

In The Matter Of:
Boyd
vs
ACRO, Inc., et al.

Deposition of
Mitchell Zornes
April 20, 2022



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

ALORA BOYD,)	NO. 21-2-00205-13
)	
Plaintiff,)	
)	
vs.)	
)	
ACRO, Inc., DBA CHICO'S PIZZA)	
PARLOR, and MITCHELL ZORNES,)	
)	
Defendants.)	

REMOTE DEPOSITION OF MITCHELL ZORNES

Deposition upon oral examination of Mitchell Zornes taken at the request of the Plaintiff, before Danelle Bungen, CSR, via Zoom videoconferencing, by Crotty & Son Law Firm, 905 W. Riverside Ave, Suite 404, Spokane, Washington, commencing at 9:00 A.M. on April 20, 2022, pursuant to the Washington Rules of Civil Procedure.

CERTIFIED COPY



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16 ALSO PRESENT REMOTELY:

17 Alora Boyd

18
19
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21
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1 P R O C E E D I N G S

2

3 COURT REPORTER: My name is Danelle Bungen.
4 I am an Idaho, Washington and California
5 state-certified court reporter.

6 Please note it is imperative that everyone
7 speak slowly, clearly and one at a time. Overlapping
8 speakers are not as discernible over web conferencing
9 and cannot be reported as accurately, and I may have
10 to interrupt at times if there is a glitch in the
11 audio.

12 At this time I will ask counsel to agree on
13 the record that there is no objection to this
14 deposition officer administering a binding oath to the
15 witness remotely, beginning with the noticing
16 attorney, please.

17 MR. CROTTY: No objection.

18 MR. BEVIER: No objection from us.

19

20 MITCHELL ZORNES

21 was called as a witness by the Plaintiff, and having
22 been first duly sworn, was examined and testified as
23 follows via Zoom videoconferencing:

24 THE WITNESS: I do.

25 ///



1

EXAMINATION

2 BY MR. CROTTY:

3 Q. For the record, sir, can you please state your name?

4 A. Mitchell Dennis Zornes.

5 Q. Have you ever had your deposition taken before?

6 A. No.

7 Q. I'm going to run through a couple rules just so we're
8 on the same sheet of music. So even though you're in
9 front of a computer and I'm in front of a computer, I
10 want you to recognize the testimony you're giving
11 today is just like you're giving testimony before a
12 judge or a jury in court. Do you understand that?

13 A. I do.

14 Q. And in order to help the court reporter do her job,
15 please let me finish the question before you answer.
16 Do you understand that?

17 A. Yes.

18 Q. If there is a question that I ask you and you don't
19 understand it, feel free to ask me for clarification
20 and I'll do my best to clarify. Do you understand
21 that?

22 A. Yes.

23 Q. And if there's no clarification asked, I'm going to
24 take that to mean that you understand the question and
25 can answer accordingly. Do you understand that?



1 A. Yes.

2 Q. What did you do to prepare for today's deposition?

3 A. Nothing I can think of that would -- I didn't know
4 what to expect, so --

5 Q. Outside of your attorney -- I can't ask you what you
6 and your lawyer talked about, but I can ask: Did you
7 meet with your lawyer to prepare for the deposition?

8 A. Yes.

9 Q. Again, I can't ask what was said, but I can ask: How
10 long did that meeting take place?

11 A. Approximately 5 to 10 minutes.

12 Q. And did you look at any documents in preparation for
13 today's deposition?

14 A. No.

15 Q. Did you look at any e-mails or text messages in
16 preparation for today's deposition?

17 A. No.

18 Q. Outside of your attorney, did you talk to any
19 non-lawyer about the fact that you were getting
20 deposed today?

21 A. My daughter.

22 Q. And who's your daughter?

23 A. Jennifer Wall.

24 Q. And how long --

25 COURT REPORTER: Excuse me, Mr. Crotty, that



1 cut out for me.

2 (Discussion off the record.)

3 Q. (BY MR. CROTTY) How long was your conversation with
4 Jennifer Wall as it relates to your deposition?

5 A. Just a few minutes, just to tell her that I had the
6 deposition today, and she said, "Good luck," and that
7 was the end of it.

8 Q. Where did that conversation take place? In person or
9 over the phone?

10 A. Phone.

11 Q. Did you call her or did she call you?

12 A. I called her.

13 Q. Did you guys talk about anything else during that
14 telephone call?

15 A. Just a wedding anniversary.

16 Q. Have you ever had any discussions with Ms. Wall
17 regarding Alora Boyd?

18 A. No.

19 Q. Can you take me through your education since high
20 school? And I'll just start by asking, did you
21 graduate high school? And if so, when?

22 A. Yes; 1980.

23 Q. And then following your high school graduation,
24 briefly take me through your educational --

25 A. I believe by 1985 I received an AA in Small Business



1 Management -- or an AS in Small Business Management.
2 And then in the year 2000 I received a Bachelor's in
3 Food Science and Nutrition with a minor in Business
4 Administration.

5 Q. Where did you get your BA from?

6 A. Central Washington University.

7 Q. And then can you take me through your work experience
8 from high school on up, again just real brief?

9 A. It's all been at the restaurant, Chico's Pizza Parlor.

10 Q. Have you served in the military?

11 A. Correct.

12 Q. For how long?

13 A. 20 years.

14 Q. And when did you first join?

15 A. Sorry, I don't recall at this moment. It's been 20,
16 30 years ago. I don't recall.

17 Q. And what branch of the service was it?

18 A. Army.

19 Q. Active-duty Army or one of the reserve components?

20 A. A combination of active duty and reserve.

21 Q. And how long were you on active duty?

22 A. Off and on, approximately five years.

23 Q. And then the rest, was that Army Reserves or Army
24 National Guard?

25 A. National Guard.



1 Q. And what was your -- Were you an officer or enlisted?
2 A. Officer.
3 Q. The entire time?
4 A. No.
5 Q. What did you start off as an enlisted person?
6 A. E3.
7 Q. And what was your MOS?
8 A. 88M, truck driver.
9 Q. And then when did you become an officer?
10 A. Approximately six years into my military time, I went
11 to OCS.
12 Q. And what was your branch as an officer?
13 A. It was an officer -- a transportation officer.
14 Q. And what was your rank when you left the military?
15 A. Captain.
16 Q. And what type of discharge did you receive?
17 A. Honorable.
18 Q. And did you get any awards or decorations while you
19 were in the military?
20 A. Numerous, yes.
21 Q. What were they?
22 A. I don't recall at this time. There's -- they're on
23 the wall. But, yeah.
24 Q. Did you ever serve overseas?
25 A. Iraq, Germany, Japan.



1 Q. And when were you in Iraq?

2 A. 2004.

3 Q. And was that from 2004 through 2005?

4 A. May 2004 to May 2005.

5 Q. What was your -- What work were you doing in Iraq?

6 What was your --

7 A. Public Affairs.

8 Q. During the -- during your time in the military, did
9 you receive any leadership training?

10 A. Yes.

11 Q. And what type of leadership training did you receive?

12 A. OCS would be the one. Then there were others, but I
13 don't recall what they might have been. It's been a
14 while.

15 Q. And what year was it when you got out of the military?

16 A. I couldn't be specific on that. I don't recall right
17 off the top of my head.

18 Q. Based on your leadership training, military
19 experience, would you agree that the concept of
20 personal responsibility is important?

21 A. Yes.

22 Q. Based on your military training, leadership
23 experience, would you agree that the concept of
24 personal accountability is important?

25 A. Yes.



1 Q. And would you agree, based on your military service
2 and leadership training, that at times it's important
3 for a leader to admit when he or she got something
4 wrong?

5 A. Yes.

6 Q. Why is that important?

7 A. It's part of the accountability of being in the
8 military.

9 Q. During the 20-or-so years that you were in the
10 military, did you receive any training on the
11 prevention of sexual harassment?

12 A. Yes.

13 Q. And about how much training did you receive? Do you
14 recall how many classes, what the type of training
15 was, who took it?

16 A. I know that I received it, but I don't know how much
17 or how often. It was a number of years ago.

18 Q. Ballpark, would that training be about once a year
19 during the time frame where I believe you're mandated
20 to do annual training on varied regulations and
21 requirements?

22 A. I don't recall it being done that often.

23 Q. Do you remember what you learned from the sexual
24 harassment prevention training that you got when you
25 were in the military?



1 A. I don't recall, at this time, specifics.

2 Q. During the time that you served in the military, were
3 you ever in a command position?

4 A. Yes.

5 Q. From when to when?

6 A. At different times in my career I was a platoon leader
7 or captain, company commander.

8 Q. And when you were a company commander, what type of
9 unit were you commanding?

10 A. The Public Affairs unit for a period; Transportation
11 unit.

12 Q. In either one of those commands, were there female
13 soldiers under your command?

14 A. Yes.

15 Q. Would you agree that, as a commander in the US Army,
16 it was one of your duties to ensure that your female
17 soldiers were not harassed by their male superiors?

18 A. Yes.

19 Q. Based on your command experience in the military,
20 would you agree that it's not appropriate for a male
21 of higher rank to flirt with a lower-ranking female?

22 A. I would agree.

23 Q. And would you agree, on the flip side, it's not
24 appropriate for a high-ranking female to flirt with a
25 lower-ranking male soldier?



1 A. Yes.

2 Q. And would you agree that as a leader or commander of a
3 unit, if you learned that a soldier of either gender
4 was flirting with a soldier of another gender, that
5 that's behavior that should be immediately addressed?

6 A. It's fraternization. Yes.

7 Q. What actions -- Strike that.

8 During the time that you served in the
9 military, were you ever made aware of any sexual
10 harassment type complaints in any of the units you
11 commanded?

12 A. No.

13 Q. Had you been made aware of a male soldier flirting
14 with a female soldier, what actions would you have
15 taken?

16 A. Would have followed the UCMJ and company policy.

17 Q. And what is the UCMJ?

18 A. I'm not familiar with that. We never had the incident
19 occur, so I never had to look to see what it was.

20 Q. But just as a general proposition, do you -- You said
21 "UCMJ." What does that mean?

22 A. The Uniform Military Code of Justice.

23 Q. And did you -- I guess, would you agree that you
24 learned some leadership skills while serving in the
25 military?



1 A. Yes.

2 Q. Did you apply those leadership skills to the -- I
3 guess your employment at Chico's Pizza?

4 A. Some, but it's quite different.

5 Q. And what aspects of your military experience did you
6 apply to running Chico's?

7 A. More of the recordkeeping, documentation type, on
8 time. Disciplining soldiers is different than
9 disciplining civilians.

10 Q. I want to, I guess, transition to leadership in
11 general in the workplace; and is it ever okay for a
12 male boss to hit on a female employee?

13 A. No.

14 Q. Is it ever okay for a male boss to touch a female
15 employee of his without that female's permission?

16 A. No.

17 Q. Is it ever okay for a boss to take advantage of a
18 worker by, for example, propositioning that worker for
19 a romantic relationship?

20 A. No.

21 Q. Is it ever okay for a worker to flirt with his or her
22 boss of an opposite sex in the workplace?

23 A. No.

24 Q. As a manager of a company, what actions would you take
25 if a lower-level worker was flirting with you?



1 A. Just to explain to them the inappropriateness of the
2 action.

3 Q. And would this explanation be in writing, via e-mail,
4 note, or something to that effect, that can be
5 documented and shown to --

6 A. Most likely verbal at first, and then in writing if it
7 happened again.

8 Q. During the time that you worked at Chico's in a
9 management supervisory position, did you ever have to
10 verbally counsel an employee to not flirt with you?

11 A. I don't recall that ever happening.

12 Q. Is it ever okay for a boss to use personal private
13 information, that an employee confides in that boss,
14 against that employee?

15 A. No.

16 Q. Outside of this lawsuit, have you had any experience
17 in the legal system?

18 A. No.

19 Q. Have you -- You mentioned you had a daughter. My
20 question is: Were you married at one point or was it
21 an out-of-wedlock type --

22 A. Married.

23 Q. And are you still married?

24 A. No.

25 Q. So I take it you were divorced then. Or are you a



1 widower?

2 A. Divorced.

3 Q. And when did that divorce take place?

4 A. 35 years ago.

5 Q. And would -- and would Ms. Wall be the only child that
6 you had from that marriage?

7 A. Yes.

8 Q. Do you have any other children?

9 A. No.

10 Q. And I kind of phrased my question -- in the legal
11 system, the question is a little bit vague, so I'll
12 try to clarify it somewhat.

13 When I say "experience in the legal system,"
14 that would mean a divorce action filed --

15 A. Oh.

16 Q. -- that would mean somebody filing a criminal
17 complaint against you, somebody filing a complaint, or
18 some government agency, like L&I or the Human Rights
19 Commission, or the state Attorney General, making any
20 complaint against you.

21 So based on that broad definition, have you
22 had any legal complaints of that nature made against
23 you?

24 A. Two divorces, some speeding tickets, and there's --
25 (Inaudible.)



1 MR. BEVIER: Just answer based upon your
2 knowledge.

3 THE WITNESS: I'm currently being charged
4 with two criminal charges, that haven't gone to court
5 yet, for assault with sexual intent.

6 Q. (BY MR. CROTTY) Do you have a trial date for those
7 criminal charges?

8 A. It's May at some point. Mid-May.

9 Q. That would be May of this year?

10 A. Correct.

11 Q. I'm sorry, I didn't hear you.

12 A. Correct.

13 Q. Have you ever been in an automobile accident?

14 A. Yes.

15 Q. About how many?

16 A. Two.

17 Q. And did any of those automobile accidents involve a
18 motorcyclist?

19 A. Yes.

20 Q. And would that motorcyclist be Leo Fisher?

21 A. I don't recall the name.

22 Q. Do you recall what happened?

23 A. Yes.

24 Q. What happened?

25 A. I was taking a left-hand turn into a parking lot, and



1 the motorcycle approached the side of the vehicle, and
2 it was failure to yield the right of way.

3 Q. When did Chico's first start as a business?

4 A. I believe my grandfather started it in 1958.

5 Q. And do you know when your -- Do you know who, if
6 anybody, your grandfather, I guess, transferred the
7 business to?

8 A. It was repossessed by the bank, and my father
9 purchased it back from the bank approximately 1978.

10 Q. And did that make your father the full owner of the
11 business?

12 A. There was -- it was a stock-held business and so there
13 were other stockholders.

14 Q. And at some point did your father relinquish his
15 ownership interest in the business?

16 A. Yes; I received the ownership interest in the
17 business.

18 Q. And when did you receive that?

19 A. I don't recall at this time.

20 Q. Last 10 years? Last 20 years?

21 A. Over the last 10.

22 Q. And are you now the full 100-percent owner of Chico's?

23 A. Yes.

24 Q. And when I refer to "Chico's," you understand that I'm
25 referring to ACRO, Inc. Do you understand that?



- 1 A. Yes.
- 2 Q. Where did the name Chico's come from?
- 3 A. It was a franchise.
- 4 Q. And then ACRO, what's that? Where'd that name come
5 from?
- 6 A. I'm unaware. My grandfather came up with it.
- 7 Q. And you're now the 100-percent owner of Chico's?
- 8 A. Correct.
- 9 Q. I'm sorry, I didn't hear you.
- 10 A. Correct.
- 11 Q. And in obtaining this 100-percent ownership of
12 Chico's, did you have to pay your father any money?
- 13 A. Yeah; my mother.
- 14 Q. And how much did you pay to obtain 100-percent
15 ownership of the business?
- 16 A. I don't recall.
- 17 Q. Ballpark, though, can you give me an amount?
- 18 A. I have -- I honestly -- It was done in payments over
19 as long as she lived. I don't have that information.
- 20 Q. From the 2016 to 2021 time frame, ballpark, how many
21 people worked at Chico's?
- 22 A. I don't have that information.
- 23 Q. Did you have both male and female employees working at
24 Chico's?
- 25 A. Yes.



1 Q. Do you remember the names of any male employees?
2 A. Just the current ones.
3 Q. And who are they?
4 A. John, Zack, Nick, Joelle.
5 Q. And what's John's last name?
6 A. I don't recall.
7 Q. What about Zack, what's his last name?
8 A. I don't know any of their last names.
9 Q. And do you know the first name of the female employees
10 that currently work with you?
11 A. Liz, Niota (ph), Gabby, and I don't recall the others.
12 Q. Ballpark, though, as you sit here today, how many
13 people work at Chico's?
14 A. 12.
15 Q. At some point did Chico's catch on fire?
16 A. Yes.
17 Q. And when was that?
18 A. I don't recall the exact dates. Probably two years
19 ago.
20 Q. Okay. And do you know how the fire started?
21 A. The oven.
22 Q. And did that fire result in Chico's being closed?
23 A. Yes.
24 Q. For about how long?
25 A. A year.



1 Q. And what happened to your employees when the business
2 closed for that year? Do you remember?

3 A. Insurance paid them for the year.

4 Q. Outside of -- So I take it you made a claim to your
5 insurer regarding the fire damage?

6 A. Yes.

7 Q. Have you made any other claims to any insurance
8 company regarding anything coming out of Chico's? An
9 accident, a complaint of discrimination, an injury,
10 customer lawsuit?

11 A. Not to my knowledge.

12 Q. Do you know who Karson, K-A-R-S-O-N, Voss is?

13 A. The last name again?

14 Q. Voss, V-O-S-S?

15 A. I do not.

16 Q. And since you don't remember, or since you don't know
17 who Karson Voss is, I take it you have no reason one
18 way or the other to question Mr. Voss' honesty?

19 A. I don't recall the individual.

20 Q. Does Chico's have any policies, workplace rules that
21 relate to the prevention of sexual harassment, sexual
22 discrimination in the workplace?

23 A. Not at this time.

24 Q. Is there a plan to implement any policies geared
25 toward the prevention of sexual harassment or sex



1 discrimination?

2 A. I've looked into different policies to implement one.

3 Q. Which ones have you looked into?

4 A. Just whatever I found on the internet. Nothing
5 specific.

6 Q. But as you sit here today -- Strike that.

7 When did you start looking into possible
8 prevention of sexual harassment, sexual discrimination
9 policies?

10 A. Different times over the years.

11 Q. Do you remember when you first started looking into
12 such policies?

13 A. I believe after I retired from the military.

14 Q. And you don't recall when that was?

15 A. I do not recall when that was.

16 Q. But as you sit here today, Chico's has no policies
17 relating to the prevention of sexual harassment or
18 discrimination; correct?

19 A. Correct.

20 Q. And why's that?

21 A. Time.

22 Q. What do you mean by that?

23 A. There's just always something else to do, it seems
24 like; the oven's breaking down or bills have to be
25 paid. There's always something that takes precedence.



1 Q. Is it ever okay for a boss in the workplace to treat
2 an employee differently because of that employee's
3 sex?

4 A. No.

5 Q. And is it ever okay for sexual harassment to happen in
6 the workplace?

7 A. No.

8 Q. And as a former Army officer with command experience,
9 combat experience, would you agree that as a leader of
10 the organization, you need to set the standard?

11 A. Correct.

12 Q. And would you also agree that as a leader of an
13 organization, you need to follow the standard as well?

14 A. Yes.

15 Q. And would you agree that one standard is that it's
16 never okay for sexual harassment to occur at work?

17 A. That's correct.

18 Q. I am going to show you a -- what we're going to mark
19 as Exhibit 1.

20 (Exhibit No. 1 - Equal Employment Opportunity
21 is THE LAW poster - marked for
22 identification.)

23 Q. (BY MR. CROTTY) And do you see what is being shared
24 on the screen?

25 A. Yes.



1 Q. And can you tell us what we're looking at here?

2 A. Equal Opportunity -- Whoop, it's gone.

3 Q. Now do you see it?

4 A. No.

5 Oop. There we go. "Equal Employment
6 Opportunity is THE LAW."

7 Q. And does Chico's have an, I guess, an employee break
8 room?

9 A. Yes.

10 Q. And would the Exhibit 1 that we're looking at, the
11 "Equal Employment Opportunity is THE LAW" document,
12 would that document -- is that document currently
13 posted in the Chico's employee break room?

14 A. Our documents are posted by the time clock. And we
15 just get a packet from the state, and whatever is in
16 the packet, we post it. I don't recall if this is in
17 there or not.

18 Q. So you don't know one way or the other whether
19 Exhibit 1 is posted anywhere at the Chico's work site;
20 right?

21 A. Correct.

22 Q. And how many locations does Chico's have today?

23 A. Just the one.

24 (Exhibit No. 2 - Easter picture with girl -
25 marked for identification.)



1 Q. (BY MR. CROTTY) I'm going to show you what we're
2 going to mark as Exhibit 2. Do you see Exhibit 2?

3 A. Yes.

4 Q. And what are we looking at here?

5 A. An Easter picture with a girl.

6 Q. And would this be a photo from the bulletin board at
7 the Chico's pizza restaurant?

8 A. Yes.

9 Q. And do you know who put that image of the girl on that
10 poster?

11 A. Yes.

12 Q. And who put that there?

13 A. I did.

14 Q. And when did you do that?

15 A. Easter at some point. I don't recall.

16 Q. Have you ever put a similar picture of a male on the
17 bulletin board at Chico's?

18 A. No.

19 Q. I'm going to take you to page 2 of Exhibit 2. Can you
20 tell us what we're looking at there?

21 A. A picture of a girl at Christmas time.

22 Q. And was this picture displayed at one point, or kept
23 at one point, at Chico's Pizza?

24 A. Yes.

25 Q. Is it still there?



1 A. No.

2 Q. When it was at Chico's Pizza, where was it kept?

3 A. On the couch in the office.

4 Q. And this would be your office?

5 A. Correct.

6 Q. And did you put that picture on the couch in your

7 office?

8 A. Yes.

9 Q. And, ballpark, for how long was this picture on the

10 couch in your office?

11 A. I don't recall. Christmas time.

12 Q. Christmas of what year?

13 A. I don't recall.

14 Q. And do you have a recollection as to how you came

15 about getting possession of this picture?

16 A. Off the internet.

17 Q. And has there ever been a similar picture of a male

18 put on your couch in your office at Chico's?

19 A. No.

20 Q. Who is Shelbie Milner?

21 A. She was a General Manager.

22 Q. Is she still employed at Chico's?

23 A. No.

24 Q. When did she leave?

25 A. Probably six months ago.



1 Q. Do you have an understanding as to why she left?

2 A. Job advancement.

3 Q. At any time during Ms. Milner's employment with
4 Chico's, did Ms. Milner ever express any concerns to
5 you that sexual harassment was happening at work?

6 A. Not that I can recall at this time.

7 (Exhibit No. 3 - Text messages - marked for
8 identification.)

9 Q. (BY MR. CROTTY) I'm going to show you what's now been
10 marked as Exhibit 3 and it's an 8-page document. Do
11 you see the first page?

12 A. "Js Teriyaki Grill is preparing your order"?

13 Q. Yeah. Yes. And at times did you ask your employees
14 to deliver food to your home?

15 A. At times. I don't recall if this is one of them.

16 Q. And when you would require your employees to deliver
17 food to your residence, would you from time to time
18 make these requests via text?

19 A. Yes.

20 Q. And on the first page of Exhibit 3, it's written, "It
21 will be there in 30 minutes at the most hopefully."
22 And then it goes on and then you reply, "I love you
23 for that." Do you see that?

24 A. Yes.

25 Q. And do you have any reason to question the accuracy of



1 your statement "I love you for that"?

2 A. It's -- No.

3 Q. Then moving on to page 2 of Exhibit 8, at the top
4 there's a circle with an "M" in it; and would that be
5 "Mitch"?

6 A. Oh. Yes.

7 Q. And you write, "I'm naked though." Do you see that?

8 A. Yes.

9 Q. And any reason to question the accuracy of that text?

10 A. No.

11 Q. I'm going to take you to page 3 of Exhibit 3, there's
12 a photo of a cat and somebody's legs. Do you see
13 that?

14 A. Yes.

15 Q. Whose legs are those?

16 A. I'm sorry, the camera froze.

17 Could you please ask the question again?

18 Q. Sure. Whose legs are we looking at on page 3 of
19 Exhibit 3?

20 A. Mine.

21 Q. And you're texting this image of your legs and a cat
22 to your managers at Chico's, correct?

23 A. Yes.

24 Q. Why are you doing that?

25 A. I don't recall at this time.



1 Q. I'll take you to page 7 of Exhibit 3, at the top
2 there's a circle and "M;" and that would be you,
3 correct?

4 A. Yes.

5 Q. And you're informing your female managers, "Baby girl,
6 I need this now;" correct?

7 A. Yes.

8 Q. Did you ever text any of your male managers words to
9 the effect of, "Baby boy, I need this now"?

10 A. I don't have any male managers. At the time I had
11 none.

12 Q. And have you ever texted any of your male employees at
13 Chico's words to the effect of, "Baby boy, I need this
14 now"?

15 A. No.

16 Q. And then on page 8 of Exhibit 3, you write, "I need
17 you to be a shining light in the darkness. I need you
18 to give me a reason to be sober. Lie to me, tease me,
19 tell me the truth - just tell me why I'm better than
20 this, please." Did I read that correctly?

21 A. Yes.

22 Q. Is that a statement you made?

23 A. Yes.

24 Q. And it's a statement that you made to your female
25 managers?



1 A. Yes.

2 Q. And one of your female managers you made this
3 statement to was Alora Boyd, correct?

4 A. I don't recall at this time and the information isn't
5 given. I can't see where she says she's included in
6 that text.

7 Q. If Ms. Boyd were to testify that she received this
8 text from you about needing "to be a shining light in
9 the darkness," would you have any reason to dispute
10 it?

11 MR. BEVIER: Objection. Speculative.

12 You can answer if you can.

13 THE WITNESS: Yeah, I don't see where her
14 name is specifically on there.

15 Q. (BY MR. CROTTY) I understand that.

16 A. Sure.

17 Q. Well, actually, let's go up to the top of page 8.
18 There's an image to the right of the circled "M." Do
19 you see that?

20 A. Yes.

21 Q. Who is that?

22 A. Shelbie.

23 Q. And that would be Shelbie Milner, correct?

24 A. Correct.

25 Q. And I'll just represent to you that the text string of



1 Exhibit 3 was produced by Ms. Boyd in this lawsuit, to
2 your lawyers, as part what's called the "discovery"
3 process. Do you understand that?

4 A. Yes.

5 Q. So if -- with that understanding, that this is a
6 screenshot from Ms. Boyd's cell phone, would you have
7 any reason to dispute that you made this "I need you
8 to be a shining light in the darkness" statement to
9 Alora Boyd?

10 MR. BEVIER: Objection. Lack of foundation
11 and speculative.

12 You can answer if you can.

13 THE WITNESS: I have no information on that.

14 Q. (BY MR. CROTTY) Are you denying that you said to
15 Alora Boyd and Shelbie Milner, "I need you to be a
16 shining light in the darkness. I need you to give me
17 a reason to be to be sober. Lie to me, tease me, tell
18 me the truth"?

19 Are you denying that you texted those words
20 to Shelbie Milner and Alora Boyd?

21 A. I text them messages, but I do not have the
22 information to know who to besides Shelbie. I don't
23 recall.

24 (Exhibit No. 4 - Text messages - marked for
25 identification.)



1 Q. (BY MR. CROTTY) I'm going to show you what we're
2 going to mark as Exhibit 4, and I'll represent to you
3 these are all text messages that have been produced by
4 Ms. Boyd as part of this lawsuit. Do you understand
5 that?

6 A. Yes.

7 Q. And you write on September 9th, page 2 of Exhibit 7,
8 "For my three angels," and then it goes on. Do you
9 see that?

10 A. Yes.

11 Q. And who were your "three angels"?

12 A. I had at different times different managers. There
13 must have been three at the time, but I don't recall
14 specifically.

15 Q. And would you agree that these three managers you're
16 referring to were all female?

17 A. Yes.

18 Q. Have you ever referred to any male manager, employee,
19 as an "angel" or something similar?

20 A. I don't recall.

21 Q. And Alora Boyd was one of your managers, correct?

22 A. Yes.

23 Q. And if Ms. Boyd were to testify that you -- that she
24 was on this text string where you are saying, "For my
25 three angels," would you have any reason to dispute



1 that?

2 MR. BEVIER: Objection. Speculative.

3 Q. (BY MR. CROTTY) Go ahead and answer.

4 MR. BEVIER: You can answer.

5 THE WITNESS: I understand that she had
6 access to this, but I don't see her name on it, and I
7 don't recall the circumstances specifically to this
8 text message.

9 Q. (BY MR. CROTTY) Are you denying that you have ever
10 referred to Ms. Boyd as an "angel"?

11 A. I don't recall at this time.

12 Q. I'm going to take you to page 3 of Exhibit 4. In the
13 top, there's a picture. Do you see that?

14 A. Yes.

15 Q. And is that you?

16 A. Yes.

17 Q. And is this -- Where are you taking this picture
18 from?

19 A. My residence.

20 Q. And you're not wearing a shirt, correct?

21 A. Correct.

22 Q. And why did you take this picture and then text it to
23 your managers?

24 A. I don't recall the circumstances at this time.

25 Q. Going to page 6 of Exhibit 4, you write, "Why am I not



1 surprised Alora is there first?" Do you see that?

2 A. Yes.

3 Q. And what do you mean by that?

4 A. I don't recall at this time what the conversation was
5 about.

6 Q. And is there anything -- medication, things like
7 that -- that you're on as you sit here today that is
8 affecting your ability to remember things?

9 A. No, just time.

10 Q. Have you ever given gifts to female employees of yours
11 at Chico's?

12 A. Yes.

13 Q. What type of gifts?

14 A. Key chains, purses, computers, cash.

15 Q. Anything else?

16 A. Not that I can recall at this time.

17 Q. Have you ever given any gifts to male employees of
18 Chico's?

19 A. Yes.

20 Q. What?

21 A. Cash, key chains, travel.

22 Q. What do you mean by "travel"?

23 A. We went to Comicon, things like that.

24 Q. "Went to Comicon"?

25 A. Yes.



1 Q. What do you mean by that?

2 A. I took three of the male employees to Comicon last
3 year, and have done other casinos or -- with male
4 employees.

5 Q. And did you also take female employees to the Comicon?

6 A. No.

7 Q. Can you give me the names of any male employees that
8 you gave cash to?

9 A. Zack, John, Nick.

10 Q. And how much did you give Zack?

11 A. I don't recall at this time. It was different times.
12 Also, I guess, Aaron.

13 Q. And you've given cash to female employees as well?

14 A. Correct.

15 Q. And give me the names of the female employees that
16 you've given cash to.

17 A. Shelbie, Alora, Mia, Mariah.

18 Q. And would this, I guess, cash that you're giving these
19 employees, would this be categorized as like a work
20 bonus?

21 A. When they needed help, I offered.

22 Q. Who is Nick Hernandez?

23 A. He's the manager currently, the General Manager.

24 Q. And have you ever given Mr. Hernandez a computer?

25 A. Yes.



1 Q. What type?

2 A. I don't recall at this time.

3 Q. When did you give it to him?

4 A. Approximately a year ago.

5 Q. And was this a computer for Mr. Hernandez to use at
6 work?

7 A. He has it at home.

8 Q. And does he use it for work purposes, to your
9 knowledge?

10 A. He has in the past.

11 Q. Do you have a, I'll call it, photo studio that's
12 located near the Chico's Pizza building in Moses Lake?

13 A. I do not.

14 Q. Have you ever had any type of photo studio located in
15 any location in Grant County, Washington?

16 A. I used to, yes.

17 Q. And where was that studio located?

18 A. In the shopping center where Chico's is.

19 Q. And for how long did you have this photo studio?

20 A. Approximately six months, during the fire when we were
21 closed.

22 Q. And during this six-month time frame, did you ever
23 take any photos of Mr. Hernandez at this studio?

24 A. No.

25 Q. Did you ever ask Mr. Hernandez to come to the studio



1 so you could take pictures of him?

2 A. No.

3 Q. Have you ever offered to pay any medical expenses for
4 Mr. Hernandez?

5 A. No.

6 Q. Outside of Alora Boyd, has any current or former
7 employee of Chico's Pizza ever accused you of any type
8 of discrimination or harassment?

9 A. No.

10 Q. And, again, outside of Ms. Boyd's allegations, in your
11 life have you ever been accused of discrimination of
12 any type, or harassment of any type, or retaliation of
13 any type?

14 A. No.

15 Q. When did you first hire Alora Boyd?

16 A. I didn't.

17 Q. Do you know who did?

18 A. Shelbie Milner -- Shelbie Hernandez.

19 Q. Shelbie Hernandez you said?

20 A. She's married to Nick.

21 Q. Just so I understand, so Shelbie Milner, now her last
22 name is Fernandez, married to --

23 A. Correct.

24 Q. -- Nick Hernandez.

25 A. Correct.



1 Q. And would you agree that Ms. Boyd was hired at Chico's
2 in 2016?

3 A. I don't recall. I didn't hire her.

4 Q. Do you know how old Ms. Boyd was at the time that she
5 was hired?

6 A. I do not.

7 Q. Do you know what Ms. Boyd's starting wage was when she
8 was first hired?

9 A. I do not.

10 Q. At some point was Ms. Boyd promoted to General Manager
11 at Chico's?

12 A. She was supposed to get the position, but she left
13 before she actually took it over.

14 Q. So it's your testimony that Ms. Boyd was never
15 promoted to general manager or worked in a general
16 manager position at Chico's?

17 A. That's correct.

18 Q. And Ms. Boyd left when?

19 A. I believe February 2nd, 2021.

20 Q. Do you have an understanding as to why she left
21 Chico's employment?

22 A. The resignation letter did not state why.

23 Q. I understand the resignation letter didn't state why.
24 But outside of the resignation letter not stating why,
25 did you ever figure out why she left?



1 A. She believed she was being sexually harassed.

2 Q. And how did you come to that understanding?

3 A. This current lawsuit.

4 Q. And outside of this current lawsuit, did you come to
5 that understanding through any other means?

6 A. No.

7 Q. I'm going to represent to you that -- Well, you
8 mentioned Alora Boyd's lawsuit; and that would be the
9 complaint that she has made against you, correct?

10 A. Yes.

11 Q. And I take it you have seen a copy of that Complaint,
12 right?

13 A. Correct.

14 Q. And do you understand that your lawyer filed what's
15 called an Answer to that Complaint?

16 A. Yes.

17 Q. And before your lawyer filed the Answer to the
18 Complaint, did you review the Answer for accuracy?

19 A. Yes.

20 Q. I'm not going to make it an exhibit, but I just want
21 to clarify something. I'll represent to you that I've
22 now shown you on the screen a copy of Ms. Boyd's
23 Complaint. Do you see that?

24 A. Yes.

25 Q. And I want to take you to page 2, paragraph 9, where



1 it is written, "By February 3rd, 2021, Chico's
2 employed Ms. Boyd as a General Manager for 16.75 an
3 hour plus tips and other financial incentives."

4 Do you see where that is written?

5 A. Yes.

6 Q. I am now going to show you your Answer to Ms. Boyd's
7 Complaint, and do you see paragraph 9?

8 A. Yes.

9 Q. And to the right of paragraph 9, it is written that
10 paragraph 9 of Ms. Boyd's lawsuit that she was a
11 General Manager being paid 16.75 an hour plus other
12 benefits is "Admitted."

13 A. I see that.

14 Q. And does that refresh your recollection that Ms. Boyd
15 was a General Manager as of February 3rd, 2021?

16 MR. BEVIER: Objection. Misstates prior
17 testimony.

18 Q. (BY MR. CROTTY) Go ahead and answer.

19 A. Sitting here right now, I know that Shelbie Milner, at
20 the time, was in place and, as the General Manager,
21 she was still working there. I see the document and
22 admit that I had used those terms.

23 Q. So just so I'm clear, you admit that Ms. Boyd was a
24 manager for Chico's as of February 2021?

25 A. She was a manager, yes.



1 Q. And as manager, what were her duties?

2 A. I don't recall the list, but there's a list of
3 managerial duties at work, but I don't recall what the
4 book -- what the -- There's a number of pages that
5 describe her duties, but I don't recall what they are
6 at the moment.

7 (Exhibit No. 5 - General Manager
8 Responsibilities - marked for
9 identification.)

10 Q. (BY MR. CROTTY) And I'm going to show you what we're
11 going to mark as Exhibit 5. Can you tell us what
12 we're looking at here?

13 A. The General Manager Responsibilities.

14 Q. And would this be the General Manager
15 Responsibilities --

16 A. Yes.

17 Q. -- document that you were testifying about earlier?

18 A. Yes.

19 Q. And these would be the duties that Ms. Boyd had when
20 she was a general manager, correct?

21 A. Yes.

22 Q. Do you know if the \$16.75 per hour wage that Ms. Boyd
23 was paid in February 2021, do you know if that was on
24 par with what other restaurant managers were getting
25 paid in Moses Lake?



1 A. I do not.

2 Q. Do you know who your other general managers were from
3 the 2016 to 2021 time frame?

4 A. Mariah, Shelbie, Alora. I don't recall any others at
5 this time.

6 Q. And during the time that Ms. Boyd worked at Chico's,
7 did you have any performance issues with her?

8 A. Yes.

9 Q. What were they?

10 A. I don't have -- I've submitted a list, but I don't
11 have it currently with me.

12 Q. You submitted a list. Who did you submit this list
13 to?

14 A. I believe it was part of answering the questions. I
15 don't know if that information was passed on or not.
16 But we had a detailed conversation about her
17 shortcomings before she took -- before she was
18 supposed to take over the general manager position.

19 Q. And how long did this conversation take place?

20 A. About 30 minutes.

21 Q. And tell me everything you remember telling Ms. Boyd
22 during this 30-minute conversation.

23 A. Because she was going to be becoming general manager,
24 I needed her to set the example and do things
25 properly; and it was a list of things that she had



1 been doing wrong or illegal or -- Yeah. And so -- so
2 I just needed to have her set the example.

3 Q. What was Ms. Boyd doing that you deemed was illegal?

4 A. Okay. I used "illegal" improperly. I was thinking of
5 the time that she would go out on break and do
6 marijuana on break and then come back to work. And in
7 my mind, I guess I felt that that was -- but I
8 don't -- it's not illegal currently.

9 Q. And did you ever document in writing "Ms. Boyd
10 allegedly doing marijuana on break"?

11 A. I put the information on my phone, and when I had the
12 counseling with her, then I discussed that with her
13 and other problems or shortcomings that I had problems
14 with.

15 Q. What were the other shortcomings?

16 A. Ordering -- she was supposed to do the ordering --
17 ordering wrong, not ordering enough, not checking the
18 orders.

19 Using her phone during work hours. Getting
20 around the phone rule by using an iWatch, and then
21 getting around the iWatch by using the work phone for
22 personal calls or texts.

23 There were a number of issues that I just
24 wanted her to do better at so that she could be the
25 general manager.



1 Q. And did Ms. Boyd do better at those issues?

2 A. The next day she -- within the next two days, she put
3 in her notice to quit and left.

4 Q. So when did this conversation take place? Was it
5 before she --

6 A. It was approximately January 31st to February 1st.

7 Q. And she was a general manager at that time, as we've
8 already --

9 A. This was a discussion we were going to have before she
10 became general manager.

11 Q. And your in-court admission to this lawsuit was that
12 as of February 3rd, 2021 Ms. Boyd was a general
13 manager; that's your admission that you made to the
14 court. You understand that.

15 A. I understand that.

16 Q. These supposed performance defects with Ms. Boyd, were
17 any of them ever put in writing and sent to her?

18 A. No. They were discussed verbally.

19 Q. What was Ms. Boyd's reaction?

20 A. She put her notice in and quit.

21 Q. That same day?

22 A. Two days -- like I said, two days later.

23 Q. Have you told me about all of the performance problems
24 that you say you've had with Ms. Boyd?

25 A. No. There were a number of them I don't recall at



1 this time.

2 Q. But as you sit here, you've told me all the specifics
3 you can remember, correct?

4 A. Correct.

5 Q. And at any time between when Ms. Boyd was first hired
6 to when she left, did you ever counsel her on these
7 supposed issues outside of this one conversation?

8 A. I was not her manager. Shelly Milner would have
9 counseled her on any of those issues.

10 Q. Do you know for a fact if Shelbie Milner actually
11 counseled Ms. Boyd on any of those issues?

12 A. I don't have that information.

13 Q. Did Ms. Boyd have a boyfriend during the time she
14 worked at Chico's?

15 A. Off and on.

16 Q. Did you ever refer to Ms. Boyd's boyfriend as her,
17 quote/unquote, roommate?

18 A. Yes.

19 Q. About how often?

20 A. I don't recall.

21 Q. Why did you do that?

22 A. Just an attempt at humor.

23 Q. You mentioned you had performance problems with
24 Ms. Boyd. Did you have performance problems with
25 other employees?



1 A. Yes.

2 Q. And how about performance problems with other general
3 managers?

4 A. Yes.

5 Q. And what were the performance problems that you had
6 with other general managers?

7 A. Well, there was only one general manager and that was
8 Shelbie, and she handled the problems with the
9 managers.

10 Q. Did you have any performance problems with Shelbie?

11 A. Yes, but they were all handled verbally.

12 Q. What were they?

13 A. Following through, being available when -- even
14 off-work times. And I can't recall any others, but
15 I'm sure there were others. She was there for
16 10 years, so --

17 Q. And have you had to fire any employee during your time
18 at Chico's?

19 A. Yes; when I was managing, yes.

20 Q. And how many employees have you fired?

21 A. I don't recall.

22 Q. Do you remember what you fired some of these employees
23 for?

24 A. Probably the two largest reasons were being on time
25 and showing up to work.



1 Q. Do you know the name of the employee that you most
2 recently fired?

3 A. I do not. It would have been six or seven years ago.

4 Q. At one point Ms. Boyd went to the photo studio that
5 you talked about and you took pictures of her. Does
6 that seem right to you?

7 A. Correct.

8 Q. Do you know, remember how many times Ms. Boyd went to
9 your photo studio to have you take pictures of her?

10 A. I don't recall.

11 Q. And can we agree that Ms. Boyd going to the photo
12 studio was her, I'll say, "modeling" for you?

13 A. Yes.

14 Q. And when Ms. Boyd agreed to model for you, what did
15 you take that to mean?

16 A. Just that she would model for me.

17 Q. Nothing more, nothing less?

18 A. No.

19 Q. As you sit here today, do you remember inviting any
20 male employees at Chico's Pizza to the photo studio to
21 take that male employee's picture?

22 A. I did not.

23 Q. Was Ms. Boyd compensated for the photo shoot or shoots
24 that she did?

25 A. Yes.



1 Q. How much?

2 A. I don't recall at this time.

3 Q. Did these photo shoots take place during the time that
4 Chico's was under repair during -- because of the
5 fire?

6 A. Yes.

7 Q. And then these photos that you took of Ms. Boyd, did
8 you ever sell them, give them to anybody else?

9 A. No.

10 Q. Do you remember the last photo shoot that you did with
11 Ms. Boyd?

12 A. I do not, no.

13 Q. And so since you don't remember the last photo shoot
14 you did with Ms. Boyd, would I be correct that you
15 don't remember what you told Ms. Boyd during that last
16 photo shoot?

17 A. No, I do not recall.

18 Q. Have you photographed other female employees of
19 Chico's at the photo studio?

20 A. Yes.

21 Q. Who else?

22 A. Her name is Mia.

23 Q. And how many times did you photo Mia?

24 A. I don't recall.

25 Q. Did you ever criticize Ms. Boyd for not wearing



1 make-up at work?

2 A. Yes.

3 Q. Have you ever made any pornography in this photo
4 studio?

5 A. I -- No.

6 Q. Have you ever told Ms. Boyd, "Lie to me, tease me,
7 tell me the truth"?

8 A. I don't recall.

9 Q. Have you ever referred to Ms. Boyd as a "baby girl"?

10 A. I don't recall.

11 Q. Have you ever referred to Ms. Boyd as a "bad girl"?

12 A. I don't recall.

13 Q. Have you ever referred to Ms. Boyd as a "silly girl"?

14 A. I don't recall.

15 Q. Have you ever told Ms. Boyd that she had a, quote,
16 "perfect smile"?

17 A. I don't recall.

18 Q. Have you ever asked Ms. Boyd if she needed help
19 getting pregnant?

20 A. I don't recall.

21 Q. Ever refer to Ms. Boyd as "CB" or "cute butt"?

22 A. I don't recall.

23 Q. Did you ever refer to Ms. Boyd as "SA," meaning "sexy
24 ass"?

25 A. I don't recall.



1 Q. Ever tell Ms. Boyd, quote, "I need you," close quote?

2 A. I don't recall.

3 Q. Have you ever offered Ms. Boyd money in exchange for
4 sex?

5 A. I don't recall.

6 Q. Have you ever touched any part of Ms. Boyd's body
7 without asking her permission?

8 A. Yes.

9 Q. And when was that?

10 A. The center of her -- middle of her back to escort her
11 into a room, and her face on to agents.

12 Q. And tell me about these occasions that you touched
13 Ms. Boyd's face without her permission. When was the
14 first time?

15 A. In the office at Chico's.

16 Q. And when was the second time?

17 A. At my residence.

18 Q. And would that be at your residence in February of
19 2021?

20 A. Yes.

21 Q. And that would be right before Ms. Boyd resigned,
22 correct?

23 A. Yes.

24 Q. I asked you a series of questions about whether you
25 recalled referring to Ms. Boyd as "baby girl," "bad



1 girl," "silly girl," "perfect smile," propositioning
2 her for sex in exchange for money; and my question is:
3 Do you have any recollection of ever referring to male
4 employees as "bad boy," "silly boy," propositioning
5 male employees for sex in exchange for money?

6 A. I do not recall at this time.

7 (Exhibit No. 6 - Text messages - marked for
8 identification.)

9 Q. (BY MR. CROTTY) I'm going to show you what we're
10 going to mark as Exhibit 6 to your deposition, and
11 I'll represent that these are screenshots of text
12 messages that you produced to Ms. Boyd -- or me -- as
13 part of her lawsuit. Do you understand that?

14 A. Yes.

15 Q. And on the first page of Exhibit 6, there are gray
16 text bubbles and blue text bubbles.

17 A. Okay.

18 Q. Would you be the blue text bubble?

19 A. I'm sorry, your question again?

20 Q. You're the blue text bubble, correct?

21 A. I see it.

22 Q. And you are the blue text bubble, correct?

23 A. I -- I don't have any recollection of this
24 conversation, but it's -- I see my name is mentioned
25 once, but I don't see where I'm on here specifically.



1 Q. Do you have any reason to question the accuracy of
2 Exhibit 6 as it's before you?

3 A. No.

4 Q. And if we look at the July 19th, 2020 entry, it is
5 written in blue, "I want you. \$5,000." Do you see
6 that?

7 A. I do.

8 Q. And that would be you writing, "I want you. \$5,000"?

9 A. I see that, yes.

10 Q. Did you think that this requested, this "I want you.
11 \$5,000," did you think that this was welcomed by
12 Ms. Boyd?

13 A. I don't recall the text messages, actually, or what
14 the context was under.

15 Q. And can we agree, looking at page 1 of Exhibit 6, that
16 Ms. Boyd responded to the "I want you, \$5,000" text?

17 A. I see that.

18 Q. And she writes, "Mitch, I don't even know what to say.
19 I understand how my kindness and the fact that I care
20 about people can be seen as affection or lust. I was
21 going to beat around the bush, but I can't anymore.
22 I'm sorry, but this isn't going to happen. Any type
23 of relationship between you and I. I am your
24 employee, your friend, and now your renter. Nothing
25 more. I understand that at times I can confine in you



1 when I'm going through it, but that's what friends do.
2 I'm sure everything with the house has made your
3 feelings confused, and I'm trying not to take this so
4 personally, especially since I'm your employee and now
5 your renter. But this won't happen. I am sorry."

6 Did I read that correctly?

7 A. Yes.

8 Q. And you responded to that text, correct?

9 A. I see that, yes.

10 Q. And it says, "Ford give my rudeness." Did you mean
11 "Forgive my rudeness"?

12 A. Yes.

13 Q. Do you have an understanding as to what Ms. Boyd meant
14 when she wrote, "I'm sure everything with the house
15 has made your feelings confused"?

16 A. I'm sorry, can you ask the question again, please?

17 Q. Yeah. Ms. Boyd writes in her text, "I am sure
18 everything with the house has made you confused." Do
19 you see that?

20 A. Yes.

21 Q. What's your understanding as to what Ms. Boyd was
22 referring to when she said that?

23 A. I don't know at this time. I mean I can't think of --
24 I don't know.

25 (Exhibit No. 7 - Text messages - marked for



1 identification.)

2 Q. (BY MR. BEVIER) I'm going to show you what's been
3 marked -- or what we'll mark as Exhibit 7 to your
4 deposition, and I'll represent to you that these are
5 text messages that your side produced to my side as
6 part of the discovery process. Do you understand
7 that?

8 A. Yes.

9 Q. I'll represent to you that this is a text exchange
10 between you and Alora Boyd. Do you understand that?

11 A. Yes.

12 Q. And on page 2 of Exhibit 7, in blue, it's written,
13 "It's only 12:00. You can use your super powers on me
14 SA. Door's open." Do you see that?

15 A. Yes. Oh. Okay. Yes.

16 Q. What did you mean by -- what did you mean when you
17 wrote, "You can use your super powers on me SA.
18 Door's open"?

19 A. I don't recall at this time what I was intending to
20 mean.

21 Q. Did you think that referring to Ms. Boyd as "sexy ass"
22 was conduct that she would welcome?

23 A. No.

24 (Exhibit No. 8 - Answers to Plaintiff's First
25 Set of Interrogatories and Requests for



1 Production to Defendants - marked for
2 identification.)

3 Q. (BY MR. CROTTY) I'm going to show you, as Exhibit 8,
4 your responses to Ms. Boyd's first set of discovery.
5 Do you understand that's what I'm showing you?

6 A. Yes.

7 Q. And I want to take you to page 23 of Exhibit 8, where
8 there's your name and a signature. Do you see that?

9 A. Yes.

10 Q. And is that your signature?

11 A. Yes.

12 Q. And is the date of this signature August 20th, 2021?

13 A. Correct.

14 Q. Since August 20th of August 2021, have you made sure
15 that your responses to the requests listed in
16 Exhibit 8 have been updated as you've come to get more
17 information?

18 A. I have not updated or changed anything since I
19 submitted the original.

20 Q. Let's do it this way then. I'm just going to go
21 really quickly through the interrogatories and see if
22 there's anything that needs changed. Okay?

23 A. Okay.

24 Q. So for interrogatory No. 1, do you see the answer?

25 A. Yes.



1 Q. And does anything need changed for interrogatory
2 No. 1, which is, "State the name of each person who
3 assisted you in responding to these discovery
4 requests"?

5 A. I would add the lawyer's name in there at this point
6 just because -- that would maybe be obvious, though.

7 Q. And then Request for Production No. 1, regarding the
8 files that Chico's keeps on Ms. Boyd, is there
9 anything in that response that needs to be changed?

10 A. I don't see a response actually.

11 Q. Do you see where it says "Response" --

12 A. Yes.

13 Q. -- "to Request for Production No. 1"?

14 A. And the request is where?

15 Q. Page --

16 A. You've asked a question, but there's no answer
17 written. It just says, "See request."

18 Q. I guess my question is: To your knowledge, has all
19 the files that Chico's had on Ms. Boyd been produced
20 as part of this lawsuit?

21 A. Yes. To my knowledge, yes.

22 Q. All right. For interrogatory No. 2 -- and I'm not
23 going to read it --

24 A. Okay.

25 Q. -- do you have any -- and I understand there's an



1 objection your lawyer put in there -- but,
2 nonetheless, is there anything you need to change?

3 A. Can I go back to the question?

4 Q. Sure.

5 A. Thank you.

6 There's no changes, to my knowledge.

7 Q. Interrogatory No. 3, are there any changes to that?

8 A. There would be no change in the answer.

9 Q. Has your resume been provided?

10 A. Say again?

11 Q. I'm referring now to Request for Production No. 2, has
12 your resume -- which asks for your resume, my question
13 is: Has your resume been produced as part of the
14 lawsuit?

15 A. It has not changed.

16 Q. So it has been produced.

17 A. I gave a copy to my lawyer. They should have passed
18 that on.

19 Q. Going to interrogatory No. 4, is there anything in
20 interrogatory No. 4 that needs to be changed?

21 A. No change to my knowledge.

22 MR. BEVIER: Counsel, perhaps to speed this
23 up, if we can just agree that we'll seasonably update
24 the responses as necessary?

25 MR. CROTTY: I'm not going to agree to that.



1 I sent your partner Jeremy an e-mail yesterday asking
2 for things to be updated, I gave him a deadline to do
3 so, and he hasn't. So I'm going to continue on.

4 Q. (BY MR. CROTTY) Is there anything in Request for
5 Production No. 3, e-mails, text messages, regarding
6 Ms. Boyd?

7 A. No changes.

8 Q. Interrogatory No. 5, any changes you'd like to make?

9 A. Earlier we discussed the divorces of mine.

10 Q. Anything else?

11 A. That would -- those would be the divorces, the traffic
12 tickets, the criminal charges that were brought
13 against me that haven't been decided yet, would be the
14 only changes or additions to that now that I
15 understand the statement.

16 Q. Okay. Going to interrogatory No. 6, is there anything
17 that needs to be changed?

18 A. No.

19 Q. Interrogatory No. 7, is there anything that needs to
20 be changed?

21 A. No.

22 Q. Interrogatory No. 8, is there anything that needs to
23 be changed?

24 A. No.

25 Q. For interrogatory No. 9, has -- is there anything that



1 needs to be changed?

2 A. Not to my knowledge.

3 Q. And Request for Production 6, which relates to
4 interrogatory No. 9, is there anything that needs to
5 be changed?

6 A. Not to my knowledge.

7 Q. For interrogatory No. 10 and request No. 7, is there
8 anything that needs to be changed? Or actually --

9 A. Not to my knowledge.

10 Sorry?

11 Q. And I'll move through interrogatory 10, 11, 12, 13,
12 14, and I'll just represent to you that your responses
13 to these discovery requests have already been
14 addressed.

15 So now I will pick up again at Request for
16 Production No. 12, which is, "Please produce all audio
17 recordings and/or videorecordings or photos that you
18 possess on Ms. Boyd." And to your knowledge, has all
19 photos, audio recordings, videorecordings been
20 produced as part of this lawsuit?

21 A. Yes.

22 Q. Going to Request for Production No. 13, written --
23 asking for written or recorded statements, whether
24 notes, drafts, prepared for or on behalf of
25 defendants, that relate to or associated with



1 Ms. Boyd's claims against you, have all documents, if
2 any, responsive to Request for Production No. 13 been
3 produced?

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

5 Q. Going on to Request for Production No. 14, "Please
6 produce any social media posting that you made
7 directly or indirectly regarding Ms. Boyd, including,
8 without limitation, Facebook, Instagram, Twitter or
9 Snapchat, YouTube blogs, V blogs," et cetera, and the
10 response is "NA." Is that an accurate answer?

11 A. Yes.

12 Q. Going on to -- And "NA" means "Not applicable"?

13 A. Correct.

14 Q. And going on to Request for Production No. 15, "Please
15 produce each policy, practice, and/or procedure that
16 ACRO maintained during the last three years that
17 relates to or is associated with the prevention of
18 sexual harassment." Has your response changed there?

19 A. Not to my knowledge.

20 Q. For interrogatory 15, is there anything that needs to
21 be changed?

22 A. No.

23 Q. For interrogatory -- I'm sorry -- for Request for
24 Production No. 16, No. 17, and No. 18, is there
25 anything that needs to be changed?



1 A. No.

2 Q. And just to be clear, in Request for Production 18,
3 that's asking for any type of information you got from
4 what we lawyers call a "third party," meaning another
5 employer of Ms. Boyd, a friend of Ms. Boyd, an enemy
6 of Ms. Boyd; so somebody other than you or your --
7 than you, if you've gotten anything, you know, from
8 anybody else regarding Ms. Boyd.

9 A. I have not.

10 Q. As you sit here today, do you know if your side plans
11 on having any expert witness testify in this case?

12 MR. BEVIER: Objection. I think the
13 interrogatory's been answered and any expert witnesses
14 will be provided and supplemented in accordance with
15 the civil rules.

16 Q. (BY MR. CROTTY) All right. So let's just go -- for
17 interrogatory No. 16, is there anything that needs to
18 be changed?

19 A. Not to my knowledge.

20 Q. For Request for Production 19, is there anything that
21 needs to be changed?

22 A. Not to my knowledge.

23 Q. For interrogatory 17 and Request for Production 20, is
24 there anything that needs to be changed?

25 A. No.



1 Q. Does Chico's have a work computer?

2 A. Yes.

3 Q. Is it just one computer or more than one?

4 A. There's one.

5 Q. Where's that computer located?

6 A. The office.

7 Q. And when you say "the office," just kind of describe
8 that to me a little bit better.

9 A. Near the rear exit of the building there's a
10 12x20-foot room that has desks, a couple chairs, TV,
11 computer.

12 Q. Have you ever used that computer to look up any escort
13 services?

14 A. The computer's attached through Google, it's my
15 personal account; and on that personal account, there
16 could be some from my residence. But not at work.

17 Q. And have you ever sat in front of that computer and
18 looked at any e-mails coming out of Alora Boyd's
19 e-mail account?

20 A. I have not.

21 Q. Have you ever, just by happenstance, accidentally come
22 upon e-mails from Ms. Boyd's e-mail account that were
23 accessible on this work computer?

24 A. I did not.

25 Q. Do you have a Loot Crate account?



1 A. I used to.

2 Q. And what's Loot Crate?

3 A. It's a box they send out monthly that has Marvel and
4 comic book memorabilia.

5 Q. And when did you first get this account?

6 A. I'd had one two years ago, I stopped it. And then one
7 of the employees and I got in it and we were going to
8 start it again, and so we ordered six months' worth of
9 different Loot Crate boxes, probably in November of
10 last year -- or November of two years ago.

11 Q. And what employee was this?

12 A. John.

13 Q. And what's John's last name?

14 A. I do not recall.

15 (Exhibit No. 9 - Declaration of Angelina
16 Cardenas - marked for identification.)

17 Q. (BY MR. CROTTY) Okay. I'm going to show you what
18 we're going to mark as Exhibit No. 9, and it says
19 "Declaration of Angelina Cardenas." Do you see that?

20 A. I do.

21 Q. And who's Angelina Cardenas?

22 A. A past employee.

23 Q. And this document we've marked as Exhibit 9, have you
24 seen this document before?

25 A. Yes.



1 Q. When did you first see it?

2 A. I don't recall the date.

3 Q. Do you remember what your reaction was when you first
4 saw it?

5 A. I don't recall at this time.

6 Q. Do you remember who first informed you of
7 Ms. Cardenas' declaration?

8 A. I received it in the mail.

9 Q. And I take it when you received the declaration, you
10 read the declaration.

11 A. I skimmed it.

12 Q. And in skimming it, paragraph 5 of the declaration
13 says, "I understand that I am signing this declaration
14 in support of a civil rights sex
15 discrimination/harassment case; and that since I'm
16 doing that, I'm protected from being retaliated
17 against by Mr. Zornes or other Chico's management."
18 Do you see that?

19 A. I see the statement, yes.

20 Q. Do you know when the decision was made to terminate
21 Ms. Cardenas' employment?

22 A. I do not recall at this time.

23 Q. Do you know who made the decision to terminate her
24 employment?

25 A. It was a decision -- group decision.



1 Q. And who was in this group that made the decision?

2 A. Shelbie, Nick, and I.

3 Q. And when did the idea first come up about terminating
4 Ms. Cardenas' employment?

5 A. Sometime in the middle of 2021.

6 Q. And who first brought that idea up?

7 A. I do not recall at this time.

8 Q. And what was the basis in mid-2021 driving this
9 discussion of possibly terminating Angelina Cardenas'
10 employment?

11 A. There was a number of reasons that we had looked at.
12 We had -- She was very argumentative. She was mean
13 or vindictive to the employees, was mean to the
14 customers. We got complaints in writing from the
15 customers, and we have documentation from the --
16 Shelbie, Nick and myself indicating times that she
17 was (inaudible) --

18 Q. She was what?

19 A. About her attitude, her not being able to get along
20 with others and being vindictive, holding the schedule
21 as a tool to use against people she didn't like.

22 COURT REPORTER: Mr. Crotty, I did miss when
23 you were asking the last word there.

24 MR. CROTTY: Can you read that question back,
25 please?



1 (Discussion off the record.)

2 Q. (BY MR. CROTTY) Okay. Let's break it down like this:
3 Was Ms. Cardenas ever counseled in writing for these
4 alleged performance defects?

5 A. No.

6 Q. And you first learned of these defects in mid-2021,
7 correct?

8 A. No; they'd been ongoing.

9 Q. All right. When did you first learn of them?

10 A. I don't recall at this time.

11 Q. And we can agree that even though you learned of these
12 alleged performance defects of Angelina Cardenas in
13 2021, or even beforehand, Ms. Cardenas was still an
14 employee of Chico's as of January 21st, 2022; correct?

15 A. Yes.

16 Q. And Ms. Cardenas was then fired within a few days
17 after January 21st, 2022, correct?

18 A. Yes.

19 Q. Who is Ashton McCann (ph)?

20 A. She was an employee of Chico's.

21 Q. Do you have any reason to question her honesty?

22 A. I'm sorry, her -- I'm sorry?

23 Q. Do you have any reason to question her honesty?

24 A. Yes.

25 Q. And what's the basis of that?



1 A. When she left, she left under kind of a disgruntled
2 employee attitude. She had a loan that she had to pay
3 back to Chico's that she hasn't attempted to pay back,
4 and she's just miss -- spewed some information and
5 passed it on to others that I know was incorrect.

6 Q. What information is that?

7 A. Just how she was treated when she left.

8 MR. BEVIER: How about we take a break here?

9 MR. CROTTY: I just have one question, and
10 then I'll have to -- and then I'll check my notes.

11 Q. (BY MR. CROTTY) But the last question I have at this
12 point is: How do you want this lawsuit to resolve?

13 MR. BEVIER: Objection. That's --
14 You can answer if you can.

15 THE WITNESS: Well, yeah, I don't know. A
16 mediator once told me that when you get done with a
17 mediation, both parties should feel like they lost
18 more than they should have; and I guess that's where
19 this may end up, also.

20 MR. CROTTY: Okay. Let's go off the record
21 really quick, and I'm just going to check my notes,
22 and we should be able to wrap this up.

23 MR. BEVIER: Good. How's 10 minutes sound?

24 MR. CROTTY: Yep, that works. So come back
25 at 10:56.



1 MR. BEVIER: Very good.

2 MR. CROTTY: Okay.

3 (Recess taken.)

4 MR. CROTTY: Go back on the record.

5 Q. (BY MR. CROTTY) I have no other questions. Thank you
6 for your time, sir. I appreciate it.

7 MR. BEVIER: Nothing from us.

8 MR. CROTTY: So you've got two options. You
9 can take a look at the deposition and what's called --
10 and if you want, make any changes to it, and then send
11 the deposition back; and the court reporter will give
12 you a copy of it. Or you can do what's called waive
13 signature, which is basically saying, "I'm comfortable
14 with everything I've said and I don't need to look at
15 anything and change my answers."

16 MR. BEVIER: We'll review.

17 MR. CROTTY: Okay. So that's it.

18 I will order a copy of it.

19 MR. BEVIER: And we will order as well.

20 (Deposition concluded at 10:58 A.M.)

21 (Signature reserved.)

22

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20			I have read the foregoing 69 pages of my
21			testimony and I declare (or certify) under penalty of
22			perjury under the laws of the State of Washington that
23			the foregoing is true and correct except for the
24			corrections noted above. Dated this _____ day of
25			_____, _____, at _____.
			_____ MITCHELL ZORNES, Deponent



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