **Any field, yes.**

end 17 Q Okay. Got it.

18 All right. It's true, is it not, that in the first  
19 two years, you and he flew together from time to time,  
20 right?

21 A **Correct.**

22 Q And that you got along well, didn't you?

23 A **Got along well the entire time.**

24 Q Okay. Well, isn't it true that after the 095, you became  
25 quiet and wouldn't necessarily talk to him much in the

1 plane?

2 **A That's incorrect.**

3 Q And isn't it also true that on this particular flight on  
4 May 18th, you basically -- you constantly moved him in a  
5 way that made it very difficult for him to do the job  
6 because you sped everything up?

7 **A Incorrect.**

8 Q Do you have a specific recollection of that flight?

9 MR. BIGGS: Which flight are we  
10 talking about?

11 MR. SHERIDAN: The May 18th flight.

12 MR. BIGGS: Okay. Sorry.

13 **THE WITNESS: I don't try to speed**  
14 **anything up. The whole goal is to get the pilots to move**  
15 **forward so they can be more productive members of the**  
16 **aviation section. It doesn't benefit me in any way to**  
17 **hold a pilot back because it puts too much pressure and**  
18 **demand on the few pilots who are fully checked off. So,**  
19 **no, that's incorrect.**

20 Q (By Mr. Sheridan) I got it. Okay.

21 Let's see. So that was on May 18th. And then  
22 wasn't it just two days later that you had a meeting with  
23 Captain Alexander, Hatteberg and Ryan Santhuff?

24 **A We had meetings. I don't know if it was two days later,**  
25 **but I know we had meetings.**

1 Q Okay. And isn't it true that at the meeting, there was a  
2 discussion where he -- where Mr. Santhuff was -- or  
3 Trooper Santhuff was asked, "So I understand you have  
4 concerns about the training program, too."

5 And he answered, "Well, yes," and then he brought up  
6 the fact that Jason Caton was in the section for six  
7 months and hadn't even started his training with  
8 aviation, which is the lieutenant's job, meaning you.

9 Was that said at the meeting?

10 A Could have.

11 Q Okay. And is it your -- even if you have no specific  
12 recollection, is it your impression that Trooper Santhuff  
13 spoke up about Jason Caton?

14 A He could have.

15 Q Okay. Is it true that in response, you said, "I'm going  
16 to stop you right there," or words to that effect?

17 A I don't recall. That's not my normal language, so I  
18 would say no.

19 Q Okay. And then you said, "This is about you and only  
20 you." And is that -- did you say words to that effect  
21 regarding Mr. Santhuff?

22 A That wouldn't be words that I would utter, so I would say  
23 no.

24 Q Well, was it your understanding that the purpose of the  
25 meeting was to talk about Ryan Santhuff's sensed that he

1 was being retaliated against?

2 A My understanding for the purpose of the meeting was for  
3 all of us to get together so we could move forward.

4 Q Okay. And what did you have to get together from?

5 A You would have to ask Captain Alexander. He called the  
6 meeting.

7 Q Okay. So it's your testimony as you sit here today that  
8 you didn't really know what the meeting was about except  
9 to get together?

10 A To get together, and that's all I recall besides what  
11 happened at the meeting.

12 Q Okay. And then in response to your saying, "This is  
13 about you and only you," isn't it true that Trooper  
14 Santhuff said, "Lieutenant Nobach, with all due respect,  
15 the captain asked me a question about my concerns with  
16 the training program, and I'm answering the captain's  
17 questions"?

18 And he said that, did he not?

19 A Not that I recall.

20 Q Okay. But isn't it your memory that he -- that he said  
21 that he had a right to talk about his concerns about --  
22 in the training program?

23 A No.

24 Q Okay. And isn't it true that this meeting happened only  
25 two days after the May 18th flight training that you have

1       been discussing?

2                               MR. BIGGS:  Objection; form of the  
3       question.

4   Q    (By Mr. Sheridan)  You can answer.

5   A    **I don't recall the date of the meeting.**

6   Q    Okay.  But do you recall it happening at a meeting?

7   A    **I recall having a meeting, yes.**

8   Q    But you don't recall what was said at the meeting?

9   A    **I recall in general what was said at the meeting.  It was**  
10       **four years ago.**

11   Q    Why don't you tell us in general what was said at the  
12       meeting.

13   A    **We talked about the training program and moving Ryan**  
14       **forward with training.**

15   Q    All right.  So you admit that it was a discussion about  
16       Ryan Santhuff's training?

17   A    **Training was discussed at the meeting, yes.**

18   Q    All right.  It's true, is it not, that at the meeting  
19       also it was said that if Trooper Santhuff doesn't learn  
20       to get along with Nobach, one of us is going to be  
21       removed from aviation or words to that effect?

22   A    **I don't recall that at all.**

23   Q    Okay.  Now, it's true, is it not, that you actually were  
24       angry about having to do the training and having gotten  
25       the 095?

1 MR. BIGGS: Objection to form of the  
2 question.

3 THE WITNESS: No, I've been the  
4 training pilot since 2001, so I actually like to do  
5 flight instruction training. So, no, I was not angry  
6 about that.

7 Q (By Mr. Sheridan) Isn't it true that you said to Trooper  
8 Santhuff words to the effect that, I'm -- "If I'm going  
9 to be held accountable for this shit, the sexual  
10 misconduct incident, then you and everybody else here  
11 will be, too," or words to that effect? Did you say  
12 that?

13 A Absolutely not.

14 Q Okay. It's true, is it not, that after the sexual  
15 misconduct incident that involved the 095, you at various  
16 times refused to talk to Trooper Santhuff, you avoided  
17 him, and you were typically unhappy when you saw him?

18 MR. BIGGS: Objection; form of the  
19 question.

20 Go ahead

21 THE WITNESS: Not true.

22 Q (By Mr. Sheridan) Okay. And is it true that -- is it  
23 true that -- I gather it's your testimony that you did  
24 not try to paper his file with negative documentation in  
25 2016?



1 A Can you go ahead and clarify what file?

2 Q Yeah, his training file.

3 A I don't see any -- the training file is just a training  
4 file. There's -- it's where you are at and how you  
5 perform based on the standard. It's pretty simple.

6 Q Okay. Is it true that when -- on April 1st, 2016, during  
7 the morning briefing when you read from papers, including  
8 the policy against sexual harassment and directed the  
9 aviation section that inappropriate office conduct would  
10 not be tolerated, you at the time glared essentially at  
11 Trooper Santhuff in an effort to intimidate him?

12 A Absolutely not.

13 Q Okay. Will you agree with me that that would be  
14 unprofessional?

15 A It wouldn't be professional to glare at anybody at a  
16 meeting.

17 Q Especially a subordinate, right?

18 A It would be inappropriate to glare at anybody at a  
19 meeting.

20 Q Okay. And then is it true, is it not, that following the  
21 issuance of the 095, you talked to Sergeant Jeff  
22 Hatteberg about having received it?

23 A I believe the sergeants knew that I received a negative  
24 095.

25 Q Okay. And that's because you told them, right?

1 A I may have told them or they may have heard it from  
2 somebody else.

3 Q Okay.

4 A I seemed to be pretty much the only one -- the last one  
5 on the loop on that.

6 Q But you weren't keeping it a secret?

7 A I just said I received one. I mean, I didn't say from --  
8 I mean, they all know it comes from the captain because  
9 it comes from your supervisor.

10 Q Right.

11 You basically expressed concern to Jeff Hatteberg  
12 and blamed Trooper Santhuff, did you not?

13 A I didn't blame anybody.

14 Q Did you put Jeff Hatteberg up to telling Santhuff that he  
15 should apologize to you?

16 A Absolutely not.

17 Q Okay. Did you ever see Sergeant Hatteberg break down and  
18 cry over the stresses of his job?

19 A No.

20 Q Okay. It's true, is it not, that the workload that was  
21 given to Trooper Santhuff was increased whenever you were  
22 working with him?

23 A No, his workload was decreased.

24 Q And how was it decreased? What responsibilities was he  
25 removed from?

1 A We had a list that we sent out of, you know, kind of  
2 duties or what people work on for all the pilots so  
3 there's no duplication of work efforts. So the workload  
4 for Santhuff and a few of the other pilots was decreased  
5 and moved to the sergeants and/or myself.

6 Q Okay. Is it true that in May you implemented some  
7 changes to the training program?

8 A What would be those changes? You will have to clarify.

9 Q Sure.

V17 10 Did you discuss with the pilots a new procedure of  
11 right-seat flight training?

12 A Yes.

13 Q Tell us about that. Why in the world would you do that  
14 the end of May, 2016?

15 MR. BIGGS: Objection to form of the  
16 question.

17 Q (By Mr. Sheridan) You can answer.

18 A We moved all the right-seat instruction to command pilots  
19 only.

20 Q What does that mean?

21 A If you are a command pilot, you can do right-seat  
22 instruction.

23 Q Oh, so you mean that somebody like Trooper Santhuff could  
24 not?

25 A Once he became a command pilot, he could.

1 Q Okay. But in May of 2016, he could not?

2 A Correct.

3 Q Yet it's your testimony on the 18th was it -- strike  
4 that.

5 It's your testimony that on the dates that we  
6 discussed before, you did provide him with right-seat  
7 training, right?

8 A Correct. Based on Ryan Santhuff's input about the  
9 right-seat training, we moved it over just to leave it as  
10 command pilots only.

11 Q I see.

12 Because it was a bad idea to do that right-seat  
13 training, right, for somebody at the trooper level?

14 MR. BIGGS: Objection to form of the  
15 question.

16 THE WITNESS: Yeah, the trooper level  
17 has no merit or anything because the natural progression  
18 is commercial, instrument pilot and CFI. That's the way  
19 it works even in flight schools and with the FAA.

20 Unfortunately, Ryan couldn't handle the right-seat  
21 training. So after we trained in that and Ryan expressed  
22 that he couldn't handle the right seat training, we just  
23 moved the right-seat training that would be just for the  
24 command pilots or flight instructors.

25 Q (By Mr. Sheridan) Fair enough.

1           Let's look at Exhibit 10, if we can. And this is  
2       a -- it says, "Subject: Meeting," at the lieutenant's  
3       office on May 24th, 2016. And the organizer is you.  
4       Attended by Hatteberg, Noll, Santhuff and Sweeney. And  
5       did you write this?

6   **A    It looks like I did.**

7   **Q    And who is Christopher Noll?**

8   **A    He was a pilot in aviation at that time.**

9   **Q    Okay. And you wrote, "Address any concerns Noll might**  
10       **have about the training program." What concerns had he**  
11       **expressed that you wanted to talk about?**

12   **A    I know Chris was held back from going to King Air school.**  
13       **I had put in numerous requests to send him to King Air**  
14       **school, and they were denied up top. And so that was his**  
15       **concern.**

16               And I told him that I was continually sending up  
17       requests to send him to King Air school. And once we had  
18       a deputy chief change, his request went through, and he  
19       went to King Air school.

20   **Q    And you write No. 2, "Discuss the new procedure of right**  
21       **seat training. APP only rated pilots will be used to**  
22       **have been trained in the right seat and have passed the**  
23       **Chapter 2 training program."**

24               Is that what you were talking about?

25   **A    Yes. Command pilots.**

1 Q Okay. All right.

2 And so why was this even on the table for discussion  
3 if nobody other than Ryan Santhuff had been seated in the  
4 right seat without being a command pilot?

5 A Can you say your question one more time, please?

6 Q Yeah. Why was this even an agenda item if nobody was  
7 doing right-seat training except the time that you did it  
8 with Trooper Santhuff?

9 A Because Noll wanted to be checked out in the right seat  
10 also. So we just moved it to go back the way where we  
11 used to do it where just the command pilots would be --  
12 and the flight instructors would train in the right seat.

13 Q What's No. 3, extra duties?

14 A Those are what you asked before, extra duties. That's  
15 where we took the extra duties off of the pilots. So you  
16 asked that question previously.

17 Q Okay. And how about with regarding breaks, expectations  
18 and breaks? It says, "We will follow the CBA. When the  
19 pilot takes a break with the ground troopers, it will be  
20 per the district schedule." What is that about?

21 A It's just following the CBA for breaks.

22 Q Did you have a sense that Ryan Santhuff was taking too  
23 long of breaks?

24 A I didn't have the -- it was just a line that we brought  
25 up that all pilots follow the CBA.

Q All right. And then it said, "Check rides. Performed -- before I perform any check rides, pilots will fly with their supervisor, who will in turn make the recommendation to me if said pilot is ready."

And why did you come up with that?

A I didn't. It was just implemented the way it used to be. So it used to be that all the pilots before they wanted instrument competency check or before they wanted a flight review, they would go fly with a command pilot to hone their skills, and then the command pilot would say, "Okay. They are ready for their check ride," and then I would go out and do the check ride.

Q So in this case, the check ride you did on May 18th would have been in violation of No. 5 had you written it beforehand, correct?

A May 18th wasn't a check ride. It was a training flight.

Q Oh, different. Oh.

What is the difference again between check ride and training ride?

A You asked that a couple hours ago. So the only check rides that we do, so we do a check ride for -- your instrument proficiency check has to be check-rided with the CFI, and we have to do a check ride for flight review; has to be with the CFI.

And then I did forget one earlier. The other --

1       it's not really a check ride, but the other flight you  
2       have to do with the CFI is in a Cessna 206. You have to  
3       do five hours with an instructor per our insurance.

4   Q   Okay. Wait. Let me make sure I got that.

5   A   The 206 part was missed in the very first question.

6   Q   Okay.

7   A   And that's an insurance requirement.

8   Q   Would you say that one again? I have instrument, flight  
9       review and sign up for the written test. What's the  
10      other one?

11   A   The Cessna 206 has to be with the flight instructor for  
12      five hours. It can't even be with a command pilot. It  
13      has to be with the flight instructor.

14   Q   Okay.

15   A   And that's not an FAA reg. That's an insurance  
16      requirement.

17   Q   All right. Got it. Okay.

18                   MR. SHERIDAN: So I'm going to take a  
19      half-hour lunch if that works with everybody so I can  
20      assess how much more I have to do. I think we're doing  
21      really good.

22                   MR. BIGGS: What is your sense of how  
23      much longer you have?

24                   MR. SHERIDAN: I'm pretty sure I'm  
25      going to get us out of here by 2:00.



MR. BIGGS: Okay.

MR. SHERIDAN: And maybe sooner.

VIDEOGRAPHER: All right. I'm going  
to go ahead and take us off record then.

MR. SHERIDAN: Yep.

VIDEOGRAPHER: We are going off at  
12:16 p.m.

(Recess from 12:16 to 12:49.)

VIDEOGRAPHER: We are back on record.  
The time now is 12:49 p.m.

MR. SHERIDAN: Okay. Thank you.

Q (By Mr. Sheridan) All right. Lieutenant, what's the  
aviation section manual?

**A We have an aviation section operations manual.**

Q What is that?

**A It's a guideline that we put together for the section.**

Q And is it fair to say that it contains policies and  
procedures?

**A No.**

Q What does it contain?

## Procedure

**A Procedures.**

Q Procedures only. All right.

And do you follow it?

**A We try to follow it to the best of our ability, yes.**

Q All right. And is it your -- I mean, in your daily

1 practice, do you follow it?

2 A We try to follow it to the best of our ability. But,  
3 again, it's just a procedure, something we created. So  
4 it's a guideline.

5 Q So you can -- it's okay for you to not follow it from  
6 time to time?

7 A Sometimes we do deviate from the manual, but we talk to  
8 chain of command about it.

9 Q Okay. So if you deviate from the manual, you would need  
10 the captain's okay, right?

11 A It's more of a discussion.

12 Q Okay. It's true, is it not, that after the 095 was  
13 issued to you, there came a time that Trooper Santhuff  
14 was being locked out of the office cabinets?

15 A Not that I know of.

16 Q Okay.

17 A And where would those cabinets be? Let me back up.

18 Can you clarify that? What cabinets are we talking  
19 about? Aviation is a big place.

20 Q Yeah, the aviation office cabinets.

21 A The aviation...?

22 Q Office cabinets, right?

23 A So can you be more specific? There's the maintenance  
24 office, my office, pilots' office.

25 Q Yeah, in the area where Ms. Biscay's space is.

1 A So in the area where Brenda Biscay is, there are cabinets  
2 that have cash, stamps, credit cards. I mean, I believe  
3 those stay locked.

4 Q Okay. How about where do you keep the logbooks?

5 A The pilots have their own logbooks, so we don't keep them  
6 anywhere.

7 Q Well, I thought pilots -- I thought pilots were given  
8 logbooks?

9 A No.

10 Q No?

11 Well, wasn't Mr. Caton give a logbook?

12 A He was given a logbook by mistake by his sergeant, and so  
13 that logbook was returned.

14 Q Which sergeant?

15 A Sergeant Sweeney.

16 Q You mean -- Sergeant Sweeney had been there for many  
17 years, had he not?

18 A Yes.

19 Q Is it your testimony that he knew or didn't know  
20 regarding this idea that you can't give out a logbook?

21 A I can't speak for Sweeney, but I know there was email  
22 traffic to him saying that we don't give out logbooks.  
23 Logbooks are purchased with state funds, state property.  
24 So --

25 Q So --

1   **A**    Just like anything else on the shelf, it wouldn't be  
2           yours.

3   **Q**    Why would you have them in your inventory if they weren't  
4           supposed to be used?

5   **A**    We keep a library. And so all those library books and  
6           everything is purchased with state funds. It doesn't  
7           mean it's for your personal use.

8   **Q**    Well, a logbook is something where you actually fill it  
9           in, isn't it?

10  **A**    So some of those logbook -- let's go back to your other  
11           question. Some of those logbooks actually come as part  
12           of the training programs that we purchase from commercial  
13           vendors, so they were just placed in the cabinet.

14  **Q**    Okay. Is it true that at the sexual harassment training,  
15           there was a breakout group, and the breakout group that  
16           was selected involved Ryan, Ms. Biscay, you and  
17           Alexander?

18  **A**    Not that I know of.

19  **Q**    Okay. Did you participate in any kind of exercises  
20           during the training on sexual harassment?

21  **A**    Yes.

22  **Q**    And you don't recall whether or not the people that were  
23           present broke out into smaller groups?

24  **A**    The training was provided by the Department of Enterprise  
25           Services, so I know there was other state agencies in the

1       **training.**

2               And so I know most of the breakout sections just  
3       pertained to the row you sat in. So I sat in the front  
4       row with Johnny Alexander, Brenda Biscay and myself --

5   Q   Okay. Do you recall if you were --

6   A   -- on my side of the classroom.

7   Q   Do you recall if you were in a breakout group that  
8       included Officer Santhuff?

9                       MR. BIGGS: Object. I don't think  
10       it's intentional, but you're kind of stepping on the  
11       witness's answer.

12   Q   (By Mr. Sheridan) Oh, let me ask again. I'm sorry.

13               So you don't recall whether you were in a breakout  
14       group that included Ryan Santhuff?

15   A   I don't believe I was in a group that included Ryan  
16       Santhuff.

17   Q   Okay.

18   A   He wasn't sitting in my row.

19   Q   Is it true that you told Trooper Santhuff that he would  
20       have to use vacation time to renew his driver's license?

21   A   No.

22   Q   Okay.

23   A   Why would he come to me for that?

24   Q   Would --

25   A   I don't understand your question.

v18

end

1 Q I'm sorry.

2 Would you agree with me that it's not the practice  
3 to require people who are renewing their driver's  
4 licenses in aviation to have to take vacation?

5 A I've never had somebody come to me to request to renew  
6 their driver's license.

7 Q Okay. So you don't know the answer to the question then?

8 A You would have to ask HRD or they would have to refer to  
9 their collective bargaining agreement.

10 Q Okay. But you have no personal knowledge one way or the  
11 other?

12 A That if Ryan Santhuff came to me to request to renew his  
13 driver's license?

14 Q Well, let me ask you that.

15 Did he come to you to ask to renew his driver's  
16 license?

17 A No.

18 Q And did you instruct anybody that he could not take work  
19 time to renew his driver's license?

20 A No.

21 Q Did you instruct anybody that he needed to take vacation  
22 to renew his driver's license?

23 A No.

24 Q Do you know whether he was ever accused of doing his own  
25 investigation regarding retaliation?

1   **A**    Just from what I read. I read that somewhere. I don't  
2           know if it was in the newspaper or where that came from.

3   **Q**    Okay. All right. But nothing from your office.

4           Do you know whether or not -- do you have personal  
5           knowledge as to whether or not he was told he should stop  
6           doing his own investigation?

7   **A**    Again, I read it. And, actually, I believe the  
8           information came from you.

9   **Q**    Well, my question is whether or not you have personal  
10          information about it from work?

11   **A**    Just I believe what you sent me, which was sent to my  
12          work.

13   **Q**    What I sent you? What did I send you?

14   **A**    I believe it was in part of the discovery paperwork you  
15          sent out.

16   **Q**    Oh, oh.

17   **A**    I think it was in there.

18   **Q**    Oh, you mean as part of the litigation, you were required  
19          to answer certain written discovery questions, right?

20   **A**    Correct.

21   **Q**    And that's what you are talking about?

22   **A**    Yes.

23   **Q**    Okay. All right. Fair enough.

24           You are also aware that Sergeant Hatteberg gave  
25          Trooper Santhuff an 095; is that true?

1    **A     095 for...?**

2    **Q     Do you know?**

3    **A     For what?  You will have to clarify.**

4    **Q     Well, did he give -- do you know if he gave him more than**  
5       **one?**

6    **A     I know that Sergeant Hatteberg gave him a negative 095.**

7    **Q     Okay.  And what was it for?**

8    **A     I believe it was for scheduling.**

9    **Q     And what did you understand was the problem with**  
10       **scheduling that justified giving him an 095?**

11   **A     You would have to speak to Sergeant Hatteberg.**

12   **Q     Well, didn't you have anything to do with the oversight**  
13       **of the giving of the 095?**

14   **A     095s can be issued by any supervisor, and sometimes**  
15       **they're even done in remedy.  Occasionally, the sergeant**  
16       **will bring down an 095, or any person, to let their**  
17       **supervisor look at it before it's issued.**

18               **So Sergeant Hatteberg may have brought me the 095 to**  
19       **have me look at it before he issued it to Santhuff**  
20       **but --**

21   **Q     All right.  And at the time, you knew that Santhuff had**  
22       **accused you of retaliating against him, correct?**

23                       **MR. BIGGS:  Objection to the form of**  
24       **the question.**

25   **Q     (By Mr. Sheridan)  You can answer.**



1   **A    I'm not sure the date retaliation came up --**

2   Q    Okay.

3   **A    -- or the date of the 095.**

4   Q    Okay. Well, retaliation came up at that meeting that we  
5       were talking about, correct?

6   **A    I don't recall talking retaliation at the meeting.**

7   Q    Okay. And how about before or after the meeting?

8   **A    I don't recall when retaliation came up.**

9   Q    Okay. Look at Exhibit 10 again.

10  **A    Okay.**

11  Q    Isn't it true that Exhibit 10, basically, is your  
12       outlining the things that you changed as a result of the  
13       meeting that you had with Chief Alexander, which is  
14       documented in Exhibit 9?

15  **A    Let me read it.**

16           I don't think anywhere in here discusses the meeting  
17       with Alexander.

18  Q    No, it may not. I'm asking you for your personal  
19       knowledge.

20           It's true, is it not, that the items that you are  
21       changing here in Exhibit 10 are as a result of  
22       discussions you had with Alexander on or about May 20th,  
23       2016?

24  **A    Possibly. I cannot recall for 100 percent fact.**

25  Q    Well, how about 90 percent or 51 percent? What do you

1 recall?

2 **A Well, let me read through this again.**

3 Q Sure.

4 **A I don't recall any percentage. I mean, these are just**  
5 **basic items within the section that were discussed.**

6 Q Okay. And discussed at the meeting, right, with  
7 Alexander?

8 **A They could have.**

9 Q You mean as you sit here today, you don't recall?

10 **A I don't recall.**

11 Q Okay. Fair enough.

12 Now, it's true, is it not, that the King Air  
13 incident involved an allegation from Trooper Santhuff  
14 that you had basically told the -- you had Ms. Biscay  
15 basically tell the governor's office that an airplane was  
16 not ready for use, that it was in maintenance?

17 MR. BIGGS: Objection to form of the  
18 question.

19 Q (By Mr. Sheridan) You can understand -- you can answer.

20 **A Never happened.**

21 Q No, no, but you understood that was the allegation,  
22 correct?

23 **A Yes.**

24 Q Okay. And were you interviewed on that issue?

25 **A I believe I was either interviewed or sent questions to**

1       **answer.**

2   Q    Okay.  All right.  And you denied that you did that,  
3       right?

4   A    **Correct.**

5   Q    And is it -- is it true that from time to time you have  
6       disapproved of flights pertaining to the governor and  
7       other executives?

8   A    You are going to have to clarify what "disapproved" means  
9       and what guidelines that entails.

10  Q    Well, meaning that you cancel a flight, that they ask for  
11       a flight, and you say no?

12  A    **No.**

13  Q    You've never done that?

14  A    **No.**

15  Q    Well, you've done it for -- you mean you've never done it  
16       even if there was a -- you've never done it for any  
17       reason?  If the executive member -- staff members or EPU  
18       want a flight, you've always made sure they were  
19       provided --

20  A    Your question --

21  Q    -- right?

22  A    -- is kind of broad.  You are going to have to be more  
23       specific.

24  Q    Well, I understood that -- I guess my question is whether  
25       or not you've ever cancelled a flight for any of those

1 folks?

2 **A No.**

3 Q Okay. Even -- did you cancel one maybe for going back to  
4 the Gregoire administration due to weather?

5 **A I didn't cancel that flight.**

6 Q Tell us what happened.

7 **A So one of the command pilots on the flight thought --**  
8 **knew that Governor Gregoire didn't like to fly in harsh**  
9 **weather and/or weather with a lot of chop, so they**  
10 **decided to cancel the flight. They told me after the**  
11 **fact that the flight was cancelled.**

12 So I had a meeting with the pilots that were on that  
13 flight to discuss that, you know, if you are going to  
14 cancel a governor's flight, then I need to be part of  
15 that discussion to see if there's any other avenue we can  
16 take to make that flight go.

17 Q Okay. And it's true, is it not, that in 2016, you were  
18 having budgetary battles with the governor's office?

19 **A No.**

20 Q Okay. Were there any -- were you trying to get more  
21 funding than you were able to get?

22 **A We always send up almost every biennium for funding or**  
23 **equipment.**

24 Q And how about in 2014?

25 **A Yes.**

1 Q And 2015?

2 A Probably. I mean, we try to send every major long  
3 session up a request for equipment and/or budget  
4 increase.

5 Q Okay. But it's your testimony that except for this  
6 Governor Gregoire thing, you've never told people,  
7 executive staff or EPU, that a flight -- that you  
8 wouldn't take them up on a flight?

9 A No. That's why we have seven aircraft in the hanger, to  
10 try to make all these --

11 Q Got it.

12 A -- flights go.

13 Q It makes sense.

14 All right. And you certainly didn't do it in  
15 this -- this situation that Trooper Santhuff has  
16 described, right?

17 A Absolutely not.

18 Q But you would admit that at the time -- at the time in  
19 2014, Ms. Biscay kept a large calendar on her desk which  
20 she recorded the status of the aircraft?

21 A There's two parts to that question. So there was a large  
22 master calendar that was on the desk beside Brenda  
23 Biscay, and no maintenance and/or the supervisors will  
24 put on aircraft if they are down. But mainly it's the  
25 maintenance staff.

1 Q Okay. And that was still true in 2015, right?

2 A **Correct.**

3 Q And in 2016?

4 A **Correct.**

5 Q Got it. All right.

6 Okay. And as a matter of fact, can we go to Exhibit  
7 15, please.

8 This is your exculpatory questions and responses,  
9 right?

10 A **Yes.**

11 Q Okay. Would you go to Item No. 20. And tell me when you  
12 are there.

13 A **I'm there.**

14 Q Okay. So the Question No. 20 is, "Have you ever  
15 purposefully manipulated the King Air maintenance  
16 schedule for personal or political reasons? Please  
17 explain."

18 And you write, "No." And then it says, "See answers  
19 above concerning maintenance."

20 And it says, "To date and to the best of my  
21 knowledge, only one governor flight has been cancelled  
22 during the Gregoire administration. This cancellation  
23 was due to weather-related issues."

24 Did you write that?

25 A **Yes.**

1 Q Okay. And that's what you have described to us, right?

2 A Yes.

3 Q And there's never been another time that this has  
4 happened, right?

5 A For weather-related issues?

6 Q For any issues.

7 You've always been there for the governor when the  
8 governor needs you?

9 A Again, your question is so broad that any time the plane  
10 is up and it's capable to do the flight, we complete the  
11 flight.

12 Q Well, you have -- you said -- what did you say, you have  
13 seven planes?

14 A Correct.

15 Q Okay. Would you go to Exhibit 28, please. And tell me  
16 when you are there.

17 A I'm there.

18 Q Okay. And looking at this, this is one of your  
19 performance evaluations?

20 A Yes.

21 Q Okay. All right. In 2015, it's true, is it not, that  
22 you rejected flight requests by executive staff members  
23 and EPUs due to timed out aircraft hours?

24 A What page are you on?

25 Q Well, first of all, do you recall that being a fact?

1 A Well, it wouldn't be I rejected it. It's against FAA  
2 regulations to fly an aircraft that is in maintenance or  
3 out of hours. So, no, I didn't reject it. The federal  
4 government did.

5 Q I'm sorry. But you have seven planes so you can always  
6 get up in the air, right?

7 A No. It depends on weather.

8 Q Oh, okay. Well, let's see. So turn now to Bates  
9 stamp -- it's Page 4, Bates Stamp 00101.

10 A Okay.

11 Q And it says, "Supervisor comments." And it says -- the  
12 paragraph -- second paragraph, "Lieutenant Nobach is a  
13 no-nonsense manager when it comes to scheduled  
14 maintenance and safe operations of the agency's aircraft  
15 fleet. He has strict accountability measures in place to  
16 ensure his staff does not take shortcuts to circumvent  
17 safety and our maintenance requirements. An example of  
18 Lieutenant Nobach's strict adherence to safe aircraft  
19 operations was demonstrated when he rejected flight  
20 requests" -- plural -- "by executive staff members and  
21 EPU due to timed out aircraft hours."

22 And is that true? Did you do that in that calendar  
23 year?

24 A The aircraft was timed out, therefore, not flyable. So I  
25 didn't reject the flight. The aircraft is timed out.



1 Q No, no, but if you rejected flight requests, that means  
2 the other six weren't available either, doesn't it?

3 A They were available, but what type of flight was this  
4 for? You will have to give me more information.

5 Q Well, you are the one who lived it. Don't you recall  
6 anything?

7 A Yeah, I recall a lot. But you have to give me specifics  
8 from 2015.

9 Q Well, I don't know. It says -- it seems here that you  
10 are contra -- would you agree that it is not a true  
11 statement that you have never rejected flight requests by  
12 the executive staff members or EPU?

13 MR. BIGGS: Objection; form of the  
14 question.

15 Q (By Mr. Sheridan) You can answer.

16 A I have never denied a governor's flight.

17 Q Oh, okay. So -- and could you tell us for the record,  
18 what does EPU do?

19 A It's the executive protection unit.

20 Q It's like the secret service for the governor, right?

21 A You would have to go into their job description as  
22 supplied by the State Patrol.

23 Q You mean you -- you can't summarize for us in lay person  
24 terms what the EPU does?

25 A They protect the governor.

1 Q Okay. Great. Thank you.

2 All right. So can we nail down one way or the  
3 other, do you stick to your story that you've never  
4 turned down the governor for a flight?

5 MR. BIGGS: Objection; form of the  
6 question.

7 **THE WITNESS: I've never turned --**

8 Q (By Mr. Sheridan) You can answer.

9 **A I've never turned down a governor's flight.**

10 Q Okay. And EPU, that includes -- that's basically the  
11 protectors of the governor, right?

12 **A Correct.**

13 Q Okay. Got it.

14 MR. SHERIDAN: Okay. Let's go off the  
15 record a minute, and I will check back in about maybe  
16 five minutes.

17 VIDEOGRAPHER: All right. We're going  
18 off record. The time now is 1:10 p.m.

19 (Recess from 1:10 to 1:24.)

20 VIDEOGRAPHER: All right. We are back  
21 on record. The time now is 1:24 p.m.

22 MR. SHERIDAN: Okay. Thank you.

23 Q (By Mr. Sheridan) All right. I just have a few more  
24 questions for you, and then we'll be done.

25 I've handed you or you should have been handed

1 Exhibit 32, which is really just a better copy of the  
2 basic flying preparation chart that we were looking at  
3 before.

4 And this one is a little more readable for May 18th.

5 And I wanted to just go through that with you, if I  
6 could. Do you have that in front of you, sir?

7 A Yes.

8 Q All right. What I would like to do is have you look at  
9 May 18th and tell me when you've identified that row.

10 A I have.

11 Q Then I would like you to go all the way across to it  
12 looks like Steep Turns and tell me what you wrote there.

13 A 3.

14 Q Is that -- what's after the 3?

15 A I don't see anything after the 3.

16 Q Well, let me ask you this: It looks to me like a 3  
17 minus. But can you tell me whether you ever used minuses  
18 or pluses in these evaluations?

19 A Yes.

20 Q So tell me about that. When would you do such a thing?

21 A Well, you know, just kind of follow what you learn in  
22 grade school, you know, when they add a plus or a minus  
23 to a grade. So it's either you are trending down or you  
24 are trending up.

25 Q So a 3 with a minus would be trending down?

1   **A    Correct.**

2   Q    All right.  And this document, was this created by you as  
3       well?

4   **A    No, it's a copy of a document.**

5   Q    And where did this -- is this a document that is a  
6       government document or from when you were teaching at the  
7       community college?

8   **A    No, I talked to Pete Hammer at the community college, and  
9       he let us use this document.**

10  Q    Okay.  And then if we look at -- if we look at -- let's  
11       go to -- let's go back to the exhibit.  Hang on a second.  
12       Yeah, let's go back to Exhibit 27, please.  Tell me when  
13       you are there.

14  **A    I'm there.**

15  Q    Okay.  And then would you go to -- it's Bates stamped in  
16       the upper left-hand corner 0090.

17  **A    What part are we looking at again?**

18  Q    Again, 0090.  So it's sort of on its side, and it says  
19       "basic flight" in the upper right-hand corner.  It's the  
20       same thing we were just looking at but part of the  
21       exhibit.

22                               MR. BIGGS:  Second to the last page of  
23       Exhibit 27.

24                               **THE WITNESS:  Okay.  I'm there.**

25  Q    (By Mr. Sheridan)  Yeah.  Do you see how it has all these

1 minuses? Do you know if the minuses reflect trending  
2 down or something else?

3 MR. BIGGS: Objection to form of the  
4 question.

5 Q (By Mr. Sheridan) You can answer.

6 A So all those dashed lines in all those locations?

7 Q Yes.

8 A No, those are just dashed lines that they weren't  
9 evaluated on that --

10 Q Okay. Thanks.

11 A -- on that task.

12 Q Got it.

13 Besides yourself, did anybody else use the plus and  
14 minus to designate trending up or down?

15 A I'm not sure.

16 Q Okay. Now if you will look at the next exhibit, which I  
17 guess is 33, this is an email dated August 8th, 2016,  
18 where you -- where Ryan Santhuff is writing to Hatteberg  
19 regarding approved TAR that has been adjusted.

20 Can you tell us what TAR means?

21 A It's your TAR.

22 Q Yeah, what does it mean?

23 A Time and activity report.

24 Q Okay. And is that where you basically list your vacation  
25 and sick time and that such?

1   **A    Yes.**

2   Q    Okay.  So he writes -- he writes to Jeff Hatteberg on  
3       August 8th, Trooper Santhuff writes, "Per Lieutenant  
4       Nobach's request, I've adjusted my TAR to show vacation  
5       leave for the time I took to renew my driver's license."

6       Does that in any way refresh your recollection as to  
7       whether or not you required that Ryan Santhuff take leave  
8       to get his driver's license renewed?

9   **A    No, it does not.**

10  Q    Okay.  And as you sit here today, you just don't recall  
11       if he did that?

12  **A    I don't recall at all.**

13  Q    Wouldn't you agree with me there would be absolutely no  
14       business reason for doing that?

15                   MR. BIGGS:  Objection to form of the  
16       question.

17                   **THE WITNESS:  No business reason for**  
18       **what?  You would have to clarify your question.**

19  Q    (By Mr. Sheridan)  Oh, sure.

20       Would you agree with me that there would be no  
21       business reason for you to tell Ryan Santhuff that he had  
22       to use vacation time to renew his driver's license?

23  **A    I don't recall any conversation about renewing a driver's**  
24       **license.**

25  Q    But you are not answering my question.  I'm asking you

1 whether or not you can think of any business reason for  
2 doing that.

3 A You will have -- I guess I still don't understand your  
4 question. What you mean by "business reason"?

5 Q Okay. So what lieutenant -- I'm sorry -- what Trooper  
6 Santhuff has written is that per your request,  
7 Lieutenant's Nobach's request, I've adjusted my TAR to  
8 show vacation leave for the time I took to renew my  
9 driver's license.

10 My question to you is whether or not you can think  
11 of any business reason that would justify forcing Trooper  
12 Santhuff to use his vacation time to renew his driver's  
13 license.

14 A Trooper Santhuff would have to follow the guidelines as  
15 put out by HRD, either the regulation manual or their  
16 collective bargaining agreement, on renewing their  
17 driver's license.

18 All I'm simply stating is I don't recall ever  
19 talking about driver's license with Trooper Santhuff.

20 Q Okay. But my question is -- and just, if you would, just  
21 answer it. Can you think of a business reason that would  
22 require Santhuff to take vacation time to renew his  
23 driver's license?

24 MR. BIGGS: Objection --

25 Q (By Mr. Sheridan) Yes or no?

MR. BIGGS: Objection; form of the question.

And there's no such thing as a yes or no question in my book.

THE WITNESS: Yeah, I can't answer your question. It's not my call. It's either in the reg manual, their CBA or part of HRD whether it says they can renew their driver's license on duty or off duty.

I'm just simply stating I don't recall ever talking about driver's license. I can say me personally, I've never renewed a driver's license on duty.

Q (By Mr. Sheridan) How do you get off?

A I take vacation time and go renew my driver's license.

Q Okay. And isn't it true that driver's licenses are required for troopers?

A Driver's licenses are required for anybody that drives a car.

Q Well, no, that's not my question. Isn't it true that if you are a state trooper, you must have a driver's license?

A You would have to refer to HRD because I don't know all the parameters of people on limited duty or what their situation is. So that would be an HRD question.

Q Okay. And let me ask you this because this pertains to you. He wrote, "Lieutenant -- per Lieutenant Nobach's



1 request, I've adjusted my TAR to show vacation leave for  
2 the time I took to renew my driver's license."

3 It's true, is it not, that as you sit here today,  
4 you can't think of any reason that would justify doing  
5 that?

6 MR. BIGGS: Objection; form of the  
7 question.

8 **THE WITNESS: I can state I do not**  
9 **recall talking to Trooper Santhuff about renewing a**  
10 **driver's license.**

11 Q (By Mr. Sheridan) That's not my question. I will ask  
12 again.

13 Can you tell us whether you can think of any reason  
14 why you would tell him that he needed to take TAR to  
15 renew his license, for any reason?

16 MR. BIGGS: I'm going to object. You  
17 have asked that question about four times now, and he's  
18 answered it at least twice --

19 MR. SHERIDAN: Nonspeaking objections,  
20 please. Well, then --

21 Q (By Mr. Sheridan) Just answer the question.

22 MR. BIGGS: I'm going to tell him to  
23 stop answering the question. He's already answered your  
24 question.

25 MR. SHERIDAN: Now you are being

1 argumentative.

2 MR. BIGGS: No --

3 MR. SHERIDAN: Stop making -- stop  
4 making objections that are speaking objections. You are  
5 a professional. You know not to do that.

6 MR. BIGGS: You are being  
7 argumentative, Jack. You have asked that question, and  
8 he's answered it. Why can't we just get on to something  
9 else?

10 Do you have questions? Jack, are you still there?

11 MR. SHERIDAN: Let me try again.

12 MR. BIGGS: All right.

13 Q (By Mr. Sheridan) You wrote -- it's written here, "Per  
14 Lieutenant Nobach's request, I've adjusted my TAR to show  
15 vacation leave for the time I took to renew my driver's  
16 license."

17 Can you think of any reason why you would make that  
18 a requirement?

19 A It would not be my requirement. I would have to review  
20 what's in their CBA, the reg manual or what HRD puts out.

21 Q So as you sit here today, you can't think of any reason?

22 A Not without reviewing those documents. I'm sure the  
23 state has addressed somewhere whether you can renew your  
24 driver's license on duty or off duty.

25 MR. SHERIDAN: Okay. All right. I

1 have no further questions. Thank you.

2 MR. BIGGS: No questions from this  
3 end. Thanks so much. We will reserve signature.

4 MR. SHERIDAN: And we are ordering the  
5 video as well.

6 VIDEOGRAPHER: All right.

7 MR. SHERIDAN: Thanks, Folks.

8 VIDEOGRAPHER: One second. We are now  
9 going off the record at 1:34 p.m., and this concludes the  
10 video recorded deposition of James Nobach.

11 (Signature reserved.)

12 (Deposition concluded at  
13 1:34 p.m.)

A F F I D A V I T

I, David J. Nobach, hereby declare under penalty of perjury that I have read the foregoing deposition and that the testimony contained herein is a true and correct transcript of my testimony, noting the attached corrections.

\_\_\_\_\_  
David J. Nobach

Date: \_\_\_\_\_

STATE OF WASHINGTON ) I, Barbara Castrow, CCR, RMR, CRR  
County of King ) ss a certified court reporter  
in the State of Washington, do  
hereby certify:

That the foregoing deposition of DAVID J. NOBACH was taken before me and completed on July 10, 2020, and thereafter was transcribed under my direction; that the deposition is a full, true and complete transcript of the testimony of said witness, including all questions, answers, objections, motions and exceptions;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved the right of signature;

That I am not a relative, employee, attorney or counsel of any party to this action or relative or employee of any such attorney or counsel and that I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the said deposition and promptly delivering the same to John Patrick Sheridan.

IN WITNESS WHEREOF, I have hereunto set my signature on this 16th day of July, 2020.



---

Barbara Castrow, CCR, RMR, CRR  
Certified Court Reporter No. 2395  
(Certification expires 11/24/20.)

BYERS & ANDERSON, INC.  
2208 North 30th Street, Suite 202  
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SIGNATURE PROCEDURE INSTRUCTIONS TO ATTORNEY

Date: July 16, 2020

To: Andrew Biggs  
Office of the Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188

Case: RYAN SANTHUFF v. STATE OF WASHINGTON  
Cause No.: 19-2-04610-4 KNT  
Deposition of: David J. Nobach  
Date Taken: July 10, 2020

The above transcript must be read and the Correction Sheet signed within 30 days of this notice or before the trial date. If the Correction Sheet is not signed within that time period, signature will be deemed waived for all purposes.

Please contact the witness and arrange a convenient time and place for reading and signing.

After the Correction Sheet is signed, please mail the signed original Correction Sheet to:

John Patrick Sheridan  
The Sheridan Law Firm, P.S.  
705 Second Avenue, Suite 1200  
Seattle, WA 98104-1745

Reporter: Barbara Castrow, CCR, RMR, CRR  
License No.: 2395

cc: jack@sheridanlawfirm.com

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CORRECTION SHEET

Deposition of: DAVID J. NOBACH  
Date: 07/10/2020  
Case: RYAN SANTHUFF v. STATE OF WASHINGTON  
Cause No.: 19-2-04610-4 KNT  
Reporter: Barbara Castrow, CCR, RMR, CRR

Instructions: Please carefully read your deposition and on this correction sheet make any changes or corrections in form or substance that you feel should be made. You may add additional sheets, if necessary. After completing this form, please sign your name in the space provided. Please do not mark the transcript. Thank you.

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