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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF BENTON

COURTROOM D HON. DOUG FEDERSPIEL, JUDGE

JULIE ATWOOD, )  
 )  
 Plaintiff, )  
 )  
 vs. ) NO. 15-2-01914-4  
 )  
 MISSION SUPPORT ALLIANCE, LLC, and ) TESTIMONY OF:  
 STEVE YOUNG, an individual, )  
 ) STEVE YOUNG  
 Defendants. )  
 )

Kennewick, Washington Monday, September 25, 2017

EXCERPT OF  
TRANSCRIPT OF THE VERBATIM  
REPORT OF PROCEEDINGS

Reported by: CHERYL A. PELLETIER, RPR, CCR 2344

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APPEARANCES:

FOR THE PLAINTIFF:           JACK SHERIDAN  
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September 25, 2017  
Kennewick, WA

THE COURT: Good afternoon. Go ahead and have a seat.

MR. SHERIDAN: We're going to call Steve Young next.

THE COURT: Okay. All right. So let's bring the jury in.

So sometime 4:15 to 4:30 if you find a good breaking point.

MR. SHERIDAN: Okay. We'll keep going. Good.

MS. ASHBAUGH: Did you want, Your Honor, the declarations marked for identification, just because we refreshed her recollection with them or not?

THE COURT: I think they're in the file and you referenced them.

MS. ASHBAUGH: Okay. I just wanted to make sure.

THE COURT: That should be good.

MS. ASHBAUGH: Okay.

(Whereupon the jury was brought into the courtroom.)

THE COURT: Good afternoon. Go ahead and

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make yourselves comfortable.

Mr. Sheridan?

MR. SHERIDAN: Yes, plaintiff calls Steve Young.

THE COURT: Good afternoon, sir.

THE WITNESS: Good afternoon.

STEVEN YOUNG,

a witness called on behalf of the Plaintiff herein, after having been first duly and regularly sworn, testifies as hereinafter follows:

THE COURT: Go ahead and have a seat. You've heard my warnings about the water.

THE WITNESS: I have.

THE COURT: Just for the court record, could I ask you to state your full name, please.

THE WITNESS: Steven Cornell Young.

THE COURT: Mr. Sheridan.

MR. SHERIDAN: Thanks.

1 DIRECT EXAMINATION

2  
3 BY MR. SHERIDAN:

4 Q Good afternoon.

5 A Afternoon.

6 Q Mr. Young, you are both mayor of the City of  
7 Kennewick and a vice president at MSA; right?

8 A I am.

9 Q And it's true, is it not, that throughout this  
10 period you have worked about 16 hours a week for the City  
11 of Kennewick while working at Hanford?

12 A I believe I said -- and let me begin by saying,  
13 I apologize, I've had a cold since last Friday, so if I  
14 start to lose it, you don't hear me, just let me know.

15 I believe I've stated that it sometimes run 16  
16 to 20 hours a week.

17 Q All right. And you are actually billing the  
18 United States Government for 40 hours a week on top of  
19 that; right?

20 A That's the most I can bill them for; that's  
21 correct.

22 Q And that's MSA is billing them for that; right?

23 A Correct.

24 Q And your duties require that you leave work,  
25 your vice president job, and go downtown to do mayor

1 duties; right?

2 A I'm not sure. I've heard you use that term  
3 downtown, but I don't know what that means. But I think  
4 you mean leave the office building to go somewhere else,  
5 and that is, that happens on occasion, absolutely.

6 Q All right.

7 MR. SHERIDAN: We're going to offer Exhibit  
8 185, which is a copy of the witness's calendar, and  
9 it's not objected to.

10 MS. ASHBAUGH: No, it is. It is. The one  
11 you gave me.

12 MR. SHERIDAN: 185.

13 MS. ASHBAUGH: The one you gave me today,  
14 it's objected to on 901 if it's highlighted.

15 MR. SHERIDAN: That's not the one we're  
16 offering, we're offering 185.

17 MS. ASHBAUGH: No objection if there's no  
18 highlighting, Your Honor.

19 THE COURT: 185 is admitted.

20 (Exhibit No. 185  
21 was admitted.)

22 MR. SHERIDAN: If you just put that up on  
23 the screen there.

24 Q (By Mr. Sheridan) So this is basically a copy  
25 of the calendar that you maintained at MSA that we

1 received in discovery; right?

2 A That one look pretty empty, but, yeah.

3 Q All right. Let's just page through a couple of  
4 pages here. Let's highlight -- pick something  
5 arbitrarily. How about the Wednesday the 12th and 13th.  
6 Just go ahead and highlight that?

7 A I think you're going to find, if I'm not  
8 mistaken -- let me take a quick look. I believe that this  
9 particular calendar is when I was working as a  
10 subcontractor at DOE.

11 Q When did you start?

12 A I actually started with MSA, I believe it was  
13 March of '12. I started as a contractor October of '11.

14 Q Okay. So we'll go ahead, and as we talk through  
15 this, through this testimony of yours, we'll keep in mind  
16 that you joined -- you became vice president when?

17 A March of 2000 -- March of 2012, I believe.

18 Q And that's --

19 A This is my sixth year, so it would be 2012.

20 Q So you were vice president from March 2012 to  
21 the present; right?

22 A Correct.

23 Q We'll keep that in mind when we're asking you  
24 questions. This is simply the first page that you gave us  
25 in discovery.

1           A     All right.

2           Q     So now you also, during -- up until about 2015,  
3 you did not really track your time, did you?

4           A     Actually did. I actually had to, especially  
5 when you work as a subcontractor with DOE. You have to be  
6 very careful with your time because you're paid by the  
7 hour.

8           Q     I'm sorry, let me be clear. After you became  
9 vice president of MSA, you didn't really track your time,  
10 did you?

11          A     Yeah, I had to track my time personally because  
12 too often you would get a question about whereabouts and  
13 how many hours are you charging and so on. So what I  
14 would do, I kept a note pad on my desk and I would write  
15 down -- I would take my calendar I'd write down what time  
16 I came into work.

17                   I'm always in at work -- I work every Friday  
18 even though every other Friday I'm off. I was in most  
19 Saturdays -- at least from September through May I'm in  
20 most Saturdays. Most nights I leave around 7:30 to nine.

21          Q     And then after 2015, based on a recommendation  
22 from Wendy Robbins, you began to actually track your time  
23 and record it; right?

24          A     Yeah. What happened is we changed the  
25 timekeeping system at MSA three different times.



1                   When I first came on --

2           Q        I'm not asking that. Please just try to answer  
3 my questions; okay?

4           A        Yes.

5           Q        So what I'm interested in knowing is in 2015  
6 it's true, is it not, that you began to actually record  
7 your time?

8           A        On the time sheets, yes.

9           Q        All right. And before that, before 2015, you  
10 did not record your time on time sheets.

11          A        That is correct.

12          Q        So there really be no way for everybody to tell  
13 when you were downtown working for mayor business and  
14 working for the U.S. Government; right?

15          A        There would be no way to tell whether I was  
16 being honest or not, that's correct.

17          Q        Now when you -- before you became mayor, MSA did  
18 not seek to hire you as a vice president; true?

19          A        That's correct.

20          Q        It's after you became mayor that Mr. Frank  
21 Armijo, the CEO, invited you to join as a vice president.

22          A        I had -- I had been mayor for almost two years  
23 at that time, yes.

24          Q        So it's true, is it not, that before you became  
25 mayor, you had your own consulting business; right?

1           A       I worked as a subcontractor; that's correct.

2           Q       And you had no personnel?

3           A       No, none.

4           Q       So you work as a person basically working out of  
5 your house; right?

6           A       No, that's not true. I worked inside the  
7 federal building.

8           Q       How many years did you do that?

9           A       I first came back in 1987. I was -- I came back  
10 under Mac Tech. I worked that until 19 -- latter part of  
11 1989 when B Whip went down. I went to Kaiser Engineers,  
12 at DOE's request, for about three and a half years. Came  
13 back to the federal building. Stayed there until they  
14 asked me to go and manage the work force training center  
15 at CBC for almost two years, and then came back to the  
16 federal building until I retired -- or announced my  
17 retirement in 2010, I believe.

18          Q       What year did you become mayor?

19          A       2010.

20          Q       All right. Now as wearing both hats as mayor  
21 and vice president at MSA, you are a valuable commodity to  
22 MSA, are you not?

23          A       I hope so.

24          Q       Because, in fact, you get to represent the City  
25 of Kennewick to third parties; correct?

1           A       Certainly, yes.

2           Q       You get to carry the flag of the City of  
3 Kennewick and talk about Hanford while wearing that hat;  
4 correct?

5           A       I do sometimes, yes.

6           Q       And as a matter of fact, the thing that Mr.  
7 Armijo liked the best was that you could help smooth out  
8 any problems between the City of Kennewick and MSA.

9                   MS. ASHBAUGH:  Objection, calls for  
10 speculation.

11                   THE COURT:  Sustained.

12          Q       (By Mr. Sheridan)  Well, Mr. Armijo told you  
13 that he appreciated the fact that you could, as mayor,  
14 smooth out problems between the City and the MSA.

15          A       That is not true.  There were no issues, or have  
16 not been any issues, nor plan to be any issues between the  
17 City of Kennewick and a Hanford contractor.

18          Q       Do you agree that what's good for MSA is good  
19 for the City of Kennewick?

20          A       I believe what's good for MSA is good for the  
21 entire community, absolutely.

22          Q       All right.  So what that means is that when you  
23 are wearing your mayor hat, you see no inconsistencies  
24 between the interests of the people of the City of  
25 Kennewick and the corporation MSA?

1           A       When I'm wearing the City hat, I see a lot of  
2 opportunities for those that live in the City of Kennewick  
3 who work at Hanford. Those who live in the City of  
4 Kennewick who have stores and businesses. The biggest  
5 return on me being a mayor is the Department of Energy.  
6 I'm able to do what the Department of Energy can't do  
7 because I'm an elected official.

8           Q       Now so you can do what the Department can't do.  
9 Like what?

10          A       Well, for example, the budget.

11          Q       Which budget?

12          A       The Department of Energy's budget at Hanford.

13          Q       Why does it benefit the Department of Energy  
14 that you're the mayor?

15          A       Well, let's use, let's use the U.S. Senate and  
16 the U.S. House of Representatives who make the  
17 determination of what's in the budget. My job, one of my  
18 jobs as mayor, is the ability to go back, meet with the  
19 Senate, meet with the House. I can actually bump a  
20 regular citizen and testify before a committee about an  
21 issue because I'm an elected official. But your local  
22 offices are restricted and are not allowed to go and speak  
23 directly to the Senate, nor to the House about budget  
24 challenges that they're facing. But I can.

25                 So what I would do is I would take these trips

1 back to DC a couple of times a year. I would use my  
2 vacation. I haven't had a true vacation in 14 years. I  
3 use my vacation to go back and lobby -- and I'll use the  
4 word lobby -- for the local offices for the needs that  
5 they have to try to get the money they need for the  
6 Hanford site.

7 Q The local offices of the Department of Energy.

8 A Correct.

9 Q So you're lobbying, as the mayor, for the  
10 Department of Energy; correct?

11 A Correct.

12 Q You could not do that if you were wearing your  
13 hat as vice president of MSA.

14 A That's correct.

15 Q So the benefit that you get as mayor is you can  
16 actually lobby the interests of MSA under the framework of  
17 mayor.

18 A I cannot lobby the interests of MSA.

19 Q But you already told us that what's good for MSA  
20 is good for the people of Kennewick; right?

21 A That's correct. What's good for the Department  
22 of Energy is good for the community, absolutely.

23 Q So that's why you, when I asked you at your  
24 deposition who were your close friends, you said Mr. Shoop  
25 was one of your close friends; right?

1           A       He's one of my friends.

2           Q       Okay. And you also said that Mr. Greg Jones was  
3 one of your friends; right?

4           A       Absolutely.

5           Q       How about Ms. Flynn? Is she one of your  
6 friends?

7           A       She's a friend.

8           Q       As a matter of fact, Ms. Flynn is the DOE person  
9 that manage -- she is the customer of MSA and she provides  
10 oversight; right?

11          A       That's -- she used to.

12          Q       Would you agree with me that the people at DOE  
13 understand that you're going to Congress and lobbying for  
14 them?

15          A       Oh, absolutely.

16                   MS. ASHBAUGH: Objection, calls for  
17 speculation.

18                   THE COURT: Overruled.

19          Q       (By Mr. Sheridan) You've communicated that  
20 back and forth. So you really are an extremely valuable  
21 person at the Hanford site.

22          A       And in this community, you are correct. I hope  
23 to be.

24          Q       All right. And as a matter of fact, MSA gets  
25 that it's important to protect you --

1 MS. ASHBAUGH: Objection, calls for  
2 speculation.

3 MR. SHERIDAN: I said that --

4 MS. ASHBAUGH: Argumentative.

5 MR. SHERIDAN: I said that poorly.

6 THE COURT: Sustained.

7 Q (By Mr. Sheridan) That Mr. Armijo has  
8 communicated his interest in protecting you?

9 A Not one time has he ever done that.

10 Q Well, he's gone now; right?

11 A He is.

12 Q But in 2012 and 2013 he was here; right?

13 A I don't remember when Frank left.

14 Q So there's pretty much, because of your  
15 connections and your importance to both DOE and MSA,  
16 there's really know one that has the power to hurt you.

17 MS. ASHBAUGH: Objection, calls for  
18 speculation, argumentative.

19 THE COURT: Sustain. Rephrase.

20 MR. SHERIDAN: Sure.

21 Q (By Mr. Sheridan) So it's true, is it not,  
22 that because of your position, there is nothing within,  
23 say, MSA that you consider to not be a supporter of yours?

24 MS. ASHBAUGH: Object, same objection, Your  
25 Honor.

1 THE COURT: Overruled.

2 A Well, based on the elections, I have about  
3 somewhere between 25 and 30 percent who don't support me  
4 and aren't in my corner.

5 Q (By Mr. Sheridan) Are they MSA employees?

6 A May be.

7 Q And it's true, is it not, that one of the big  
8 problems you've had since you've been there is the fact  
9 that you're working 16 hours a week as mayor; right?

10 A Why is that a problem?

11 Q Because you have -- because you're not  
12 documenting that you really are billing Uncle Sam for 40  
13 hours and you're also working 16; right?

14 A Actually I'm working about -- let's put the  
15 cards on the table. I work somewhere between 65 and 75  
16 hours a week.

17 Q Well, that would add up if you add 40 --

18 A Absolutely.

19 Q -- and 16; right?

20 A Absolutely.

21 Q But you never kept track of that until 2015;  
22 right?

23 A That's not a true statement.

24 Q You mean because you wrote it on your pad?

25 A Well, that's all we had.



1 Q Okay. And it's true, is it not, that there came  
2 a time when you became concerned that your calendar was  
3 basically showing that you were spending an inordinate  
4 amount of time doing mayor duties?

5 A That's not correct. In fact, everything that  
6 the City considers an important session, it could be  
7 anything from a ribbon cutting to an open house, to a  
8 speech that needs to be given, all goes on my calendar. I  
9 don't go to all of those, I just don't have time.

10 But, no, I was never concerned about --  
11 everybody knew I was tracking my time. DOE knew, MSA  
12 knew, everybody knew I was tracking all of those events on  
13 my calendar rather than carrying two calendars.

14 Q So what you mean is you were using government  
15 property to track your mayor duties?

16 A I went and met with the Department of Energy  
17 when I first became the mayor --

18 Q Don't tell us what they say, okay.

19 So let's talk about what you -- I gather you're  
20 going to say you believed it was authorized; right?

21 A Oh, it was authorized.

22 Q All right. But it's true, is it not, that there  
23 came a time where you closed off your calendar so Ms.  
24 Atwood couldn't see it.

25 A I've heard you -- I've heard that in testimony

1 since we've been here in this trial. I do not recall ever  
2 doing that. If it happened, it may -- and as you've  
3 heard, it happened. It might have been someone else. It  
4 could have been an error in the system. I've changed  
5 computers nine times. There is any number of things that  
6 can cause a problem like that.

7 Q Well, let's see. Ms. Delannoy, she's your  
8 trusted confidant; right?

9 A She hasn't been my trusted confidants in years,  
10 but at one time she was, absolutely.

11 Q Back in 2012 and '13 --

12 A Absolutely.

13 Q -- she was; right?

14 A Uh-huh.

15 Q And you confided in her, did you not?

16 A I don't know what you mean by confided. It  
17 sounds awfully dramatic; but you mean did I trust her?  
18 Absolutely I trusted her. She's one of the most  
19 trustworthy people I've ever met.

20 Q Let's look at Exhibit 20 if we can. And let's  
21 look at the Delannoy testimony.

22 Oops, I think that's wrong. Let me see.

23 A Excuse me, Mr. Sheridan, do you mind if I change  
24 my glasses?

25 Q No, no, please.

1 A These are tri-focals.

2 Q Please go ahead, sir. Are we there yet?

3 A Yes, one second.

4 Let's go to Exhibit 39 instead. My mistake.

5 And Exhibit 39, it's at --

6 MS. ASHBAUGH: 39A, B or C, Jack?

7 MR. SHERIDAN: It's B.

8 MS. ASHBAUGH: Okay.

9 MR. SHERIDAN: And it's the 9-17 entry for  
10 Delannoy. Bates Stamp 1927?

11 A Is this the one with the handwritten notes?

12 Q (By Mr. Sheridan) That's right.

13 A Okay.

14 MS. ASHBAUGH: Just for clarity, Your  
15 Honor, it's 39C.

16 MR. SHERIDAN: And it's Bates Stamped 1927.  
17 Okay.

18 Q (By Mr. Sheridan) So it says here towards the  
19 bottom. Yeah, thank you, that's good. Everyone except  
20 Linda, somebody, and Jen blocked out of calendar.

21 A Okay, I see that.

22 Q All right --

23 A I think that's Linda, Dru and Jenna.

24 Q Okay. So it's true, is it not, that you became  
25 suspicious that people were looking at your calendar and

1 questioning your working as mayor?

2 A No, not at all.

3 Q Let's read the next section.

4 A Great.

5 Q DOE commented to Young about City and something,  
6 asked how DOE knew, so blocked everyone out of calendar.

7 That's what you did; right?

8 A I didn't make that comment. I don't know where  
9 that came from.

10 Q Well, you became aware that DOE was asking  
11 questions about the time you worked downtown; that's true,  
12 right?

13 A I don't know that DOE has ever come and asked me  
14 about my work downtown. If Linda says they did, they may  
15 have talked to her, but I don't remember that.

16 Q And because of that, you blocked only her and  
17 two other trusted people out of your calendar; right?

18 A I don't know. I don't recall doing it. I don't  
19 know how to block people. I don't know how to add people  
20 and I don't know how to block people.

21 Q But it became true that other people were  
22 blocked out, right, whether or not you did it yourself?

23 A Well, according to what that says, yes. I don't  
24 know.

25 Q And Ms. Delannoy was working for you at this

1 time; right?

2 A What's the date on there?

3 Q 2013.

4 A Yes.

5 Q So it's true, is it not, that if you had to go  
6 through your entire workforce, the people at Portfolio  
7 Management, and think of who is the person I trust the  
8 least in 2012 and 2013, it would have been Ms. Julie  
9 Atwood; right?

10 A That's not true.

11 Q Who did you trust less than Julie Atwood?

12 A You know, Mr. Sheridan, I don't put that kind of  
13 weighted factor on people that work for me. My  
14 personality is to trust people until somebody does  
15 something where you can't trust them. That doesn't happen  
16 all that often. Usually once you have a conversation with  
17 them you realize they didn't really do anything anyway.  
18 But I don't put weighted factors on people trusting me and  
19 who I trust.

20 Q Okay. So is it fair to say that in 2012 you  
21 trusted Julie Atwood?

22 A In 2012? I did. In fact, we had some good  
23 conversations.

24 Q And so you wouldn't do anything behind her back  
25 in 2012, would you?

1           A     I don't do things behind people's back, Mr.  
2     Sheridan.

3           Q     Because that would be sneaky; right?

4           A     You know, I've seen some things done, but that's  
5     no way of doing business.

6           Q     All right.  Let's take a look at Exhibit 11 if  
7     we can.

8           A     Great.

9           Q     And this is a -- well, you've seen this timeline  
10    in the trial; right?

11          A     I have.

12          Q     Let's take a look at some of the entries that  
13    are made here.  So it's true, is it not, that in 2012  
14    there was an anonymous concern lodged against Julie  
15    Atwood; correct?

16          A     I was not aware of that -- I had not seen that  
17    until I had my deposition with you.  I was aware that  
18    there was a complaint filed.

19          Q     Well, isn't it true that you were interviewed in  
20    2012 by Wendy Robbins about Ms. Atwood?

21          A     It's true.

22          Q     And isn't it true that you said she threatens  
23    people?

24          A     No, what I actually said in that comment back to  
25    Ms. Robbins was I had been told by my team that she has a

1 tendency to threaten people in the organization.

2 Q And you also said she's not where she says she  
3 is; right?

4 A I was being told by my people that Julie is  
5 often not where she claims to be.

6 Q Who was her boss in 2012?

7 A I would assume that was probably me by then.

8 Q Okay. And now --

9 A Either myself or Jim Santo.

10 Q And you were giving her really positive  
11 performance evaluations?

12 A Absolutely.

13 Q But behind her back you were saying all the  
14 things that are written here in Exhibit 11; correct?

15 A I'm not sure where you're headed with this, but  
16 I was not saying anything derogatory about her. And in  
17 fact, I was giving her very good technical performance  
18 appraisals.

19 Q Is it fair to say that you had no basis to  
20 criticize her in 2012.

21 A I don't believe I was criticizing her.

22 Q You have open -- let's go to Exhibit 12. I'm  
23 sorry, wait a minute, hold on. Exhibit 11. And let's  
24 start at the very bottom.

25 And let's begin by looking at the 9-24-12 entry.

1 It says, so this is the, this is the investigation where  
2 Mr. Jensen had an audit done of Ms. Atwood by a person  
3 named Hinton. Do you recognize that name?

4 A Yes, that's Pam Hinton.

5 Q And you knew that this was happening; right?

6 A Mr. Sheridan, I don't believe I did. I can't be  
7 positive about that. But I don't remember that particular  
8 instance.

9 Q Let's look at the 10-2 entry. It says -- look  
10 at that bottom paragraph that begins with "regarding?" It  
11 says, regarding the allegation that Atwood used her  
12 influence with Jon Peshong to retaliate against MSA senior  
13 managers in response to poor performance feedback, Young  
14 was not aware of any poor performance feedback to Atwood.  
15 And that's a true statement; right?

16 A Absolutely.

17 Q But isn't it true in 2012 you claimed that Jon  
18 Peshong was exercising influence over Ms. Atwood.

19 A Oh, he was, absolutely.

20 Q Well she was, she was assigned to him --

21 A Right.

22 Q -- as the main customer; correct?

23 A That's correct.

24 Q That could in no way hurt you, could it?

25 A Oh, no. That's why she got such good



1 performance reviews.

2 Q Because she was doing a great job?

3 A Oh, and she was. She was doing exactly what she  
4 was hired to do.

5 Q All right.

6 A She coordinated between the Department of  
7 Energy, which at that time was J.D. Dowell and Jon  
8 Peshong, and the organization that we had downstairs run  
9 by Lynn Tanasse, who were the technical IT personnel.

10 Q When you rate --

11 A And she did a great job of that.

12 Q Wouldn't you rate her as one of your top people  
13 in 2012?

14 A I think most of my people were top, if not all  
15 of them were top people; but she was doing exactly what I  
16 had asked her to do.

17 Q It says here Young is aware of Atwood's  
18 dissatisfaction with Young as senior -- in Young's senior  
19 management role. Is that true?

20 A Yeah, the question that came down to me that day  
21 was pretty interesting. The question came --

22 Q Let's just answer the question, is it true?

23 A Is what true?

24 Q Is it true that you were aware of Ms. Atwood's  
25 dissatisfaction with your senior management role?

1 A I had been made aware by my people, yes.

2 Q So you didn't confront Ms. Atwood and ask her if  
3 she was dissatisfied?

4 A No, not at all.

5 Q In fact, Ms. Atwood constantly came to you to  
6 make sure she was doing okay; right?

7 A That's not a true statement. Ms. Atwood didn't  
8 constantly come to me to make sure she was doing okay. I  
9 don't think Ms. Atwood felt she had the need to come to me  
10 and be reassured all the time.

11 Q Is it true that you told Wendy Robbins on  
12 October 2nd, 2012 that your goal is to help Atwood enjoy  
13 her job or make a change? Young said that Atwood had  
14 endeared herself to a couple of DOE representatives which  
15 makes it difficult for him to take action. You said that  
16 to Wendy Robbins in 2012?

17 A I did.

18 Q So you wanted to take some kind of action  
19 against her; right?

20 A Read that again.

21 Q Sure.

22 MR. SHERIDAN: Can we highlight that? It's  
23 at the bottom of the big paragraph.

24 Q (By Mr. Sheridan) Young's goal is to help  
25 Atwood enjoy her job or make a change. That's true;

1 right?

2 A Yeah, I think the best thing a manager can do is  
3 try to help their employees enjoy their job more.

4 Absolutely.

5 Q Well, she enjoyed her job, didn't she?

6 A Well, not according to what I was being told.

7 Q Well -- wait, wait. Being told by Ms. Atwood or  
8 somebody else?

9 A By the rest of the organization.

10 Q But Ms. Atwood told you she loved her job;  
11 right?

12 A No, she never told me that.

13 Q She told you she didn't like her job?

14 A She never told me that.

15 Q So what, did you not talk to Ms. Atwood?

16 A We talked quite often, but we don't talk about  
17 that -- that's kind of that soft level. Most the time we  
18 were talking about the work that needed to get done.

19 Q Okay. So if that's the case, why would you tell  
20 an investigator that your goal was to help her enjoy her  
21 job or make a change?

22 A The investigator had brought up the fact that  
23 she was under the impression that there might be some  
24 problems. I said I had heard that. I feel my job was to  
25 help Julie Atwood enjoy her job better. If not, then

1 maybe I need to find something else for her to do where  
2 she's happy.

3 Q Well, either she's doing great or she's not,  
4 which was it?

5 A She was --

6 MS. ASHBAUGH: Objection -- oh, wait.

7 Objection, argumentative.

8 THE COURT: Sustained.

9 Q (By Mr. Sheridan) So you wanted her to maybe  
10 leave the organization; right?

11 A Not at all.

12 Q What does make a change mean?

13 A That's kind of a leading question. What I said  
14 was, I would like to find a way to make sure she's happy  
15 in her job. If she's not, I'll do what it takes to help  
16 her find something where she is happy.

17 Q Okay.

18 A It's that simple.

19 Q But you didn't say this to her?

20 A I said it to the investigator.

21 Q No, no, you didn't say it to Ms. Atwood.

22 A I did not.

23 Q And you're her only manager. She has no other  
24 manager; right?

25 A That's correct.

1           Q     Then it says, Young said that Atwood has  
2 endeared herself to a couple of DOE representatives, which  
3 makes it difficult for him to take action. What action  
4 did you find it difficult to take?

5           A     Well, the action was whether or not I liked the  
6 way the process was going on the technical side.

7           Q     Well, you loved the way it was going.

8           A     What I'm talking about is the style of a  
9 dashboard. A dashboard is comprised of many components.  
10 There are things I wanted to change. She may not like the  
11 change I wanted. I could get overwritten by the  
12 Department of Energy.

13          Q     It's neither your decision nor Julie Atwood's  
14 decision what the customer wants; right?

15          A     Well, that's not necessarily true. The  
16 Department of Energy many times comes to us and says how  
17 do you think this should operate? I've written many  
18 programs and many systems for the Department of Energy.  
19 They didn't tell me exactly how they wanted it to look.  
20 They came and said, this is the technical information we  
21 need.

22          Q     You've heard the testimony that DOE loved the  
23 dashboard; right?

24          A     Oh, absolutely. It's our pride and joy.

25          Q     So --

1           A       Yeah.

2           Q       And it was Julie Atwood that was responsible for  
3 the dashboard.

4           A       Well, that's, that's quite a broad statement.

5           Q       Well, she was in charge of the team --

6           A       No, she.

7           Q       -- that was in charge?

8           A       She really wasn't in charge of the team.

9                   Julie's job was to coordinate between the  
10 Department of Energy and the time that was doing the  
11 technical support. Julie and I, neither one, were IT  
12 professionals.

13          Q       So who led the IT professionals?

14          A       A lady by the name of Lynn Tanasse.

15          Q       Was in charge of Portfolio Management project?

16          A       She was in charge of the IT personnel who worked  
17 out of Lockheed Martin.

18          Q       I see, okay. So when all of those people from  
19 DOE testified that it was Julie Atwood that was their main  
20 interaction in getting that job done, that was wrong?

21                   MS. ASHBAUGH: Objection, Your Honor,  
22 argumentative and mischaracterizes the testimony.

23                   THE COURT: Sustained.

24          Q       (By Mr. Sheridan) So DOE was not happy with  
25 her.

1           A       Her job -- she was the face of Portfolio  
2 Management as it came to building the dashboards. Her job  
3 was to work with the Department of Energy and to get the  
4 information back and forth between the client and the  
5 technical team putting it together.

6           Q       So --

7           A       They wouldn't know which people were doing what  
8 on the team. Her job, she was the face of the  
9 organization. Absolutely. And I was glad she -- she even  
10 got an award while I was there.

11          Q       Yes, she did. Go ahead.

12          A       And I was proud of her for it. And I was glad  
13 about the fact that they even recognized there were other  
14 people doing work besides her.

15          Q       Let's focus on the questions. So how about this  
16 last sentence? It says she's endeared herself with a  
17 couple DOE representatives, which makes it difficult for  
18 you to take action. What action did you want to take?

19          A       I think I answered that question.

20          Q       What was it?

21          A       I tried to tell you that there were changes to  
22 the process, there were changes to the dashboard. There  
23 were things I wanted to change on it, which made it  
24 difficult. If Julie chose that she didn't like the  
25 direction I wanted to go, she simply went to DOE, ahead of

1 me, ahead of making those changes, and that made it  
2 difficult for me to make the changes I thought were  
3 better. True, the government owned it, but I also wanted  
4 the opportunity to make some changes that I thought were  
5 good.

6 Q You're a generalist, aren't you?

7 A A what?

8 MS. ASHBAUGH: Object.

9 Q (By Mr. Sheridan) Generalist.

10 MS. ASHBAUGH: Objection, vague.

11 THE COURT: Overruled.

12 A A generalist?

13 Q (By Mr. Sheridan) Yes. What's your main --

14 A My background is --

15 THE COURT: One second.

16 MR. SHERIDAN: One at a time.

17 THE COURT: Yeah. And so, Mr. Young,  
18 you'll let Mr. Sheridan finish his question and Mr.  
19 Sheridan will provide you the same courtesy. And  
20 he'll allow you to completely finish your answer.

21 THE WITNESS: Thank you, Your Honor.

22 THE COURT: It makes it easier for our  
23 court reporter.

24 THE WITNESS: I'll try to do that.

25 MR. SHERIDAN: Thank you.



1 THE COURT: Reask your question, Mr.  
2 Sheridan.

3 MR. SHERIDAN: Sure.

4 Q (By Mr. Sheridan) So your strength is budget;  
5 right?

6 A My strength is cost analysis, cost control,  
7 project controls, quality assurance engineering and budget  
8 and finance, and contracts.

9 Q Okay. When you had your consulting business,  
10 you basically focused on budget?

11 A No, most of it was on very specific projects,  
12 some dealings with acquisition, some dealing with budget,  
13 budget process.

14 Q Looking at the October 2nd, the big paragraph  
15 again, oh, about four lines up. Wendy Robbins writes,  
16 Young deals with Atwood issues on a near weekly basis, but  
17 gave Atwood a stellar performance appraisal in June of  
18 2012 based on Atwood's delivery of quality products on  
19 time. That's true; right?

20 A Correct.

21 Q So you were telling the investigator that you  
22 have issues with her every single week; right?

23 A No.

24 Q Well, it says, Young deals with Atwood issues on  
25 nearly weekly basis; that's true?

1           A       What is written there is what you just read.

2           Q       Is it true?

3           A       The problem I was having was people were coming  
4 into my office on a weekly basis complaining about Julie.

5           Q       And you mean, you mean Delannoy?

6           A       Oh, I could go down the list of people in the  
7 organization at that time.

8           Q       Okay. Well, in any case, so if you had notice  
9 that she was a management problem, it was your duty to do  
10 something about it; wasn't it?

11          A       I didn't say she was a management problem.

12          Q       Well, you said, Young deals with Atwood issues  
13 on nearly a weekly basis. That's not a very stellar  
14 report, is it?

15          A       Well, what I was trying -- what I was talking to  
16 -- and you can certainly bring her back, but what we were  
17 talking about is the challenges I was facing with people  
18 constantly coming into my office. Julie Atwood and I  
19 would probably talk a real conversation maybe once every  
20 other week.

21          Q       Well, let me ask you this: If you don't want to  
22 undermine an employee, and other employees are coming in  
23 to say nasty things about them, don't you have a duty to  
24 protect that employee?

25                   MS. ASHBAUGH: Objection, argumentative.

1 THE COURT: Overruled.

2 A Do I have -- I have a responsibility to protect  
3 all of my employees.

4 Q (By Mr. Sheridan) Well, if there is a problem,  
5 a manager has to deal with it; right?

6 A A manager has to deal with his problems, yes.

7 Q You don't let people come in and talk to Julie  
8 Atwood -- about Julie Atwood behind her back and do  
9 nothing about it, do you?

10 A How do you know I didn't do anything about it?

11 Q Because you're telling the investigator the  
12 problem without giving a solution; right?

13 A She wasn't asking for solutions at that time,  
14 she was asking questions.

15 Q Fair enough. In this paragraph, you also said  
16 Atwood said -- I mean, Young said that Atwood told him,  
17 DOE, and others that a couple of people should be gone.  
18 You told that to the investigator?

19 A Those are not my words.

20 Q Young said that Atwood told him, DOE, and others  
21 that a couple of people should be gone. That's what you  
22 told the investigator.

23 A Oh, yes, that's a true statement.

24 Q And that, again, is just -- why would you tell  
25 that to an investigator instead of dealing with the

1 problem if there was a problem?

2 A I had dealt with the problem.

3 Q And how do you do it? One would guess you would  
4 have counseled her and it would appear in her performance  
5 evaluation; correct?

6 A Not necessarily.

7 Q Well, I don't want to know necessarily, I want  
8 to know what you did. What did you do?

9 A I had a meeting with Julie and I talked about  
10 the fact that we've got to be careful what we say to DOE.  
11 These are the comments I had heard her make. I had heard  
12 that she had made to DOE.

13 Q All right. Look at the beginning of that,  
14 again, right in the middle. It says Young thinks Atwood  
15 threatens people. You told this to an investigator?

16 A I think I've answered that question already.

17 Q It doesn't say somebody told me, it says Young  
18 thinks Atwood threatens people. That's what you told the  
19 investigator.

20 A That is not what I told the investigator.

21 Q So the investigator got it wrong.

22 A Correct.

23 Q So you didn't tell her that Atwood threatens  
24 people?

25 A I told her that I had received a number of

1 complaints from people in the organization saying that she  
2 periodically threatens people.

3 Q So periodically, not everyday. So if she is  
4 this much of a problem, how did you ever give her a good  
5 performance evaluation?

6 A Well, you have to understand how the performance  
7 appraisals are developed. You have to remember -- you  
8 want me to answer how the performance appraisals work?

9 Q Well, I can kind of guess where you're going,  
10 let's move on.

11 A Of course.

12 Q You'll get to say it with the other lawyer?

13 A All right.

14 Q So I gather what you're saying is when you give  
15 a good performance evaluation, it's really not designed to  
16 tell the person how they're really doing --

17 MS. ASHBAUGH: Objection.

18 Q (By Mr. Sheridan) -- is that true?

19 MS. ASHBAUGH: Objection, argumentative.

20 THE COURT: Overruled.

21 A Not true, not true.

22 Q (By Mr. Sheridan) So if you signed your name  
23 at the bottom of Julie Atwood's performance evaluation,  
24 it's because you believed what was written was true;  
25 correct?

1           A       Correct.

2           Q       Because it would be a lie otherwise; correct?

3           A       Correct.

4           Q       So when you gave her a good performance  
5 evaluation it's because she earned every part of it;  
6 right?

7           A       Correct.

8           Q       So when you're telling me -- when you're telling  
9 the investigator that she's -- well, you say not  
10 threatening people, you're saying I heard she's  
11 threatening people periodically; right?

12          A       That's correct.

13          Q       Again, that's not in her performance evaluation;  
14 right?

15          A       That's correct.

16          Q       And you're not telling her that; right?

17                   MS. ASHBAUGH:  Objection, mischaracterizes  
18 his testimony.

19                   THE COURT:  Sustained.

20          Q       (By Mr. Sheridan)  Well, you are telling her  
21 that?  You're telling Julie that I hear you're threatening  
22 people?

23          A       First of all, I had not confirmed any of these  
24 things were true.  In the conversation, in the  
25 conversation that I had during this investigation, the

1 questions being asked of me is: Are you having problems?  
2 Read what it says. I said, no, she's a good performer.  
3 The problems I'm hearing about are such and such. That's  
4 what led to me following up with one-on-one conversations  
5 with Ms. Atwood.

6 Now prior to that, we had had a couple of  
7 conversations.

8 Q Uh-huh. All right. So if there were  
9 conversations where you counseled her, you would have  
10 documented that; right?

11 A Sometimes.

12 Q We would be able to find a record of that;  
13 right?

14 A Sometimes. Sometimes we would just sit and  
15 talk.

16 Q Well, how about, is there any time you  
17 documented a conversation with Ms. Atwood where you gave  
18 her counseling, any time --

19 A I don't recall.

20 Q -- one time? Not once; right?

21 A I don't recall.

22 Q And if you did, you would have produced it in  
23 this case; right?

24 A If I knew where it was.

25 Q Okay. So it's true, is it not, that you would

1 up meeting with Mr. Jensen, Todd Beyers to talk about --  
2 in October of 2012 -- what to do with Ms. Atwood; right?

3 A You have to show me that one, I don't recall  
4 that.

5 Q Did you have a meeting with anybody regarding  
6 the path forward with Ms. Atwood?

7 A The first meeting we had was after her, after  
8 she had gone on her Malaysia trip.

9 Q Let's look at the November -- so you just said  
10 the first meeting we had was when she went on --

11 A First meeting I remember having was --

12 Q -- on her Malaysia trip --

13 A There was a time I had --

14 THE COURT: Gentleman, gentleman.

15 MR. SHERIDAN: I'm sorry.

16 THE WITNESS: Sorry.

17 THE COURT: Recall the courtesies you  
18 provide each other.

19 MR. SHERIDAN: Yes.

20 THE COURT: Thank you.

21 A Go ahead.

22 Q (By Mr. Sheridan) So you had just said that  
23 the first time you remember meeting about her was when she  
24 went on her Malaysia trip; right?

25 A After she came back. I think, Mr. Sheridan, I



1 think there might have been another meeting where I did  
2 meet with Chris Jensen about something.

3 Q Okay. Let's take a look on November 1st, 2012  
4 in that entry.

5 So this was a meeting with Robbins, Hinton,  
6 Jensen, Protsman and you to develop a path forward;  
7 right?

8 A I don't remember Jensen. Possibly, maybe he  
9 came in late. I do, I do remember this meeting. This was  
10 the budget problem meeting.

11 Q All right.

12 A The first one.

13 Q All right. And there was a work scope review;  
14 right, by DOE as a result of this?

15 A DOE was doing a review of the work plan for  
16 Portfolio Management.

17 Q Now let's jump up to November 28th, the case  
18 closed entry. All right. And this is on the 28th. Wendy  
19 Robbins writes, management was aware of the situation  
20 prior to ECP's involvement and is working to address the  
21 issue. Based on management interviews, a formal hostile  
22 work environment investigation was determined to be  
23 detrimental to management's efforts to curtail any actions  
24 that may be perceived as intimidating or hostile by the  
25 accused individual. This is about Julie Atwood; right?

1           A       I don't know.

2           Q       Well, let's look at the next paragraph. Jensen  
3 spoke with Todd Beyers, MSA HR and agreed that this is a  
4 management issue. Jensen stated that the timecard issues  
5 have been corrected per time reporting procedures. And  
6 Jensen also confirmed that DOE has voiced their opinion  
7 regarding hiring and firing in the Portfolio Management  
8 Group. However Atwood's influence could not be confirmed  
9 or denied and it is not within MSA's purview to interview  
10 DOE personnel. Any allegations pertaining to DOE were not  
11 investigated but rather provided DOE ECP and DOE HR for  
12 their action in the initial allegation?

13          A       Yeah, it appears to be in the response to an  
14 employee concern.

15          Q       So is it true that as of November 28th, 22012,  
16 you and Mr. Beyers and Mr. Jensen took the position that  
17 Ms. Atwood was creating a hostile work environment?

18          A       I don't, I don't read it the same way. Based on  
19 what this says, it says based on management interviews a  
20 formal hostile work environment investigation was  
21 determined to be detrimental to management's efforts to  
22 curtail.

23          Q       Curtil what?

24          A       Any actions that may be perceived as  
25 intimidating or hostile by the accused individual.

1 Q The accused individual was Ms. Atwood; right?

2 A I'll just have to go with you on that one based  
3 on the second -- the lower part of the paragraph.

4 Q It's true, is it not, that nobody told her that  
5 this was happening behind her back?

6 MS. ASHBAUGH: Objection, it's vague.

7 MR. SHERIDAN: I'll ask it a different way.

8 Q (By Mr. Sheridan) It's true, is it not, you  
9 didn't tell her this was happening behind her back, did  
10 you?

11 MS. ASHBAUGH: Same objection.

12 THE COURT: Overruled.

13 A I don't recall. I just don't recall.

14 Q (By Mr. Sheridan) What you were doing was  
15 papering her file for later use; right?

16 A Not true.

17 MR. SHERIDAN: This is a good time to  
18 break, Your Honor.

19 THE COURT: All right. Ladies and  
20 gentlemen of the jury, we're going to adjourn for the  
21 evening. During the evening, please don't discuss  
22 the case with any family or friends. Feel free to  
23 blame it on me, you're under my court order not to do  
24 that. When you -- oh, yes, sir, yes, sir.

25 JUROR NUMBER 13: I have a question.

1                   THE COURT: Yes, sir. Why don't we have  
2 you write it down, send it and then I'll continue.

3                   Don't reach out or do any independent research  
4 on any laptop computer.

5                   Again periodically I mention that if you see  
6 something in a paper or hear something on the radio  
7 or see something on TV, it's your obligation, because  
8 you're an officer of the court, to cease reading,  
9 listening or viewing it. If that does come to your  
10 attention, let Mr. Ruegsegger know.

11                   Also don't let anybody talk to you about what  
12 they may have read, heard or seen. And I can't  
13 emphasize enough, I don't give this instruction to  
14 suggest that this case is newsworthy, I give this  
15 instruction in every case.

16                   During the evening, come and go at the  
17 direction of Mr. Ruegsegger.

18                   Like to try and start tomorrow at nine. Does  
19 anybody have a scheduling problem tomorrow that would  
20 preclude them from starting promptly at nine in the  
21 morning? I want to try to begin and use as much of  
22 the days as possible moving forward.

23                   So subject to the question, which I'll  
24 keep everything here in case it pertains to  
25 everyone.

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(Whereupon the Court  
read the note from  
the juror.)

THE COURT: Sir, Mr. Young's going to  
retake the stand in the morning and so you'll have an  
opportunity to ask this.

What I'm going to do is I'm going to give it  
back to the bailiff and we're going to keep it. And  
prior to me discharging him off of the witness stand,  
I am doing much better now with my note, and I'll  
remember, if that question hasn't been answered for  
you, we'll allow you and anybody else to ask Mr.  
Young any questions that you would like.

JUROR NUMBER 13: Okay.

THE COURT: Have a good evening and we'll  
see you in the morning.

(Whereupon the jury  
was taken out of  
the courtroom.)

THE COURT: I'm going to have Mr.  
Ruegsegger, I think -- I've never had this come up  
before. I think I would like him to keep it to  
himself.

MR. SHERIDAN: Yes.

THE COURT: So that neither counsel see  
what the inquiry is until after the end.

MR. SHERIDAN: That makes sense.

1 THE COURT: I think that's appropriate, but  
2 if either counsel thinks that's not, let me know.

3 MS. ASHBAUGH: There is no objection from  
4 the defendants.

5 THE COURT: Okay.

6 MR. SHERIDAN: That's fine.

7 THE COURT: Let's see if we can start up at  
8 nine tomorrow morning. And if counsel want to pose  
9 issues and have me rule on something before then, let  
10 the bailiff know and we can come out at 8:30.

11 MS. ASHBAUGH: I have two questions. One,  
12 you had mentioned asking the jury or advising the  
13 jury that we may be going into a fourth week. We  
14 didn't do that today, so I just --

15 THE COURT: I sort of did --

16 MS. ASHBAUGH: Oh, okay.

17 THE COURT: -- through Mr. Ruegsegger. And  
18 the only thing that we got back was that one of the  
19 jurors have flights on October 11th and 12th.

20 MS. ASHBAUGH: Okay.

21 THE COURT: And none of the other jurors  
22 have indicated a problem.

23 MR. SHERIDAN: Good.

24 MS. ASHBAUGH: And the other issue, I know  
25 you spent most of the weekend on jury instructions.

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If you have any indication when we may take up argument on that, that would be great.

THE COURT: Okay.

MS. ASHBAUGH: I know we're trying to get everything --

THE COURT: It's never too early to think about those. But let me give some thought to that.

MS. ASHBAUGH: Great. Thank you.

THE COURT: We can go off record.

(A discussion was held off the record.)

(Court was adjourned.)

1 STATE OF WASHINGTON )  
2 COUNTY OF BENTON ) ss.

3  
4 I, CHERYL A. PELLETIER, Official Court Reporter of  
5 the Superior Court of the Kennewick Judicial District,  
6 State of Washington, in and for the County of Benton,  
7 hereby certify that the foregoing pages comprise a full,  
8 true and correct transcript of the proceedings had in the  
9 within-entitled matter, recorded by me in stenotype on the  
10 date and at the place herein written; and that the same  
11 was transcribed by computer-aided transcription.

12  
13 That I am certified to report Superior Court  
14 proceedings in the State of Washington.

15  
16 WHEREFORE, I have affixed my official signature this  
17 1st day of October, 2017.

18  
19  
20  
21 Cheryl A. Pelletier, RPR, CCR  
22 Official Court Reporter  
23  
24  
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