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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF RIVERSIDE

JANE DOE, an individual, )  
 )  
Plaintiff, )  
 )  
vs. ) CASE NO. RIC 1808034  
 )  
CRST EXPEDITED, INC., an entity )  
of unknown form; ERIC HORTON, an )  
individual; and DOES 1 through )  
20, )  
 )  
Defendants. )  
\_\_\_\_\_ )

VIDEOTAPED DEPOSITION OF ELLEN VOIE  
TUESDAY, MARCH 10, 2020, 10:07 A.M.  
SAN BERNARDINO, CALIFORNIA

Reported by Amy M. Kakuni, CSR No. 13066, RPR  
CLS Job No. 121658



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CRST EXPEDITED, INC., an entity )  
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individual; and DOES 1 through )  
20, )  
 )  
Defendants. )  
\_\_\_\_\_ )

THE VIDEOTAPED DEPOSITION OF ELLEN VOIE, taken  
at 650 East Hospitality Lane, Suite 600, San Bernardino,  
California, on Tuesday, March 10, 2020, at 10:07 a.m.,  
before Amy M. Kakuni, Certified Shorthand Reporter in  
and for the State of California and Registered  
Professional Reporter.



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A P P E A R A N C E S

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Also Present:

ANDREW HOLMES, Videographer



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\* \* \*

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\* \* \*





1 TUESDAY, MARCH 10, 2020, 10:07 A.M.

2 SAN BERNARDINO, CALIFORNIA

3 \*\*\*

10:06:45 4 THE VIDEOGRAPHER: Good morning. We are now on the  
10:06:48 5 record.

10:06:48 6 Here begins Media Number 1 of the deposition  
10:06:51 7 of Ellen C. Voie in the matter of Jane Doe versus CRST  
10:06:55 8 Expedited, Inc. This case in the Superior Court of the  
10:06:59 9 State of California, County of Riverside, and the case  
10:07:01 10 number is RIC 1808034.

10:07:09 11 Today's date is March 10th, 2020, and the time  
10:07:12 12 on the video monitor is 10:07 a.m.

10:07:16 13 This deposition is taking place at Lewis  
10:07:18 14 Brisbois Bisgaard & Smith in San Bernardino, California.

10:07:23 15 My name is Andrew Holmes. I'm the legal video  
10:07:29 16 specialist appearing on behalf of Centext.

10:07:31 17 Would all counsel present please identify  
10:07:31 18 themselves and state whom they represent for the record?

10:07:32 19 MS. WEATHERFORD: Natalie Weatherford on behalf of  
10:07:35 20 the plaintiff.

10:07:36 21 MS. TANADA: Stephanie Tanada on behalf of CRST.

10:07:36 22 MS. CAPASSO: Karen Capasso for Eric Horton.

10:07:39 23 THE VIDEOGRAPHER: The reporter today is Amy  
10:07:42 24 Kakuni, also with Centext.

10:07:44 25 Will the reporter please swear in the witness?



10:07:44 1

\* \* \*

10:07:44 2

ELLEN VOIE,

10:07:44 3

having been first duly sworn, testified as follows:

10:07:44 4

\* \* \*

10:07:44 5

EXAMINATION BY MS. WEATHERFORD

10:07:44 6

BY MS. WEATHERFORD:

10:07:57 7

Q Good morning.

10:07:57 8

Can you state and spell your full name for the

10:08:00 9

record?

10:08:00 10

A Sure.

10:08:01 11

Ellen, E-l-l-e-n; last name, Voie, V, as in

10:08:03 12

"Victor," -o-i-e.

10:08:06 13

Q Ms. Voie, what's your home address?

10:08:09 14

A [Redacted per stipulation by counsel.]

10:08:26 15

Q Have you ever had your deposition taken

10:08:26 16

before?

10:08:28 17

A Yes, I have.

10:08:29 18

Q On how many occasions?

10:08:30 19

A At least three.

10:08:32 20

Q Okay.

10:08:32 21

I'm just going to go over some quick ground

10:08:35 22

rules so the deposition goes smoothly.

10:08:38 23

The oath you just took is the same oath that

10:08:38 24

you would take in court as if you were in front of a

10:08:40 25

judge and jury, so you are required to tell the truth



10:08:43 1 under penalty of perjury today.

10:08:45 2 Do you understand that?

10:08:46 3 A I do.

10:08:47 4 Q The court reporter here is taking down  
10:08:48 5 everything you say word for word, so it's very important  
10:08:51 6 that we do not interrupt each other and that you wait  
10:08:56 7 until I'm done with my question before you give your  
10:08:59 8 answer.

10:09:00 9 Okay?

10:09:01 10 A I understand.

10:09:01 11 Q In a few weeks, you'll get a copy of the  
10:09:01 12 transcript from this deposition. You'll have the  
10:09:02 13 opportunity to read it, review it, and make changes if  
10:09:05 14 you want, and then you'll sign it under penalty of  
10:09:06 15 perjury. But I should caution you that if you make a  
10:09:10 16 significant change to your testimony, that I can comment  
10:09:14 17 on that change at trial, and it could affect your  
10:09:16 18 credibility negatively.

10:09:17 19 A I understand.

10:09:17 20 Q Are you ready to get started?

10:09:19 21 A Yes.

10:09:20 22 Q Any reason you can't give your best testimony  
10:09:22 23 today?

10:09:23 24 A No.

10:09:23 25 Q You've been retained as an expert witness in



10:09:27 1 this case. You understand that?

10:09:28 2 A I do.

10:09:30 3 Q Who retained you?

10:09:31 4 A Stephanie Tanada.

10:09:34 5 Q And she retained you on behalf of whom?

10:09:37 6 A On behalf of CRST.

10:09:39 7 Q And you've also been retained by the

10:09:41 8 perpetrator in this case, Eric Horton; that's correct?

10:09:43 9 MS. TANADA: Objection.

10:09:44 10 Assumes facts not in evidence.

10:09:45 11 MS. CAPASSO: Join.

10:09:45 12 BY MS. WEATHERFORD:

10:09:45 13 Q Have you been retained by Eric Horton in this

10:09:49 14 case?

10:09:49 15 A No.

10:09:51 16 Q Did you see an expert designation by

10:09:53 17 Mr. Horton's attorneys designating you as their expert?

10:09:59 18 A I don't recall seeing that.

10:10:00 19 Q Do you --

10:10:00 20 So hypothetically, if CRST is no longer in

10:10:01 21 this case, do you intend to stay in this case and

10:10:06 22 testify on behalf of Mr. Horton?

10:10:09 23 A If asked, I will.

10:10:12 24 Q Have you ever met Mr. Horton?

10:10:13 25 A No.





10:10:16 1 Q Do you understand what this case is about?

10:10:19 2 A I do.

10:10:19 3 Q What's this case about?

10:10:20 4 A It's about an incident between Jane Doe and

10:10:25 5 Eric Horton.

10:10:27 6 Q What do you mean, "an incident"?

10:10:31 7 A A sexual encounter.

10:10:33 8 Q What do you mean, "a sexual encounter"?

10:10:36 9 A Just a sexual encounter in a cab of a truck.

10:10:41 10 Q So what happened?

10:10:42 11 A All I can do --

10:10:43 12 I'm not going to speculate.

10:10:45 13 Q No; no.

10:10:46 14 I want to know what your understanding of --

10:10:49 15 of -- what happened in the cab of the truck.

10:10:51 16 A My understanding is that Eric Horton and Jane

10:10:54 17 Doe had sex.

10:10:59 18 Q And then so what's this lawsuit about?

10:11:02 19 A The lawsuit is Jane Doe suing CRST and Eric

10:11:07 20 Horton for sexual assault.

10:11:14 21 Q And -- and do you think this lawsuit has any

10:11:19 22 merit?

10:11:20 23 MS. TANADA: Objection.

10:11:21 24 Outside the scope.

10:11:22 25 Calls for speculation.







10:12:11 1 A Jane Doe stated in her deposition that she and  
10:12:14 2 Eric Horton had sex in the cab of the truck.

10:12:17 3 Q Did she say it was consensual?

10:12:21 4 A She did not.

10:12:24 5 Q So she said that they had non-consensual sex;  
10:12:28 6 correct?

10:12:31 7 A I don't think she used that term, either.

10:12:33 8 Q What term did she use?

10:12:35 9 A From what I remember from the deposition, the  
10:12:37 10 term she used was "sex."

10:12:39 11 Q Did she say she was forced to have sex with  
10:12:42 12 Eric Horton?

10:12:49 13 A That is a very subject question.

10:12:53 14 Q Well, I just want to know what she said and  
10:12:57 15 what you read in the depositions.

10:13:02 16 A I don't think she used the word "forced."  
10:13:04 17 I don't recall the word "forced."

10:13:06 18 Q Did she use the word "intimidated" in having  
10:13:11 19 sex with Eric Horton?

10:13:13 20 A She probably did use the word "intimidated."

10:13:15 21 Q Do you know one way or the other if she used  
10:13:19 22 that word?

10:13:20 23 A No.  
10:13:20 24 I didn't memorize the deposition.

10:13:20 25 Q Okay.



10:13:20 1 And then what did Eric Horton say about --

10:13:21 2 You want to call it "the sexual encounter."

10:13:23 3 I'm going to call it "the sexual assault."

10:13:27 4 What did Eric Horton say about the sexual

10:13:27 5 assault?

10:13:28 6 MS. TANADA: Assumes facts not in evidence.

10:13:28 7 MS. CAPASSO: Join.

10:13:28 8 BY MS. WEATHERFORD:

10:13:29 9 Q Go ahead.

10:13:31 10 A Eric Horton said it was consensual.

10:13:34 11 Q Has he always maintained that it was

10:13:37 12 consensual?

10:13:38 13 A As far as I have read, yes.

10:13:40 14 Q Did he ever say that he did not have any sort

10:13:43 15 of physical contact with Renee H.?

10:13:46 16 MS. CAPASSO: Calls for speculation.

10:13:48 17 MS. TANADA: Join.

10:13:48 18 BY MS. WEATHERFORD:

10:13:50 19 Q Go ahead.

10:13:50 20 A Answer?

10:13:53 21 When CRST called him -- and I forget the

10:13:57 22 person's name -- he told her he did not.

10:14:02 23 Q He did not what?

10:14:03 24 A Have sex with Jane Doe.

10:14:09 25 Q Was the fact that Eric Horton told CRST he had





10:14:13 1 no physical contact with Jane Doe and then later told  
10:14:16 2 the police that he had, quote, consensual sex, with Jane  
10:14:21 3 Doe -- did that come into play in your forming of  
10:14:26 4 opinions in this case in any way?

10:14:29 5 A After reading both depositions, I do -- do not  
10:14:31 6 have a formal opinion on what really happened.

10:14:37 7 Q Do you have an informal opinion on what really  
10:14:39 8 happened?

10:14:40 9 A No.

10:14:43 10 Q What was Eric Horton's position at the time  
10:14:46 11 that the sexual assault occurred?

10:14:49 12 A I believe he was a trainer.

10:14:50 13 Q What do you mean by "a trainer"?

10:14:55 14 A It's a step up from just --

10:14:59 15 I shouldn't say "just."

10:15:00 16 It's a step up from being a driver, meaning  
10:15:06 17 that you have the responsibility to help a new hire  
10:15:09 18 learn the company policies, learn the paperwork,  
10:15:13 19 documents, customers, and that they're operating in a  
10:15:20 20 proficient manner.

10:15:21 21 Q Okay.

10:15:22 22 And what was Jane Doe's position at the time  
10:15:25 23 of the sexual assault?

10:15:27 24 A She was a new hire.

10:15:29 25 MS. CAPASSO: Wait a minute.



10:15:30 1 MS. TANADA: Objection.  
10:15:30 2 Assumes facts not in evidence.  
10:15:31 3 MS. WEATHERFORD: Sure.  
10:15:32 4 BY MS. WEATHERFORD:  
10:15:32 5 Q Was Eric Horton training Jane Doe at the time  
10:15:35 6 of the sexual assault?  
10:15:37 7 A He was overseeing her.  
10:15:39 8 Q Why do you say "overseeing" instead of  
10:15:42 9 "training"?  
10:15:42 10 A Because --  
10:15:43 11 Okay.  
10:15:43 12 So when you go to truck driving school, they  
10:15:47 13 train you; okay? And then when you go out after truck  
10:15:51 14 driving school, it's more like a finishing school. You  
10:15:54 15 should have already learned how to operate the truck by  
10:15:58 16 then. You should have already learned the shifting  
10:16:01 17 and -- and everything. What the trainer does is helps  
10:16:05 18 you understand the company policies, the customers, the  
10:16:08 19 paperwork, things like that.  
10:16:10 20 Q So it's your opinion that the trainer in this  
10:16:12 21 situation -- he wasn't training her how to drive on the  
10:16:17 22 road; he was just, as you said, taking her through  
10:16:19 23 finishing school?  
10:16:20 24 A Ensuring proficiency; correct.  
10:16:22 25 Q Okay.



10:16:22 1 At CRST, that's -- that's how it works, based  
10:16:22 2 on your opinion?

10:16:22 3 A Yes.

10:16:23 4 Q Okay.

10:16:23 5 And what's the basis of that opinion?

10:16:26 6 A I've worked in the trucking industry since  
10:16:29 7 1979 and worked for a number of carriers.

10:16:32 8 Q Okay.

10:16:33 9 Have you ever worked for CRST?

10:16:35 10 A No.

10:16:36 11 Q Did you review any documents in this case  
10:16:38 12 about what a trainer or lead driver is supposed to do to  
10:16:44 13 train a -- a new hire like Renee H.?

10:16:47 14 A Yes.

10:16:47 15 Q Okay.

10:16:47 16 A I did.

10:16:48 17 Q What did you read?

10:16:49 18 A I read --

10:16:51 19 I looked at the PowerPoint that they -- they  
10:16:58 20 are -- observe -- that they observe in a -- in their  
10:17:00 21 training session.

10:17:01 22 I also read the documents that they both  
10:17:04 23 signed regarding their responsibilities.

10:17:11 24 Q What else?

10:17:13 25 A In regard to CRST?



10:17:16 1 Q Yeah.

10:17:16 2 A So I have spoken with CRST executives a number  
10:17:25 3 of times over the past 12 years on brainstorming; like,  
10:17:33 4 what are some best practices. And one of those was the  
10:17:40 5 button.

10:17:42 6 Q Sure; sure.

10:17:42 7 I -- I --

10:17:42 8 A Mm-hmm.

10:17:43 9 Q And we'll get --

10:17:44 10 I want to focus on what do you know --

10:17:45 11 A Mm-hmm.

10:17:45 12 Q -- about the CRST lead driver program.

10:17:49 13 A Just what I read.

10:17:50 14 Q And so it's your opinion, as you sit here  
10:17:53 15 today, that the lead driver has no duties of training  
10:17:56 16 the student on how to actually drive?

10:17:58 17 MS. TANADA: Misstates testimony.

10:18:00 18 Not a question.

10:18:02 19 BY MS. WEATHERFORD:

10:18:02 20 Q Is that your opinion?

10:18:03 21 A No.

10:18:03 22 Q Okay.

10:18:04 23 What is your opinion about that?

10:18:06 24 A My opinion is that the person should already  
10:18:09 25 know how to drive a truck. The trainer is there to





10:18:14 1 ensure proficiency.

10:18:16 2 Q Okay.

10:18:16 3 As far as being able to turn on the truck and  
10:18:19 4 drive it for some period of time, that's what the -- the  
10:18:21 5 student should know when they get on the trainer's  
10:18:24 6 truck; is that what you're saying?

10:18:27 7 A They should know how to operate a truck.

10:18:29 8 Q Okay.

10:18:30 9 Then does the trainer thereafter have any  
10:18:32 10 duties to provide further driver training to the student  
10:18:34 11 on the road?

10:18:36 12 A Yes; instruction.

10:18:37 13 Q What do you mean by "instruction"?

10:18:38 14 A Well, if they're not finding the gears for  
10:18:42 15 shifting or if they're, you know, operating too fast or  
10:18:45 16 if they're, you know, operating in an unsafe manner, the  
10:18:49 17 trainer should be monitoring that.

10:18:54 18 Q Did you see in the CRST documents anything  
10:18:57 19 with regard to when the student is allowed to be driving  
10:19:02 20 during the daytime or nighttime or conditions or  
10:19:05 21 anything like that?

10:19:06 22 A The first three days, the student is monitored  
10:19:10 23 constantly by the trainer. In other words, the trainer  
10:19:12 24 isn't in the sleeper berth. And I forget the exact  
10:19:20 25 hours, but no night operations.



10:19:22 1 Q In the --

10:19:22 2 I'm sorry; where --

10:19:23 3 In the --

10:19:23 4 You said in the first three days?

10:19:26 5 A The first three days, there -- the trainer is

10:19:32 6 monitoring them, not sleeping.

10:19:34 7 Q Okay.

10:19:35 8 Where did you get that information?

10:19:38 9 A In the documentation that I read.

10:19:39 10 Q Which document?

10:19:40 11 A I don't recall.

10:19:41 12 Q Was it a document that you identified in

10:19:43 13 the -- in the production of documents in the file?

10:19:47 14 A It was a CRST document.

10:19:49 15 Q No; no.

10:19:49 16 I understand that.

10:19:50 17 A Okay.

10:19:50 18 Q But what --

10:19:50 19 The document that you reviewed -- did you make

10:19:53 20 note of it in the file that you produced in response to

10:19:56 21 the deposition notice for this -- for this deposition?

10:20:02 22 A I don't believe so.

10:20:02 23 I thought they were already in --

10:20:09 24 I believed you already had those documents.

10:20:12 25 Q No; no; no.



10:20:13 1 I just want to know, what CRST document did  
10:20:16 2 you get that information from?

10:20:19 3 A Oh, the training -- the training document.

10:20:22 4 I don't know what it's properly called.

10:20:26 5 Q What else was contained in this training  
10:20:28 6 document that you're talking about?

10:20:38 7 A I read so many documents, I'm not sure which  
10:20:42 8 one you're referring to, so maybe --

10:20:43 9 Q No; no; no.

10:20:43 10 I --

10:20:43 11 A -- if you could show me --

10:20:44 12 Q You're referring to.

10:20:45 13 I want to know what document you're talking  
10:20:47 14 about that says that the student cannot drive -- that  
10:20:51 15 the student has to be supervised at all times only  
10:20:53 16 during the first three days. I want to know where that  
10:20:58 17 came from.

10:21:00 18 MS. TANADA: Misstates testimony.

10:21:02 19 THE WITNESS: I don't recall the name of the  
10:21:03 20 document.

10:21:03 21 BY MS. WEATHERFORD:

10:21:05 22 Q Was it a CRST document that was provided to  
10:21:08 23 you in this litigation, or was it --

10:21:10 24 A Yes.

10:21:11 25 Q -- a document that you already had?



10:21:13 1 A No.

10:21:13 2 It was provided to me in this litigation.

10:21:18 3 Q When you were retained by Mr. Horton and CRST,  
10:21:22 4 what were you specifically asked to do in this case?

10:21:26 5 A I was asked to be a rebuttal witness.

10:21:29 6 Q What's a rebuttal witness?

10:21:33 7 A Someone who can -- who would refute another  
10:21:38 8 person's expertise.

10:21:42 9 Q Have you ever been a rebuttal witness before?

10:21:45 10 A No.

10:21:45 11 Q Were you asked to form any independent  
10:21:48 12 opinions on your own other than to refute a person's  
10:21:52 13 expertise?

10:21:53 14 A No.

10:21:53 15 Q Okay.

10:21:54 16 And you were specifically told you were gonna  
10:21:57 17 be retained to refute a person's expertise; that's what  
10:22:02 18 you were retained to do?

10:22:04 19 A And to comment on best practices and my  
10:22:07 20 knowledge of the trucking industry.

10:22:09 21 Q Okay. So that's three things.

10:22:12 22 So you were retained to refute a person's  
10:22:16 23 expertise?

10:22:17 24 A True.

10:22:18 25 Is that a question?





10:22:19 1 Q Yes, it is a question.

10:22:20 2 A Okay.

10:22:20 3 Yes.

10:22:21 4 Q You were retained to, you said, comment on

10:22:24 5 best practices?

10:22:25 6 A Training.

10:22:26 7 Q Comment on training, or comment on best

10:22:29 8 practices?

10:22:30 9 A Training best practices.

10:22:33 10 Q And remind me; the third one?

10:22:36 11 A Because of my knowledge of the trucking

10:22:39 12 industry.

10:22:46 13 Q Okay.

10:22:46 14 So how were you first retained in this case?

10:22:50 15 A I was contacted by the -- the law firm.

10:22:54 16 Q By who?

10:22:56 17 A Stephanie.

10:22:56 18 Q Okay.

10:22:57 19 And how did she contact you?

10:22:59 20 A By phone.

10:23:01 21 Q And what did she say?

10:23:02 22 A She interviewed me and asked me some questions

10:23:06 23 and asked if I'd be willing to be an expert witness in

10:23:11 24 this case.

10:23:12 25 Q Okay.



10:23:12 1 So tell me what -- what her interview  
10:23:16 2 consisted of.  
10:23:18 3 A She asked me about my industry knowledge, what  
10:23:23 4 experience I've had in testifying, my knowledge of  
10:23:31 5 sexual harassment practices, anti-harassment practices.  
10:23:42 6 Q Do you know how she got your name?  
10:23:44 7 A No.  
10:23:45 8 Q Did you ask her?  
10:23:46 9 A No.  
10:23:47 10 Q Have you ever worked for CRST before in any  
10:23:51 11 litigation?  
10:23:52 12 A No.  
10:23:53 13 MS. TANADA: Vague and ambiguous.  
10:23:54 14 BY MS. WEATHERFORD:  
10:23:54 15 Q Have you ever been retained by CRST before?  
10:23:56 16 A No.  
10:23:57 17 Q Have you ever been retained as a consultant by  
10:24:00 18 CRST before?  
10:24:02 19 A No.  
10:24:03 20 Q Do you have any sort of business relationship  
10:24:05 21 with CRST?  
10:24:07 22 A Yes.  
10:24:07 23 Q What is your business relationship with CRST?  
10:24:10 24 A They are a corporate member of the Women in  
10:24:12 25 Trucking Association.



10:24:18 1 Q How long have they been a corporate member of  
10:24:22 2 the Women in Trucking Association?  
10:24:25 3 A About 12 years.  
10:24:29 4 Q Are there any current or firm -- former CRST  
10:24:32 5 employees who are -- who work for Women in Trucking?  
10:24:37 6 A No.  
10:24:37 7 Q What about who are on the board of Women in  
10:24:40 8 Trucking?  
10:24:42 9 A Not current CRST.  
10:24:43 10 I --  
10:24:44 11 Q Or former?  
10:24:46 12 A Not -- not that I'm aware of.  
10:24:50 13 Q Are there any current or former CRST employees  
10:24:54 14 who provide content for the Women in Trucking Web site?  
10:24:59 15 MS. TANADA: Vague and ambiguous.  
10:25:00 16 THE WITNESS: Not that I'm aware of.  
10:25:01 17 BY MS. WEATHERFORD:  
10:25:03 18 Q Do you provide any promotion for CRST's  
10:25:09 19 recruitment of female truck drivers?  
10:25:12 20 A No.  
10:25:13 21 Q Have you ever?  
10:25:14 22 A Our corporate members can advertise in our  
10:25:18 23 magazine. They could also place ads with a third party  
10:25:23 24 provider.  
10:25:25 25 Q What about you personally? Have you ever done



10:25:27 1 anything personally to promote CRST's Women in Trucking  
10:25:33 2 program?

10:25:34 3 A Define "promote."

10:25:39 4 Q I mean, it --

10:25:39 5 Just Webster's dictionary, "promote"?

10:25:45 6 A I get invited to many corporate events where  
10:25:48 7 they're honoring their female drivers.

10:25:53 8 I don't recall that I've ever been invited to  
10:25:53 9 one at CRST.

10:25:54 10 Q Anything else that you can think of where you  
10:25:56 11 promote CRST's Women in Trucking recruitment of female  
10:26:03 12 truck drivers?

10:26:04 13 MS. TANADA: Vague and ambiguous.

10:26:06 14 THE WITNESS: CRST can take advantage of any  
10:26:09 15 opportunities like any other carrier can, and I wouldn't  
10:26:13 16 always have knowledge of that, so I personally have not.

10:26:17 17 BY MS. WEATHERFORD:

10:26:18 18 Q But if you were gonna, say, like, lend your  
10:26:22 19 face to some of their promotional materials --

10:26:25 20 A No.

10:26:25 21 Q -- or provide a quote for them to use on their  
10:26:29 22 Web site, you would consider that to be promoting CRST's  
10:26:34 23 recruitment of female truck drivers, would you not?

10:26:39 24 MS. TANADA: Vague and ambiguous.

10:26:39 25 THE WITNESS: Yes.





10:26:40 1 BY MS. WEATHERFORD:

10:26:40 2 Q Okay.

10:26:41 3 And have you ever done that?

10:26:42 4 A Not that I'm aware of.

10:26:43 5 Q Would you be surprised if your -- if your

10:26:46 6 photo and a quote from you was on the front page of

10:26:50 7 CRST's Women in Trucking --

10:26:54 8 A Not at all.

10:26:54 9 That happens --

10:26:55 10 Q -- Web site?

10:26:56 11 A I wouldn't be surprised at all.

10:26:59 12 Q Why would you not be surprised?

10:27:00 13 A Because I speak to dozens of companies every

10:27:04 14 year. They take -- they take my photo; they take

10:27:07 15 quotes.

10:27:08 16 It wouldn't surprise me at all.

10:27:11 17 Q Okay.

10:27:11 18 So would you consider that promoting CRST?

10:27:13 19 A No.

10:27:14 20 MS. TANADA: Vague and ambiguous.

10:27:15 21 THE WITNESS: No, I wouldn't consider it promoting

10:27:15 22 CRST.

10:27:15 23 BY MS. WEATHERFORD:

10:27:15 24 Q How could you not consider that promoting

10:27:15 25 CRST?



10:27:18 1 MS. TANADA: Argumentative.

10:27:19 2 MS. CAPASSO: Join.

10:27:20 3 MS. TANADA: And same objections.

10:27:21 4 BY MS. WEATHERFORD:

10:27:21 5 Q Go ahead.

10:27:22 6 A Again, I speak all over the world, talking

10:27:25 7 about getting more female drivers. People take my

10:27:30 8 pictures constantly, take quotes. I have no issues with

10:27:35 9 that.

10:27:35 10 Q Okay.

10:27:36 11 Tell me all the other trucking companies that

10:27:39 12 have a photo of you and a quote of you on the front page

10:27:42 13 of their Women in Trucking recruitment pages on their

10:27:47 14 Web sites.

10:27:47 15 A Oh, my God.

10:27:47 16 MS. TANADA: Calls for speculation.

10:27:47 17 MS. CAPASSO: Join.

10:27:49 18 THE WITNESS: It would be dozens.

10:27:49 19 BY MS. WEATHERFORD:

10:27:50 20 Q Well, tell me some of them.

10:27:52 21 MS. TANADA: Calls for speculation.

10:27:54 22 MS. CAPASSO: Join.

10:27:57 23 THE WITNESS: Am I supposed to answer?

10:27:59 24 MS. TANADA: Yeah.



10:28:00 1 BY MS. WEATHERFORD:  
10:28:00 2 Q Yeah.  
10:28:00 3 MS. TANADA: Mm-hmm.  
10:28:01 4 THE WITNESS: Okay.  
10:28:01 5 I know Walmart, Bennett.  
10:28:04 6 I'm just thinking offhand.  
10:28:10 7 Probably Prime.  
10:28:17 8 If you gave me a few days, I could find a -- a  
10:28:24 9 lot more.  
10:28:26 10 BY MS. WEATHERFORD:  
10:28:26 11 Q Anyone else you can think of?  
10:28:29 12 A That might use a quote?  
10:28:31 13 Q That would have your photo and a quote from  
10:28:34 14 you on the front page of their recruitment site to  
10:28:39 15 recruit female truck drivers?  
10:28:41 16 A Sure.  
10:28:42 17 MS. TANADA: Calls for speculation.  
10:28:44 18 Go ahead.  
10:28:45 19 THE WITNESS: CWRV, I know, did that.  
10:28:47 20 Expediter Services does that.  
10:28:51 21 I know YRCW has put our logo on their  
10:28:58 22 trailers.  
10:28:59 23 There could potentially be dozens, if not  
10:29:03 24 hundreds.



10:29:03 1 BY MS. WEATHERFORD:

10:29:04 2 Q Okay.

10:29:04 3 And would it be fair to say that if a company

10:29:08 4 is putting your face and your company's name and a quote

10:29:10 5 from you on the front page of their recruiting Web site

10:29:12 6 to recruit female truckers, that you agree and endorse

10:29:18 7 the recruitment of female truck drivers to that company?

10:29:23 8 MS. TANADA: Vague.

10:29:23 9 Ambiguous.

10:29:24 10 MS. CAPASSO: Join.

10:29:25 11 THE WITNESS: I endorse the recruitment of female

10:29:29 12 drivers to the industry.

10:29:31 13 BY MS. WEATHERFORD:

10:29:31 14 Q Not my question.

10:29:32 15 I'm talking about specific to that truck

10:29:35 16 driving company that uses your name and a quote from you

10:29:38 17 about that truck company on the front page of their Web

10:29:41 18 site to recruit female truck drivers, I want to know if

10:29:47 19 it would be fair to say that you, then, endorse that

10:29:50 20 company's recruitment of female truck drivers.

10:29:56 21 MS. TANADA: Vague and ambiguous.

10:29:56 22 MS. CAPASSO: Join.

10:29:56 23 THE WITNESS: And I don't endorse any company.

10:29:58 24 BY MS. WEATHERFORD:

10:29:58 25 Q Okay.





10:29:58 1 So you would not endorse their --

10:29:58 2 A I don't endorse.

10:29:59 3 We have a policy. We do not endorse.

10:30:01 4 Q Okay.

10:30:01 5 Let me --

10:30:01 6 A Any company that's a corporate member is a

10:30:01 7 corporate member.

10:30:02 8 Q Let me put it this way.

10:30:04 9 You would not have a problem with female truck

10:30:07 10 drivers going to that company if your name and photo and

10:30:11 11 a quote from you about that company was on the company's

10:30:14 12 front page of their recruitment Web site?

10:30:19 13 MS. TANADA: Objection.

10:30:19 14 Not a question.

10:30:21 15 BY MS. WEATHERFORD:

10:30:21 16 Q Is that fair to say?

10:30:21 17 A I would not have --

10:30:23 18 MS. TANADA: Vague and ambiguous.

10:30:24 19 THE WITNESS: I would not have a problem with that.

10:30:26 20 BY MS. WEATHERFORD:

10:30:26 21 Q Okay.

10:30:27 22 And you would think that that place is a safe

10:30:30 23 place for women to work?

10:30:30 24 A I don't make that --

10:30:31 25 MS. TANADA: Vague and ambiguous.



10:30:31 1 THE WITNESS: I don't make that --

10:30:31 2 MS. CAPASSO: Join.

10:30:31 3 THE WITNESS: -- determination.

10:30:31 4 BY MS. WEATHERFORD:

10:30:32 5 Q So you don't know one way or another if that

10:30:35 6 would be a safe place for women to work?

10:30:38 7 MS. TANADA: Vague and ambiguous.

10:30:39 8 Vague.

10:30:40 9 Ambiguous.

10:30:40 10 Overbroad.

10:30:41 11 MS. CAPASSO: Join.

10:30:42 12 BY MS. WEATHERFORD:

10:30:42 13 Q Go ahead.

10:30:44 14 A Ask --

10:30:45 15 Can you ask the question again?

10:30:47 16 MS. WEATHERFORD: Can you repeat the question back?

10:30:49 17 (The record was read by the reporter.)

10:31:01 18 MS. TANADA: And not limited in scope in addition

10:31:05 19 to the other objections.

10:31:05 20 MS. CAPASSO: Join.

10:31:06 21 THE WITNESS: I make no subjective determinations

10:31:14 22 about any of our corporate members.

10:31:17 23 BY MS. WEATHERFORD:

10:31:17 24 Q What about specific to CRST? Is CRST a safe

10:31:21 25 place for female truck drivers to work?



10:31:24 1 MS. TANADA: Vague; vague.

10:31:25 2 Ambiguous.

10:31:25 3 Overbroad.

10:31:27 4 Not limited in scope.

10:31:28 5 MS. CAPASSO: Join.

10:31:29 6 THE WITNESS: I have no opinion.

10:31:30 7 BY MS. WEATHERFORD:

10:31:31 8 Q Do you know if CRST is constantly working to

10:31:33 9 provide a safe environment for female truck drivers to

10:31:33 10 work at?

10:31:34 11 A Yes, they are.

10:31:36 12 MS. TANADA: Same objections.

10:31:36 13 BY MS. WEATHERFORD:

10:31:37 14 Q Why do you say that?

10:31:38 15 A Because I've had conversations with them,

10:31:41 16 numerous conversations.

10:31:42 17 Q Okay. So let's get into those conversations.

10:31:48 18 When's the first time you had a conversation

10:31:50 19 with someone at CRST about providing a safe environment

10:31:55 20 for female truck drivers to work at?

10:31:57 21 A Probably about two years ago, before the 20/20

10:32:03 22 television program with Diane Sawyer.

10:32:06 23 Q Okay.

10:32:07 24 So sometime back in 2018?

10:32:11 25 A Approximately.



10:32:12 1 Q Okay.

10:32:12 2 And who did you have a conversation with at

10:32:15 3 CRST?

10:32:17 4 A Dave Rusch;

10:32:18 5 Brooke Willey;

10:32:20 6 Their attorney at the time. I don't recall

10:32:23 7 her name.

10:32:24 8 Q Lisa Stephenson?

10:32:25 9 A Yes.

10:32:26 10 Q And when was that -- when was that meeting?

10:32:30 11 A It was a phone conversation, and they were all

10:32:33 12 on speakerphone, so I'm not even sure who else was in

10:32:38 13 the room. But, again, that was before the 20/20

10:32:41 14 program.

10:32:41 15 Q And was that sort of in anticipation of the

10:32:45 16 20/20 program coming out publicly?

10:32:48 17 MS. TANADA: Calls for speculation.

10:32:50 18 MS. CAPASSO: Join.

10:32:51 19 THE WITNESS: I was contacted by the producer

10:32:53 20 because I was on that show. And we provided a driver

10:32:57 21 for Diane Sawyer to ride with. And the producer asked

10:33:06 22 if I could convince someone from CRST to be on the show,

10:33:10 23 so I contacted them.

10:33:17 24 BY MS. WEATHERFORD:

10:33:19 25 Q Okay.





10:33:22 1                   And so tell me about what occurred in that  
10:33:25 2 phone conversation.

10:33:27 3           A     We knew that the show was about sexual  
10:33:30 4 harassment, and they wanted to know what the producer  
10:33:35 5 had asked me and what I would be saying on the show.  
10:33:40 6 And I believe during that conversation, they determined  
10:33:45 7 that they were going to decline participation.

10:33:52 8           Q     What was the reasoning that they gave you for  
10:33:55 9 declining participation in that show?

10:33:58 10          A     They didn't feel they would be portrayed  
10:34:02 11 objectively.

10:34:04 12          Q     Okay.

10:34:06 13                   And you went on to participate in that show?

10:34:10 14          A     I did.

10:34:10 15          Q     And what did you talk about in the show?

10:34:12 16          A     Mostly, it was about giving Diane Sawyer a  
10:34:17 17 ride with our driver, so we spent -- she spent about six  
10:34:21 18 hours with our driver.

10:34:23 19          Q     Okay.

10:34:24 20                   And so tell me what specifically occurred in  
10:34:26 21 that first phone conversation that you had with CRST in  
10:34:30 22 2018 with regard to them promoting driver safety.

10:34:35 23          A     That's not what the call was about.

10:34:37 24          Q     Okay.

10:34:37 25                   But that's -- that's --



10:34:37 1                    You said that was the first time you talked to  
10:34:37 2   them about promoting --  
10:34:38 3            A     About driver safety --  
10:34:39 4            Q     Hold on; hold on --  
10:34:41 5            A     Okay.  
10:34:41 6            Q     -- just for her benefit.  
10:34:41 7            A     Sorry.  
10:34:41 8            Q     -- about promoting female driver safety.  
10:34:44 9                    So there was nothing in that phone  
10:34:46 10   conversation about how they promote female driver  
10:34:49 11   safety; is that correct?  
10:34:50 12           A     I don't recall.  
10:34:51 13           Q     Okay.  
10:34:51 14                    But the gist of that conversation was that  
10:34:54 15   they didn't want to participate in the 20/20 program  
10:34:57 16   because they felt they wouldn't be portrayed in a good  
10:35:02 17   light?  
10:35:03 18           MS. TANADA:  Misstates testimony.  
10:35:05 19           THE WITNESS:  Objectively.  
10:35:05 20           MS. TANADA:  Also, not a question.  
10:35:06 21   BY MS. WEATHERFORD:  
10:35:07 22           Q     Go ahead.  
10:35:09 23           MS. TANADA:  Not a question.  
10:35:09 24   BY MS. WEATHERFORD:  
10:35:09 25           Q     Is that not what happened?



10:35:10 1 A The term I used was "objectively."

10:35:12 2 Q Objectively; okay.

10:35:13 3 And did you disagree with them?

10:35:17 4 A I had no opinion on whether they participated

10:35:20 5 or not.

10:35:20 6 Q And why were you the -- sort of the liaison

10:35:24 7 between 20/20 and CRST?

10:35:28 8 MS. TANADA: Calls for speculation.

10:35:28 9 BY MS. WEATHERFORD:

10:35:30 10 Q Go ahead.

10:35:30 11 A The producer asked me.

10:35:32 12 Q What was the name of the producer?

10:35:34 13 A I don't recall.

10:35:39 14 Q Okay.

10:35:40 15 So when was the first time you ever spoke with

10:35:44 16 anyone at CRST about how they promote female driver

10:35:48 17 safety?

10:35:58 18 A I -- I honestly couldn't tell you dates. But

10:36:02 19 Brooke Willey is a friend of mine, and we've had many

10:36:06 20 conversations.

10:36:13 21 One of 'em was about how to protect female

10:36:17 22 drivers, like, with a device. I remember having that

10:36:19 23 discussion with her. And I don't recall when.

10:36:24 24 Q How long have you and Brooke Willey been

10:36:27 25 friends?



10:36:29 1 A Well, I wouldn't say personal friends.  
10:36:32 2 Business associates, probably four or five  
10:36:36 3 years.  
10:36:38 4 Q How did you meet?  
10:36:40 5 A Probably at an industry event.  
10:36:43 6 There're so few women in the industry that we  
10:36:46 7 all know each other.  
10:36:48 8 Q Okay.  
10:36:49 9 And so at some point, you had a phone  
10:36:51 10 conversation -- or --  
10:36:52 11 I'm sorry. I'm assuming.  
10:36:55 12 Was it a phone conversation where you talked  
10:36:57 13 about the device?  
10:36:58 14 A Yes.  
10:36:58 15 Q Okay.  
10:36:59 16 Can you give me an approximate year -- month  
10:37:02 17 and year when that conversation occurred?  
10:37:05 18 A That was probably about three years ago.  
10:37:07 19 Q So 2017?  
10:37:09 20 A Correct.  
10:37:09 21 Q And how did that conversation start?  
10:37:13 22 A One of our members who sells a personal alarm  
10:37:20 23 system asked me for an introduction to CRST so he could  
10:37:27 24 talk to them about this device.  
10:37:34 25 Q And what's that member's name?





10:37:38 1 A It was called --

10:37:41 2 I don't recall.

10:37:42 3 Q Do you remember the name of the member?

10:37:48 4 A I can picture him.

10:37:49 5 If you'll give me a minute.

10:37:52 6 Or can I look in my contact list?

10:37:56 7 Q Sure.

10:37:57 8 THE WITNESS: Mic?

10:37:58 9 THE VIDEOGRAPHER: Yes.

10:38:18 10 (Interruption in the proceedings.)

10:38:53 11 THE WITNESS: I don't recall.

10:38:53 12 BY MS. WEATHERFORD:

10:38:53 13 Q Okay.

10:38:53 14 Do you --

10:38:54 15 And you don't recall, then, what his device

10:38:57 16 was called?

10:38:59 17 A Okay.

10:39:00 18 So when he first reached out to them, he

10:39:03 19 worked for a company called SafeKey, and then left and

10:39:09 20 went and developed his own unit, and so I don't recall

10:39:12 21 the name of the new unit.

10:39:17 22 Q Okay.

10:39:18 23 A I'll -- I'll think of his name. It'll pop in

10:39:22 24 my head.

10:39:23 25 Q Sure.



10:39:24 1                   And so he asked you for an introduction to  
10:39:24 2 someone at CRST. Did he tell you why he wanted to bring  
10:39:28 3 this device over to CRST?

10:39:30 4           A     He wanted to pitch his device to all of our  
10:39:35 5 corporate members.

10:39:35 6           Q     Okay.

10:39:36 7                   So you facilitated an introduction between  
10:39:39 8 this man and some -- and Brooke Willey at CRST?

10:39:45 9           A     Correct.

10:39:45 10          Q     And were you involved in the --  
10:39:48 11                   Did they eventually talk? Do you know?

10:39:50 12          A     Yes.

10:39:50 13          Q     Okay.

10:39:51 14                   Were you involved in that conversation?

10:39:53 15          A     No.

10:39:53 16          Q     Were you involved in any subsequent  
10:39:56 17 conversations between him and Brooke Willey?

10:39:58 18          A     No.

10:39:59 19          Q     Do you know if the device was implemented at  
10:40:02 20 CRST?

10:40:03 21          A     I do not believe it was.

10:40:04 22          Q     Do you know why it wasn't?

10:40:06 23          A     Because Brooke found an app instead and chose  
10:40:10 24 that.

10:40:13 25          Q     What did -- what did this man's device -- what



10:40:16 1 did it do specifically?

10:40:19 2 MS. TANADA: Calls for speculation.

10:40:23 3 THE WITNESS: It would hang on a key -- like, on a  
10:40:25 4 fob, and there was one button in the middle, and if you  
10:40:30 5 pushed the button, it would go to a call center. They'd  
10:40:35 6 ask if you were okay.

10:40:37 7 BY MS. WEATHERFORD:

10:40:37 8 Q And what was the purpose of the device?

10:40:40 9 A Safety.

10:40:40 10 Q For who?

10:40:42 11 A Anyone who uses it.

10:40:44 12 Q Was it specifically marketed to truck drivers,  
10:40:47 13 or was it widely available?

10:40:50 14 A Widely available.

10:40:54 15 Q And then so you said that it was not  
10:40:56 16 implemented at CRST because Brooke found an app. Do you  
10:41:00 17 know the name of the app that she found?

10:41:04 18 A No.

10:41:04 19 Q Do you know when she found the app?

10:41:06 20 A No.

10:41:07 21 Q Would it be fair to say that it was sometime  
10:41:10 22 after 2017 when you made the initial introduction to --  
10:41:14 23 between Brooke and the male member of your organization?

10:41:17 24 A I would suppose so, yes.

10:41:19 25 Q How did you find out that Brooke was -- had



10:41:22 1 found this app?

10:41:25 2 A She told me about it.

10:41:28 3 Q What did she tell you about it?

10:41:31 4 A She actually showed it to me and showed me how

10:41:36 5 it worked.

10:41:37 6 Q Okay.

10:41:39 7 So what did it look like?

10:41:40 8 A It's a red button on the app, and you push the

10:41:44 9 red button, and you set it up in advance whether you

10:41:47 10 want it to text or call, and you choose where it goes.

10:41:51 11 And all you do is hit the red button.

10:41:56 12 That could be the name of it, Red Button.

10:42:00 13 Q Okay.

10:42:02 14 Did Brooke tell you whether or not they --

10:42:05 15 that app was being implemented in some way at CRST?

10:42:10 16 A Yes.

10:42:12 17 Q What did she tell you?

10:42:13 18 A That it's implemented at CRST, that everyone

10:42:17 19 in training is told how to download the app.

10:42:21 20 Q Okay.

10:42:21 21 So other than facilitating this meeting

10:42:25 22 between your male organization member and Brooke Willey,

10:42:31 23 what else have you been involved in or known about that

10:42:34 24 would give you the opinion that CRST does -- takes

10:42:41 25 measures to protect its female drivers?





10:42:44 1 MS. TANADA: Vague and ambiguous.

10:42:45 2 THE WITNESS: Could you rephrase the -- repeat the

10:42:53 3 question or rephrase it?

10:42:54 4 BY MS. WEATHERFORD:

10:42:55 5 Q Yeah.

10:42:55 6 Other than what you told me, what else do you

10:42:58 7 know about what CRST does to protect its female drivers?

10:43:05 8 MS. TANADA: Same objections.

10:43:06 9 And not limited in scope.

10:43:08 10 THE WITNESS: Just what I've read preparing for

10:43:10 11 this.

10:43:10 12 BY MS. WEATHERFORD:

10:43:11 13 Q Okay.

10:43:12 14 So tell me what you read.

10:43:16 15 A The video;

10:43:18 16 The -- the training documents.

10:43:29 17 Q Anything else?

10:43:33 18 A Well, I've read the depositions.

10:43:35 19 Q Okay.

10:43:36 20 So putting aside things that you learned in

10:43:40 21 this case --

10:43:41 22 'Cause you were retained in February 2020;

10:43:42 23 that's correct; right?

10:43:45 24 You were retained on this case in around --

10:43:46 25 A Oh, February -- oh, okay.



10:43:46 1 Yes; yes.

10:43:47 2 Q -- February 2020; correct?

10:43:47 3 A Yes; yes.

10:43:47 4 Q Okay.

10:43:48 5 So I want to know what you knew before that

10:43:51 6 date that would give you the opinion that CRST is

10:43:54 7 constantly working on creating a safer environment for

10:43:58 8 its female employees, female truck drivers.

10:44:01 9 A I've heard Brooke speak at industry events.

10:44:05 10 I've had conversations with Brooke.

10:44:07 11 I mean, I've known her for years, so I can't

10:44:12 12 give you dates exactly, but when I see her in a -- a

10:44:16 13 industry event, we chat.

10:44:20 14 Q And do you chat specifically about what she is

10:44:23 15 doing at CRST to make it safer for female truck drivers?

10:44:28 16 A Not always.

10:44:29 17 MS. TANADA: Vague and ambiguous.

10:44:29 18 THE WITNESS: Not always.

10:44:30 19 BY MS. WEATHERFORD:

10:44:30 20 Q Okay.

10:44:31 21 How often have you had those -- that

10:44:33 22 conversation with Brooke?

10:44:36 23 A Three, four times, maybe.

10:44:38 24 Q Over the course of how many years?

10:44:40 25 A Five years, maybe.



10:44:43 1 Q And how long did each of those conversations  
10:44:47 2 last?  
10:44:50 3 A I don't recall.  
10:44:51 4 Q Do you recall the content of any of those  
10:44:54 5 conversations?  
10:44:57 6 A I recall the fact that we talked about devices  
10:45:00 7 and how -- is a device the best item to be using for  
10:45:12 8 safety.  
10:45:19 9 Q Anything else?  
10:45:27 10 A Specific to sexual harassment, no.  
10:45:38 11 Q You have the opinion that in the training  
10:45:41 12 context in the trucking industry, that male trainees  
10:45:46 13 should be paired with male leads and female trainees  
10:45:51 14 should be paired with female leads; you have that  
10:45:55 15 opinion?  
10:45:55 16 A I do.  
10:45:56 17 MS. TANADA: Misstates.  
10:45:57 18 BY MS. WEATHERFORD:  
10:45:57 19 Q How long have you held that opinion?  
10:45:59 20 A Probably at least three years.  
10:46:01 21 Q And you also have the opinion that CRST should  
10:46:05 22 implement that policy?  
10:46:07 23 A No.  
10:46:08 24 Q You don't?  
10:46:09 25 A No.



10:46:09 1 Q You've never said that?

10:46:10 2 A It -- it's against the law. They cannot  
10:46:13 3 implement that policy.

10:46:16 4 I believe that every trucking company out  
10:46:19 5 there should have the option to implement a same-gender  
10:46:24 6 training policy.

10:46:24 7 Q Okay.

10:46:25 8 And you believe that CRST should implement a  
10:46:27 9 same-gender training policy?

10:46:30 10 MS. TANADA: Objection.

10:46:30 11 Not a question.

10:46:31 12 BY MS. WEATHERFORD:

10:46:32 13 Q You believe that; correct?

10:46:34 14 MS. TANADA: Also, outside the scope.

10:46:36 15 THE WITNESS: I don't want them violating EEOC.

10:46:40 16 I --

10:46:41 17 If I can get the law changed, I think everyone  
10:46:44 18 should implement a same-gender training policy if they  
10:46:49 19 have the ability to do that.

10:46:50 20 BY MS. WEATHERFORD:

10:46:56 21 Q Why do you think a same-gender --

10:46:58 22 Well, let me ask you this: A same-gender  
10:47:01 23 training policy -- would that make training safer for  
10:47:05 24 female drivers?

10:47:07 25 MS. TANADA: Outside the scope.





10:47:12 1 THE WITNESS: A same-gender training policy would  
10:47:14 2 take some of the angst from being trained by an  
10:47:21 3 unrelated individual.

10:47:25 4 I personally would not want to go out in the  
10:47:31 5 truck with an unrelated individual of the opposite  
10:47:35 6 gender for weeks at a time.

10:47:38 7 BY MS. WEATHERFORD:

10:47:39 8 Q Okay.

10:47:40 9 Why not?

10:47:41 10 MS. TANADA: Outside the scope.

10:47:44 11 THE WITNESS: I wouldn't want to share a hotel room  
10:47:48 12 with someone of the opposite gender. I wouldn't --

10:47:52 13 I just believe that --

10:47:59 14 The trucking industry is the only industry  
10:48:03 15 that mixes genders in training situations. I believe we  
10:48:08 16 should follow the lead of best practices and separate  
10:48:11 17 genders.

10:48:11 18 BY MS. WEATHERFORD:

10:48:12 19 Q Okay.

10:48:13 20 But why? What -- what about separating  
10:48:16 21 genders makes it safer for female truck drivers?

10:48:20 22 MS. TANADA: Outside the scope.

10:48:21 23 MS. CAPASSO: Join.

10:48:24 24 THE WITNESS: So the --

10:48:24 25 It goes both ways. There are male trainers



10:48:30 1 who don't want to train female trainees because their  
10:48:35 2 spouses don't want them to.

10:48:38 3                   There's lots of reasons.

10:48:39 4 BY MS. WEATHERFORD:

10:48:40 5           Q     I just want to know about what makes it safer  
10:48:42 6 for the women.

10:48:44 7           MS. TANADA: Outside of the scope.

10:48:46 8           MS. CAPASSO: Join.

10:48:46 9           MS. TANADA: Vague and ambiguous.

10:48:48 10 BY MS. WEATHERFORD:

10:48:48 11          Q     Okay.

10:48:50 12          A     I guess for me, it just makes common sense  
10:48:53 13 that you don't put two unrelated people of opposite  
10:48:57 14 genders in an area with sleeping quarters.

10:49:01 15          Q     But why? What is the problem with that?

10:49:04 16          MS. TANADA: Asked and answered.

10:49:05 17                   Outside the scope.

10:49:06 18                   Vague and ambiguous.

10:49:07 19          MS. CAPASSO: Join.

10:49:08 20 BY MS. WEATHERFORD:

10:49:08 21          Q     Go ahead.

10:49:11 22          A     So I found two professors from New York who  
10:49:17 23 did research on the proximity of the sleeper berth --  
10:49:19 24 the bed in a dorm room and how it increases the  
10:49:23 25 likelihood of sexual assault and sexual harassment, and



10:49:27 1 I reached out to them and asked them if they felt it was  
10:49:32 2 applicable to the trucking industry.

10:49:34 3 Q And what did they say?

10:49:36 4 A They said anecdotally, they felt it was, but  
10:49:40 5 they would have to do the research.

10:49:42 6 Q And when did you first reach out to these two  
10:49:46 7 researchers?

10:49:46 8 A Probably about a year ago.

10:49:49 9 Q What are their names?

10:49:50 10 A I'm really bad on names, I can tell you.

10:50:18 11 I don't recall. But I have it on our Web  
10:50:21 12 site.

10:50:21 13 Q Okay.

10:50:22 14 Are they from a university?

10:50:23 15 A Yes; the University of New York.

10:50:25 16 Sorry.

10:50:26 17 Q And you said it's on your Web site?

10:50:28 18 A Correct.

10:50:28 19 Q Where is it on your Web site?

10:50:30 20 A A drop-down box; it says "Same-Gender Training  
10:50:36 21 Policy."

10:50:37 22 Q Okay.

10:50:39 23 You've also said that just biologically, it  
10:50:43 24 makes sense to separate genders. What did you mean by  
10:50:46 25 that?



10:50:47 1 A I didn't use the term "biologically."

10:50:50 2 Q You said "biology."

10:50:52 3 MS. TANADA: Misstates testimony.

10:50:52 4 BY MS. WEATHERFORD:

10:50:52 5 Q Not today.

10:50:52 6 You've said it before.

10:50:52 7 MS. TANADA: Misstates --

10:50:52 8 Excuse me.

10:50:55 9 Assumes facts not in evidence.

10:50:55 10 MS. CAPASSO: Join.

10:50:56 11 THE WITNESS: I don't recall saying "biology."

10:50:58 12 BY MS. WEATHERFORD:

10:50:58 13 Q Okay.

10:50:58 14 So you don't recall ever saying that it makes

10:51:02 15 sense because of biology to sep- -- separate male and

10:51:06 16 female drivers?

10:51:08 17 A I --

10:51:08 18 MS. TANADA: Objection.

10:51:09 19 Outside the scope.

10:51:10 20 MS. CAPASSO: Join.

10:51:10 21 BY MS. WEATHERFORD:

10:51:11 22 Q Go ahead.

10:51:11 23 A I personally believe that we should have a

10:51:14 24 same-gender training policy --

10:51:17 25 Q Be --





10:51:18 1 For safety --

10:51:19 2 A -- option.

10:51:21 3 Q For safety purposes?

10:51:23 4 MS. TANADA: Vague and ambiguous.

10:51:23 5 MS. CAPASSO: Join.

10:51:24 6 MS. TANADA: Outside the scope.

10:51:26 7 BY MS. WEATHERFORD:

10:51:26 8 Q Is it for safety purposes?

10:51:32 9 MS. TANADA: Vague and ambiguous.

10:51:32 10 THE WITNESS: Partially.

10:51:32 11 MS. TANADA: Again, outside the scope.

10:51:33 12 BY MS. WEATHERFORD:

10:51:33 13 Q Okay.

10:51:34 14 Tell me about that.

10:51:35 15 MS. TANADA: Outside the scope.

10:51:37 16 THE WITNESS: So, again, there are men whose wives

10:51:43 17 don't want them training female drivers. That's not a

10:51:46 18 safety thing.

10:51:47 19 BY MS. WEATHERFORD:

10:51:48 20 Q I don't want to talk about what --

10:51:48 21 I don't --

10:51:48 22 I'm talking about the women.

10:51:50 23 A Well, you're asking me why I believe in a

10:51:53 24 same-gender training policy option.

10:51:56 25 Q And I want to know --



10:51:56 1 Well, first, let's start at the ground level.

10:51:56 2 Do you believe that same-gender training makes

10:51:59 3 it safer for the female trainees? Do you believe that?

10:52:04 4 MS. TANADA: Vague and ambiguous.

10:52:05 5 MS. CAPASSO: Join.

10:52:13 6 THE WITNESS: I would say if all drivers treated

10:52:16 7 each other with respect, this wouldn't be an issue.

10:52:20 8 BY MS. WEATHERFORD:

10:52:20 9 Q That wasn't my question.

10:52:22 10 I want to know if same-gender --

10:52:25 11 'Cause you've done a lot of research on

10:52:28 12 this --

10:52:28 13 A Correct; correct.

10:52:29 14 Q -- and you've been an expert witness on it.

10:52:32 15 You've written articles about it. You've talked about

10:52:33 16 it in lectures.

10:52:34 17 I want to know if same-gender training makes

10:52:38 18 it safer for the female trainees.

10:52:41 19 A It could.

10:52:42 20 MS. TANADA: Vague and ambiguous.

10:52:43 21 BY MS. WEATHERFORD:

10:52:43 22 Q And how could it?

10:52:45 23 MS. TANADA: Same objections.

10:52:47 24 Outside the scope.

10:52:48 25 Calls for speculation.



10:52:48 1 Argumentative.

10:52:49 2 MS. CAPASSO: Join.

10:52:50 3 BY MS. WEATHERFORD:

10:52:50 4 Q Go ahead.

10:52:52 5 A It takes some of the tension off the trainee

10:53:00 6 from being in an unfamiliar place with an unfamiliar

10:53:06 7 person of the opposite gender.

10:53:09 8 Q Okay.

10:53:10 9 So your -- your -- your testimony, if I'm

10:53:14 10 understanding it, is it just -- it relieves some

10:53:18 11 tension, that the female driver might be uncomfortable

10:53:20 12 with the man?

10:53:22 13 A I'm saying --

10:53:22 14 MS. TANADA: Misstates testimony.

10:53:23 15 THE WITNESS: I'm saying it alleviates -- it's a

10:53:25 16 proactive way to help avoid sexual harassment.

10:53:36 17 BY MS. WEATHERFORD:

10:53:36 18 Q Okay.

10:53:37 19 But I want to know what specifically about

10:53:39 20 having same-gender training teams is a proactive way to

10:53:44 21 make it safer.

10:53:46 22 MS. TANADA: Objection.

10:53:46 23 Outside the scope.

10:53:48 24 Vague.

10:53:48 25 Ambiguous.



10:53:50 1 Overbroad.

10:53:51 2 MS. CAPASSO: Join.

10:53:52 3 MS. TANADA: Asked and answered.

10:53:53 4 Argumentative.

10:53:54 5 BY MS. WEATHERFORD:

10:53:54 6 Q Go ahead.

10:53:55 7 MS. TANADA: Burdensome.

10:53:59 8 Oppressive.

10:54:01 9 MS. CAPASSO: Join.

10:54:01 10 THE WITNESS: You keep using the term "safer."

10:54:05 11 I'm saying it makes the training experience

10:54:08 12 better.

10:54:08 13 BY MS. WEATHERFORD:

10:54:09 14 Q Okay.

10:54:10 15 So it doesn't make it safer?

10:54:12 16 A I didn't say that.

10:54:13 17 MS. TANADA: Misstates testimony.

10:54:13 18 THE WITNESS: That is not what I said.

10:54:13 19 BY MS. WEATHERFORD:

10:54:13 20 Q Okay.

10:54:14 21 Does it make the training experience safer for

10:54:17 22 the female trainee if they're -- if they're same-gender

10:54:20 23 training teams?

10:54:22 24 MS. TANADA: Asked and answered.

10:54:22 25 Burdensome and oppressive.





10:54:22 1 Vague and ambiguous.

10:54:22 2 Outside the scope.

10:54:22 3 MS. WEATHERFORD: So --

10:54:23 4 You know what?

10:54:24 5 MS. CAPASSO: Join.

10:54:25 6 MS. WEATHERFORD: It's not outside the scope,

10:54:25 7 'cause she literally just told me that she's here to

10:54:28 8 comment on best training practices in the industry, so

10:54:33 9 we are directly within the scope.

10:54:33 10 If you both want to keep objecting, this

10:54:34 11 deposition will go on all day long.

10:54:37 12 So I will give you both every single objection

10:54:41 13 under the sun, reserved, from what is her name until we

10:54:46 14 finish this deposition. It could be at 10:00 p.m. with

10:54:49 15 these objections.

10:54:49 16 MS. TANADA: I went to -- (unintelligible) -- so

10:54:49 17 I'm good.

10:54:51 18 MS. WEATHERFORD: Great. Okay. Then you can keep

10:54:52 19 objecting.

10:54:52 20 BY MS. WEATHERFORD:

10:54:53 21 Q Well, I hope you don't have any planes to

10:54:55 22 catch --

10:54:55 23 A No.

10:54:55 24 Q -- or anything like that.

10:54:56 25 Okay.



10:54:58 1                   So what is it specifically about same-gender  
10:55:00 2 training that makes it safer for a female trainee?  
10:55:04 3           MS. TANADA: Asked and answered.  
10:55:04 4                   Burdensome and oppressive.  
10:55:05 5           THE WITNESS: I'm just --  
10:55:05 6           MS. TANADA: Vague and ambiguous.  
10:55:05 7           THE WITNESS: What I'm saying is --  
10:55:06 8           MS. TANADA: Outside the scope.  
10:55:06 9           MS. CAPASSO: Join.  
10:55:07 10           THE WITNESS: -- same-gender training policy makes  
10:55:10 11 the experience less stressful. Now, whether it's safe,  
10:55:15 12 safer or not, if you mean physically for the driver,  
10:55:22 13 that would depend on the individuals.  
10:55:23 14 BY MS. WEATHERFORD:  
10:55:24 15           Q       What do you mean?  
10:55:24 16           A       Well, if --  
10:55:27 17                   I guess it would depend on if the female was  
10:55:31 18 worried about the male.  
10:55:35 19           Q       How would that make a difference?  
10:55:38 20           MS. TANADA: Outside the scope.  
10:55:41 21           THE WITNESS: I'll just say in -- from my  
10:55:44 22 experience, being in a training situation with an  
10:55:48 23 unrelated individual, there's already some stress. So I  
10:55:57 24 believe it adds stress when the individual is opposite  
10:56:00 25 gender.



10:56:03 1 BY MS. WEATHERFORD:

10:56:03 2 Q Okay.

10:56:03 3 You said based on your experience. What do

10:56:05 4 you mean, based on your experience?

10:56:07 5 A As a woman.

10:56:10 6 Q Specific to the male trainer/female trainee

10:56:16 7 situation, do you have any experience in that?

10:56:18 8 A Yes.

10:56:19 9 Q Okay.

10:56:21 10 Go ahead.

10:56:27 11 A So I have a CDL. I went to truck driving

10:56:31 12 school with three male students, two male instructors.

10:56:36 13 Q Okay.

10:56:37 14 And that's -- that's truck driving school --

10:56:40 15 A Mm-hmm.

10:56:40 16 Q -- at a school in a classroom setting?

10:56:43 17 A Oh, no. It's in trucks.

10:56:45 18 Q Okay.

10:56:46 19 Was it on-the-road training, just you and --

10:56:47 20 and a male in a truck?

10:56:49 21 A Usually there was two or three.

10:56:52 22 Q Two --

10:56:55 23 A There were seats actually in the sleeper berth

10:56:57 24 area, so there were people observing.

10:56:58 25 Q Okay.



10:56:59 1 So it was a training truck; it wasn't a  
10:57:01 2 typical truck --  
10:57:03 3 A Correct.  
10:57:03 4 Q -- with a sleeper berth with the bunk beds --  
10:57:03 5 A Correct.  
10:57:03 6 Q -- and all of that?  
10:57:03 7 A Correct.  
10:57:03 8 Q Okay.  
10:57:04 9 How long were you on that truck?  
10:57:05 10 A I was --  
10:57:05 11 Training was three weeks, two weeks of it in  
10:57:08 12 the truck, one in the classroom.  
10:57:10 13 Q And did you have to spend nights in the truck?  
10:57:13 14 A No.  
10:57:13 15 Q Did you have to spend nights at a hotel?  
10:57:16 16 A Yes.  
10:57:17 17 Q Did you have your own hotel room?  
10:57:18 18 A Yes.  
10:57:19 19 Q Have you ever been in a situation like CRST  
10:57:22 20 has, where it's co-driving student training where you  
10:57:27 21 have to actually sleep on the truck with your male  
10:57:31 22 co-driver?  
10:57:33 23 A No.  
10:57:37 24 Q How many total miles have you driven with your  
10:57:42 25 CDL?





10:57:43 1 A Oh, 126.

10:57:45 2 Q And when did you get your CDL?

10:57:48 3 A December of 2008.

10:57:51 4 Q Have you ever worked for a trucking company as

10:57:53 5 a truck driver?

10:57:55 6 A No.

10:58:00 7 Q The 126 miles -- were those driven over some

10:58:04 8 number of years or within a specific time period?

10:58:07 9 A One time --

10:58:08 10 One day.

10:58:09 11 Q So in the three weeks of training, you drove

10:58:13 12 for one day?

10:58:15 13 A The 126 was not part of the training. That

10:58:19 14 was driving a friend's tractor- -- tractor.

10:58:25 15 Q Wait; I'm sorry.

10:58:26 16 So you drove 126 miles in a friend's tractor?

10:58:31 17 A Correct.

10:58:31 18 Q Where did you drive from/to?

10:58:33 19 A Milwaukee, Wisconsin, to Stevens Point,

10:58:36 20 Wisconsin.

10:58:37 21 Q And you said it was a friend's tractor?

10:58:40 22 A Correct.

10:58:41 23 Q What was the purpose of driving the friend's

10:58:43 24 tractor?

10:58:45 25 A Fun.



10:58:46 1 Q For fun?

10:58:47 2 A To -- to -- to drive.

10:58:48 3 Q Okay.

10:58:49 4 Were you carrying a load?

10:58:51 5 A No.

10:58:56 6 Q Okay.

10:58:56 7 So other than driving your friend's tractor

10:58:58 8 for fun, do you have any over -- other over-the-road

10:59:02 9 truck driving experience as a truck driver?

10:59:06 10 A As a driver, no.

10:59:07 11 Q Okay.

10:59:07 12 So going back to the same-sex pairings for

10:59:14 13 driver training, you said that it alleviates some

10:59:17 14 stress. What is the particular stress that it would be

10:59:22 15 alleviating?

10:59:23 16 MS. TANADA: Calls for speculation.

10:59:23 17 Outside the scope.

10:59:24 18 Vague and ambiguous.

10:59:25 19 MS. CAPASSO: Join.

10:59:26 20 THE WITNESS: So when a female goes out in

10:59:31 21 finishing for weeks at a time with another driver,

10:59:35 22 they're already nervous about driving. They're nervous

10:59:38 23 about changing clothes in the sleeper berth. They're

10:59:46 24 nervous about getting out to use the restroom often

10:59:51 25 enough. They're nervous about lots of things.



10:59:54 1 BY MS. WEATHERFORD:

10:59:55 2 Q Do you think that same-sex driver pairings

10:59:58 3 prevent sexual harassment?

11:00:01 4 MS. TANADA: Lacks foundation.

11:00:01 5 Calls for speculation.

11:00:03 6 Outside --

11:00:04 7 Well -- no.

11:00:04 8 MS. CAPASSO: Join.

11:00:06 9 THE WITNESS: Prevents sexual harassment?

11:00:08 10 BY MS. WEATHERFORD:

11:00:08 11 Q Yes; prevent sexual harassment?

11:00:10 12 MS. TANADA: And vague and ambiguous.

11:00:13 13 THE WITNESS: I say it's a preemptive measure.

11:00:15 14 BY MS. WEATHERFORD:

11:00:15 15 Q What do you -- what --

11:00:16 16 Why are you making that distinction?

11:00:19 17 A Because if you have -- if you have a

11:00:20 18 same-gender training policy, you're not going to have

11:00:23 19 the level of sexual harassment -- potential sexual

11:00:30 20 harassment.

11:00:31 21 Q So it prevents it?

11:00:34 22 A Prevents it.

11:00:35 23 Q How long have you felt this way?

11:00:40 24 A Four or five years.

11:00:45 25 Q And when's the first time you talked to CRST



11:00:48 1 about the same-gender pairing position that you have?

11:00:52 2 MS. TANADA: Assumes facts not in evidence.

11:00:55 3 MS. CAPASSO: Join.

11:00:55 4 THE WITNESS: It was probably about four years ago

11:00:58 5 when I asked them to sign on to my same-gender training

11:01:03 6 policy option. I asked for their support.

11:01:06 7 BY MS. WEATHERFORD:

11:01:06 8 Q And what did they say?

11:01:07 9 A Yes.

11:01:08 10 Q Okay.

11:01:08 11 So tell me about what your --

11:01:11 12 You said, sign on to your same-gender policy

11:01:15 13 option. What is that?

11:01:16 14 A So when I went to speak to the Federal Motor

11:01:19 15 Carrier Safety Administration about a potential of a

11:01:23 16 same-gender training policy, they said, "We think this

11:01:26 17 is great, but we want to know that you have industry

11:01:29 18 support," so I went out to our members, our state

11:01:34 19 associations, carriers, and I asked for their support.

11:01:37 20 And I'm still asking for their support.

11:01:39 21 Q Okay.

11:01:39 22 Who specifically from CRST signed --

11:01:39 23 Was it just, like, a petition?

11:01:41 24 A A verbal was enough.

11:01:43 25 Q Okay.





11:01:44 1 Who gave you the verbal approval to give  
11:01:47 2 your -- their support from CRST to this initiative?  
11:01:51 3 A I believe it was Dave Rusch.  
11:01:54 4 Q And by lending his support, did he have to  
11:01:58 5 make any guarantees about same-sex gender training --  
11:02:02 6 A No.  
11:02:03 7 Q -- at CRST?  
11:02:04 8 A No.  
11:02:05 9 Q Do you know if CRST has any same-sex gender  
11:02:08 10 training programs or initiatives?  
11:02:10 11 MS. TANADA: Calls for speculation.  
11:02:11 12 THE WITNESS: It's against the law, so they can't.  
11:02:13 13 They --  
11:02:14 14 MS. TANADA: Let her finish the question --  
11:02:17 15 THE WITNESS: Oh.  
11:02:17 16 I'm sorry.  
11:02:18 17 MS. TANADA: -- because the court reporter is --  
11:02:20 18 THE WITNESS: Sorry.  
11:02:20 19 MS. TANADA: -- trying to get both of you.  
11:02:20 20 THE WITNESS: Okay.  
11:02:20 21 BY MS. WEATHERFORD:  
11:02:22 22 Q Why do you say it's against the law?  
11:02:26 23 A One trucking company adopted a same-gender  
11:02:29 24 training policy and were sued by the EEOC and lost  
11:02:36 25 millions of dollars.



11:02:37 1 Q What trucking company?

11:02:39 2 A Prime Inc.; New Prime, Inc.

11:02:42 3 Q You testified for Prime in that case; correct?

11:02:44 4 A Correct.

11:02:48 5 Q And you spoke at length about how same-gender

11:02:52 6 driver training pairings prevent sexual harassment and

11:02:56 7 make it safer for the women?

11:02:58 8 A No.

11:02:58 9 Q You did not?

11:02:59 10 A No.

11:02:59 11 Q Okay.

11:02:59 12 What did you talk about, then?

11:03:02 13 A I was called -- I was called in to say --

11:03:05 14 It -- it was an EEOC compliance initiative,

11:03:07 15 and so the lawsuit gave damages to the women who had

11:03:12 16 applied there. My testimony was to state that if they

11:03:19 17 had wanted a job in the trucking company -- in the

11:03:22 18 trucking industry, there were plenty other options.

11:03:28 19 Q Okay.

11:03:28 20 But you provided no testimony in that case

11:03:31 21 about how it makes it safer for women or prevents sexual

11:03:34 22 harassment?

11:03:34 23 A I don't believe I --

11:03:34 24 MS. TANADA: Objection.

11:03:34 25 Not a question.



11:03:34 1 THE WITNESS: I don't believe I did.

11:03:34 2 BY MS. WEATHERFORD:

11:03:35 3 Q Would you be surprised if you did?

11:03:39 4 A Since the whole trial was about same-gender  
11:03:42 5 training, I probably was asked my opinion, and as I'd  
11:03:47 6 stated, I'm in favor of it.

11:03:49 7 Q Do you know any other trucking companies that  
11:03:52 8 have at least the -- not mandatory, but optional  
11:03:56 9 same-gender training programs?

11:04:00 10 A Define "optional."

11:04:02 11 Q Meaning it's not mandatory.

11:04:06 12 A Many companies I've talked to -- Schneider,  
11:04:10 13 Devore -- if -- if a female train- -- a female driver  
11:04:18 14 requests a female trainer, they try to accommodate that  
11:04:22 15 request, so I guess that would be an optional.

11:04:27 16 Q Do you know if CRST has one?

11:04:30 17 A No, I don't.

11:04:33 18 Q You've also advocated for inward-facing  
11:04:38 19 cameras in truck cabs for training of students; correct?

11:04:44 20 MS. TANADA: Misstates opinion.

11:04:45 21 THE WITNESS: I advocate in- -- inward-facing  
11:04:49 22 cameras for training purposes only, yes.

11:04:51 23 BY MS. WEATHERFORD:

11:04:52 24 Q And that would be a situation where a male was  
11:04:55 25 taking a female trainee out on the road; that's the



11:04:59 1 situation that you have advocated for inward-facing  
11:05:03 2 cameras in?

11:05:05 3 A I advocate for inward-facing cameras in any  
11:05:09 4 training situation, regardless of gender.

11:05:10 5 Q Why? Why -- why --

11:05:12 6 What is it about inward-facing cameras and  
11:05:15 7 training?

11:05:15 8 A So the company can monitor what the trainer is  
11:05:19 9 saying; they can evaluate the quality of the training;  
11:05:24 10 if there's a potential -- a comment made, it would be  
11:05:27 11 recorded.

11:05:32 12 Q Do you think inward-facing cameras make it  
11:05:36 13 safer for female trainees who are in a truck alone with  
11:05:41 14 a male trainer?

11:05:42 15 MS. TANADA: Vague and ambiguous.

11:05:43 16 Calls for speculation.

11:05:44 17 Lacks foundation.

11:05:45 18 MS. CAPASSO: Join.

11:05:45 19 THE WITNESS: I would say I would feel safer.

11:05:48 20 BY MS. WEATHERFORD:

11:05:51 21 Q Why would you feel safer?

11:05:53 22 A If --

11:05:56 23 MS. TANADA: Same objections.

11:05:57 24 THE WITNESS: I would feel safer knowing that the  
11:05:59 25 conversation was being recorded.





11:06:04 1 BY MS. WEATHERFORD:

11:06:05 2 Q Do you know other trucking companies who use

11:06:07 3 inward-facing cameras for their -- for their training?

11:06:11 4 A I know of none.

11:06:13 5 Q None?

11:06:13 6 A I know of companies who have inward-facing

11:06:17 7 cameras, but not specific for training.

11:06:20 8 Q Okay.

11:06:20 9 Tell me what companies you know of that have

11:06:23 10 inward-facing cameras.

11:06:25 11 A I believe FedEx.

11:06:33 12 There's a few.

11:06:35 13 Q All right.

11:06:35 14 Are they listed on your Web site?

11:06:38 15 A No.

11:06:39 16 Q Are any of them Women in Trucking members?

11:06:43 17 A I'm sure they are.

11:06:44 18 Q So FedEx uses inward-facing cameras for all

11:06:50 19 their trucks, regardless of training or whatever

11:06:52 20 designation?

11:06:52 21 MS. TANADA: Calls for speculation.

11:06:53 22 THE WITNESS: I don't know. I don't know if it's

11:06:54 23 all their trucks.

11:07:00 24 BY MS. WEATHERFORD:

11:07:00 25 Q Do you know if CRST uses inward-facing



11:07:04 1 cameras?

11:07:05 2 A I don't believe they do.

11:07:06 3 Q Have you ever --

11:07:06 4 A I'm not aware that they do.

11:07:09 5 Q Have you ever spoken to anyone at CRST about

11:07:13 6 their lack of inward-facing cameras?

11:07:16 7 A I've never spoken to anyone at CRST about

11:07:20 8 inward-facing cameras that I recall.

11:07:24 9 Q Has anyone from CRST ever asked your opinion,

11:07:28 10 as the head of this Women in Trucking organization,

11:07:30 11 about whether or not inward-facing cameras would be a

11:07:35 12 good option for CRST?

11:07:35 13 MS. TANADA: Vague and ambiguous.

11:07:35 14 THE WITNESS: No.

11:07:35 15 BY MS. WEATHERFORD:

11:07:36 16 Q Did Brooke Willey ever mention inward-facing

11:07:39 17 cameras to you?

11:07:42 18 A Not that I recall.

11:07:46 19 Q Have you ever spoken with Brooke Willey at any

11:07:49 20 time about the topic of inward-facing cameras?

11:07:52 21 A I don't believe so.

11:08:05 22 Q Okay.

11:08:06 23 I want to attach as Exhibit 1 the collection

11:08:10 24 of documents that were produced in response to the

11:08:14 25 deposition notice for your deposition in this case.



11:08:15 1 (Whereupon the documents referred to are  
11:08:15 2 marked as Plaintiff's Exhibit 1 for identification.)  
11:08:16 3 MS. TANADA: Counsel, switching topics, can we take  
11:08:19 4 a break, since we've been going for about an hour?  
11:08:19 5 MS. WEATHERFORD: Sure.  
11:08:21 6 THE VIDEOGRAPHER: We are going off the record.  
11:08:23 7 It is 11:08 a.m.  
11:08:27 8 (A break was taken from 11:08 a.m. to 11:24 a.m.)  
11:24:06 9 THE VIDEOGRAPHER: We are back on the record.  
11:24:07 10 It is 11:24 a.m.  
11:24:10 11 BY MS. WEATHERFORD:  
11:24:10 12 Q Okay.  
11:24:11 13 So before we broke, I marked a packet of  
11:24:14 14 documents as Exhibit 1. Can you look through that  
11:24:17 15 packet and tell me what it is?  
11:24:21 16 A An e-mail from Carrie Mattison.  
11:24:26 17 Q And -- and it might be easier if you just skim  
11:24:29 18 the whole packet, and why don't you tell me if that's  
11:24:32 19 your entire file related to this case.  
11:25:16 20 A I believe so.  
11:25:19 21 They were documents sent to me, and from --  
11:25:22 22 and from.  
11:25:26 23 Q From you to the lawyers?  
11:25:32 24 A Correct.  
11:25:44 25 Q Okay.



11:25:45 1 Is there anything that you can tell is missing  
11:25:47 2 from that file?  
11:25:59 3 A Not that I'm aware of.  
11:26:01 4 I think I also sent my resumé, which I didn't  
11:26:05 5 notice in here.  
11:26:07 6 Q I think your resumé's in there somewhere.  
11:26:10 7 A My bio's in here from our Web site, but I  
11:26:15 8 don't --  
11:26:17 9 MS. WEATHERFORD: Do you have a copy of her resumé?  
11:26:21 10 MS. TANADA: That's what's in the back of the file,  
11:26:24 11 isn't it?  
11:26:25 12 THE WITNESS: It could be.  
11:26:28 13 MS. TANADA: I think I saw it right before the  
11:26:32 14 harassment policies.  
11:26:36 15 THE WITNESS: Oh, this is the bill.  
11:26:54 16 I believe it's a complete file, just going  
11:26:57 17 through it quickly.  
11:26:58 18 BY MS. WEATHERFORD:  
11:26:59 19 Q Okay.  
11:27:00 20 Do you --  
11:27:00 21 Is there a report by you in that file?  
11:27:03 22 A A report?  
11:27:04 23 Q Yes, a report.  
11:27:05 24 Did you write -- prepare a report for this  
11:27:07 25 case?





11:27:09 1 A Oh, yes.

11:27:11 2 Q Where is that report?

11:27:18 3 A I'll find it.

11:27:22 4 Oh, here's my resumé.

11:27:32 5 Towards the front? Towards the back?

11:27:39 6 MS. TANADA: Is this it?

11:27:40 7 THE WITNESS: I have it, yes.

11:27:46 8 BY MS. WEATHERFORD:

11:27:46 9 Q Okay.

11:27:47 10 And the pages aren't numbered. Let me see if

11:27:51 11 I can get to the same --

11:27:55 12 Okay.

11:27:56 13 Is it the document that starts on the top,

11:27:58 14 "Notes from Desiree Wood deposition"?

11:28:01 15 A Yes.

11:28:01 16 Q Okay.

11:28:02 17 And how many pages is your report?

11:28:07 18 A Three.

11:28:07 19 Q Okay.

11:28:09 20 Does your report contain all of the opinions

11:28:11 21 that you intend to be offering regard- -- related to

11:28:17 22 this case at trial?

11:28:19 23 A Could you ask the question again?

11:28:21 24 Q Sure.

11:28:22 25 Are all your opinions that you intend to offer



11:28:24 1 at trial contained in this report?

11:28:32 2 A I believe so.

11:28:33 3 Q Okay.

11:28:35 4 As you sit here, are there any opinions that  
11:28:36 5 you intend to offer at trial that are not in this  
11:28:40 6 report?

11:28:52 7 A No.

11:28:52 8 Q Okay.

11:28:53 9 And so you told us that you were asked to do  
11:28:57 10 two things in this case. One was to refute another  
11:29:02 11 person's expertise. Who is that person?

11:29:06 12 A Desiree Wood.

11:29:08 13 Q Did you get any more details about what the  
11:29:11 14 lawyers meant when they said they want you to refute  
11:29:12 15 another person's expertise?

11:29:13 16 A They said she was being called as an expert.

11:29:17 17 Q Okay.

11:29:19 18 And what --

11:29:21 19 Did you provide them any information about how  
11:29:23 20 you felt about the fact that Desiree Wood was being  
11:29:27 21 called as an expert in this case?

11:29:29 22 A Yes.

11:29:30 23 I do not feel Desiree Wood is an expert.

11:29:33 24 Q An expert in what?

11:29:34 25 A In training; in industry best practices.



11:29:43 1 Q Anything else?

11:29:54 2 A I think she's a professional driver, and  
11:29:58 3 that's where her -- her expertise lies.

11:30:02 4 Q So you would agree that she is an expert in  
11:30:04 5 being a professional driver?

11:30:06 6 MS. TANADA: Vague and --

11:30:06 7 THE WITNESS: Well, I don't know if she's an  
11:30:07 8 expert. I believe she's a professional driver.

11:30:10 9 BY MS. WEATHERFORD:

11:30:10 10 Q Okay.  
11:30:10 11 So you would --  
11:30:11 12 You said earlier you believe she has some  
11:30:14 13 expertise in professional driving.

11:30:17 14 A Correct.

11:30:18 15 Q Would you say that?

11:30:19 16 A Yes.

11:30:20 17 Q Anything else?

11:30:23 18 A Anything else, what?

11:30:25 19 Q That you believe she has any expertise in?

11:30:28 20 A No.

11:30:28 21 Q Okay.  
11:30:29 22 Do you have any expertise in being a  
11:30:31 23 professional driver?

11:30:32 24 A No.

11:30:36 25 Q Okay.



11:30:37 1                   So you said that Desiree Wood is not an expert  
11:30:43 2   in training or in industry best practices. What is that  
11:30:47 3   based on?

11:30:47 4           A     She has never worked for a trucking company,  
11:30:50 5   as far as I'm aware, in any hiring capacity.

11:30:58 6           Q     And how do you know that?

11:31:01 7           A     From what I know about her based on her social  
11:31:06 8   media.

11:31:10 9           Q     Okay.

11:31:11 10           So why would she have to work for an HR  
11:31:15 11   department in a trucking company to have expertise in  
11:31:19 12   training?

11:31:20 13           A     Well, I believe if you're going to have  
11:31:23 14   expertise in training, you should have had some  
11:31:26 15   experience in training.

11:31:27 16           Q     Okay.

11:31:28 17           Well, do you know if she's had any experience  
11:31:30 18   in training?

11:31:31 19           A     I don't believe she has.

11:31:33 20           Q     Okay.

11:31:33 21           Do you know what organization she's the -- the  
11:31:36 22   founder of?

11:31:38 23           A     Real Women in Trucking.

11:31:40 24           Q     Do you have an opinion about that  
11:31:42 25   organization?





11:31:43 1 MS. TANADA: Vague and ambiguous.

11:31:43 2 Outside the scope.

11:31:45 3 MS. CAPASSO: Join.

11:31:50 4 THE WITNESS: I have an opinion that I don't

11:31:52 5 appreciate her copying our name.

11:31:54 6 BY MS. WEATHERFORD:

11:31:55 7 Q What do you mean, copying your name?

11:31:58 8 A Don't you notice any similarity between "Women

11:32:01 9 in Trucking" and "Real Women in Trucking"?

11:32:04 10 Q How do you know she copied your name?

11:32:07 11 A Because what she put on social media was that

11:32:10 12 I am not a professional driver, and so she named her

11:32:14 13 organization Real Women in Trucking because she is a

11:32:17 14 real driver. That's what she has put on social media.

11:32:21 15 Q Okay.

11:32:22 16 And so you have a problem with that?

11:32:24 17 MS. TANADA: Vague.

11:32:25 18 THE WITNESS: A problem with it?

11:32:27 19 I don't appreciate her copying our name.

11:32:29 20 BY MS. WEATHERFORD:

11:32:29 21 Q Okay.

11:32:30 22 Other than being upset that she copied your

11:32:33 23 name, what other feelings do you have about the

11:32:36 24 organization Real Women in Trucking?

11:32:38 25 MS. TANADA: Misstates testimony.



11:32:39 1 Also, outside the scope.

11:32:40 2 BY MS. WEATHERFORD:

11:32:40 3 Q Go ahead.

11:32:40 4 A I have no opinion about Real Women in  
11:32:42 5 Trucking.

11:32:44 6 I have opinions about Desiree Wood.

11:32:47 7 Q Okay.

11:32:47 8 So tell me your opinions about Desiree Wood.

11:32:51 9 MS. TANADA: Outside the scope.

11:32:52 10 Oh, wait. No.

11:32:55 11 MS. WEATHERFORD: No.

11:32:56 12 MS. TANADA: Withdrawn; yeah.

11:32:56 13 BY MS. WEATHERFORD:

11:32:56 14 Q Go ahead.

11:32:57 15 A I don't appreciate being attacked constantly  
11:33:00 16 by Desiree Wood.

11:33:03 17 Q Tell me more about that.

11:33:04 18 A Well, I believe I included some of the tweets  
11:33:06 19 where she calls me a pimp; she calls me names.

11:33:11 20 She has been harassing me for about 12 years.  
11:33:15 21 She has called our sponsors and lied to them.

11:33:20 22 When we have a conference and we have a  
11:33:23 23 hashtag, she uses it to spread negative lies about me  
11:33:29 24 personally.

11:33:30 25 Q What else?



11:33:32 1 A I don't --

11:33:32 2 I'm tired of being attacked. I don't

11:33:36 3 appreciate being attacked by Desiree Wood on social

11:33:40 4 media.

11:33:40 5 Q So you said she's been -- she's been harassing

11:33:44 6 you for 12 years?

11:33:46 7 A Yes.

11:33:46 8 Q Have you ever called the police?

11:33:47 9 A I did.

11:33:48 10 Q When did you call the police?

11:33:50 11 A About 11 years ago.

11:33:53 12 Q What police department did you call?

11:33:56 13 A Suamico.

11:33:58 14 Q Well --

11:33:58 15 Can you spell that?

11:34:00 16 A S-u-a-m-i-c-o.

11:34:03 17 Q What state is that in?

11:34:04 18 A Wisconsin.

11:34:05 19 Q And did you make a report?

11:34:08 20 A They said it was outside the -- their

11:34:11 21 jurisdiction, so no.

11:34:12 22 Q Did they tell you what jurisdiction to make

11:34:15 23 the complaint in?

11:34:16 24 A They didn't know because it was Internet.

11:34:19 25 Q Did you report it to anyone else?



11:34:22 1 A No; police authorities, no.

11:34:30 2 Q When you called to make your report 11 years  
11:34:34 3 ago to the Suamico -- was it sheriff's department,  
11:34:38 4 police department?

11:34:40 5 A It was a village, so --

11:34:42 6 Q Okay.

11:34:43 7 When you called to make your report, what did  
11:34:45 8 you tell them?

11:34:46 9 A I showed them tweets and posts and some very  
11:34:53 10 negative insults.

11:35:02 11 Q What specifically did you show them?

11:35:05 12 A From 11 years ago?

11:35:07 13 Q You made a police report. I mean --

11:35:08 14 MS. TANADA: Misstates --

11:35:09 15 THE WITNESS: I didn't make a police report.

11:35:11 16 MS. TANADA: Misstates testimony.

11:35:12 17 MS. CAPASSO: Join.

11:35:12 18 BY MS. WEATHERFORD:

11:35:13 19 Q You attempted -- you attempted to make a  
11:35:15 20 police report; correct?

11:35:16 21 A I attempted to.

11:35:17 22 Q Yeah. So -- I mean, that's a pretty -- that's  
11:35:18 23 a big deal.

11:35:20 24 So what -- what did you tell them? What was  
11:35:22 25 the -- what was she doing that rose to the level of, in





11:35:26 1 your mind, being a crime?

11:35:28 2 A She was defaming me.

11:35:31 3 Q How?

11:35:33 4 A By calling me names.

11:35:34 5 Q What names?

11:35:35 6 A "Pimp."

11:35:38 7 She made comments -- and I don't know the

11:35:41 8 exact wording -- that the way I got our members was by

11:35:46 9 sleeping with them.

11:35:49 10 She contacted members and made comments to

11:35:56 11 them about me.

11:36:00 12 Q What did --

11:36:01 13 Did you provide the police with any evidence?

11:36:04 14 A No.

11:36:05 15 Q Did they ask you for any evidence?

11:36:08 16 A They said it was outside of their jurisdic- --

11:36:09 17 jurisdiction.

11:36:10 18 I give up.

11:36:12 19 Q Has it continued after you attempted to make

11:36:14 20 the police report?

11:36:15 21 A Yes.

11:36:16 22 Q Did you ever contact a lawyer?

11:36:19 23 You said that she was defaming you. Wouldn't

11:36:22 24 that be something that a lawyer would handle?

11:36:22 25 A We have an attorney at Women in Trucking, and



11:36:25 1 his advice is to ignore her.

11:36:28 2 Q What's your attorney's name?

11:36:31 3 A Robert Rothstein.

11:36:39 4 Q Did you ever consider filing a lawsuit against

11:36:43 5 Real Women in Trucking or Desiree Wood?

11:36:47 6 A I would never file a lawsuit against Real

11:36:50 7 Women in Trucking.

11:36:51 8 I would --

11:36:52 9 I have thought about some type of retaliation,

11:36:54 10 but I've never proceeded.

11:36:58 11 Q Okay.

11:37:00 12 So you said that Desiree Wood called you a

11:37:04 13 pimp. Do you -- do you have that tweet or --

11:37:09 14 Was it a tweet or a Facebook post, or what was

11:37:10 15 it?

11:37:11 16 A A number of times.

11:37:12 17 Q Okay.

11:37:12 18 A Probably --

11:37:12 19 Q Is it somewhere in this file?

11:37:15 20 A I believe so.

11:37:15 21 Q Can you point it out?

11:37:17 22 A I don't know where the tweets are.

11:38:03 23 I don't see it in this packet.

11:38:05 24 Q Did you give it to the lawyers in this case?

11:38:09 25 A I thought I had.



11:38:11 1 Q Do you have it somewhere in your possession?

11:38:18 2 A Possibly.

11:38:19 3 Q And what was the context within which she

11:38:22 4 called you a pimp? Did she just say, you know, "Ellen

11:38:26 5 Voie is a pimp," or was it in some sort of context?

11:38:36 6 A I'll tell you, 11, 12 years ago, she was

11:38:40 7 tweeting about me on an almost daily basis, so there was

11:38:44 8 never a need for context with her.

11:38:44 9 Q Okay.

11:38:44 10 So this all started --

11:38:45 11 This has been going on a long time?

11:38:48 12 A Correct.

11:38:49 13 Q Have you ever spoken to her personally?

11:38:51 14 A Yes.

11:38:52 15 Q How -- how many times?

11:38:53 16 A We spoke on the phone a number of times about

11:38:56 17 11 years ago, and I've seen her at industry events.

11:39:01 18 Probably the most recent was August of last year at the

11:39:05 19 Great American Trucking Show.

11:39:07 20 Q Has she ever physically touched you?

11:39:11 21 A Not that I recall.

11:39:12 22 Q I mean, you would recall if she touched you?

11:39:16 23 A I do not recall her ever physically touching

11:39:19 24 me.

11:39:20 25 Q Okay.



11:39:21 1 So back to the context in which she called you  
11:39:24 2 a pimp, what was -- what -- what did she say exactly?

11:39:30 3 A Can we take a break?

11:39:33 4 MS. TANADA: No. You have to finish answering the  
11:39:35 5 question.

11:39:35 6 THE WITNESS: Oh.

11:39:39 7 What I recall about that particular tweet was,  
11:39:41 8 "Ellen Voie is a pimp because she makes money off the  
11:39:49 9 backs of drivers."

11:39:50 10 Oh, and one recent was one of her board  
11:39:54 11 members, when we -- we created a truck driver doll, and  
11:40:00 12 they were very upset about that, and one of her board  
11:40:03 13 members said, "This is how blond-haired, blue-eyed  
11:40:08 14 bitches roll."

11:40:08 15 BY MS. WEATHERFORD:

11:40:09 16 Q Okay.

11:40:10 17 So that --

11:40:11 18 Her board member saying that --

11:40:13 19 A In response to Desiree posting tweets.

11:40:17 20 Q Okay.

11:40:17 21 And so what does the board member saying that  
11:40:21 22 have to do with your opinion about Desiree?

11:40:23 23 A Oh, she stirs up trouble.

11:40:27 24 Q Okay.

11:40:27 25 How long do you believe she's been stirring up





11:40:30 1 trouble for?

11:40:32 2 A I have no clue.

11:40:33 3 Probably her whole life.

11:40:35 4 Q Her --

11:40:35 5 I'm sorry; say it again.

11:40:35 6 A Trouble for me?

11:40:36 7 Q No; just you -- what you just said?

11:40:39 8 A I said, "Probably her whole life."

11:40:41 9 Q Why do you think that?

11:40:41 10 And I know we're laughing, but that's super

11:40:41 11 inappropriate for you both to laugh.

11:40:46 12 A Well, your question was, how long do I feel

11:40:52 13 she's been stirring up trouble.

11:40:55 14 Q Yeah.

11:40:55 15 You said, her whole life?

11:40:57 16 A I said, "Probably."

11:40:58 17 Q Why do you think that?

11:41:01 18 A I've known Desiree for 11 years, and that's

11:41:05 19 the opinion I have of her.

11:41:07 20 Q And what do you specifically mean by "stirring

11:41:10 21 up trouble"?

11:41:11 22 A She loves to tweet and post things on social

11:41:16 23 media about people and that they're totally fabricated.

11:41:21 24 Q Okay.

11:41:23 25 Give me some examples.



11:41:25 1 A Sure.

11:41:26 2 Calling me a pimp, I believe, is fabricated.

11:41:29 3 Q Other than calling you a pimp?

11:41:32 4 A When we came out with a doll, she said the

11:41:35 5 doll was named after my daughter. Not true.

11:41:37 6 Just --

11:41:39 7 Q Named after your daughter?

11:41:40 8 A Correct.

11:41:42 9 Q So she said the doll was named after your

11:41:44 10 daughter?

11:41:45 11 A Mm-hmm.

11:41:45 12 Q And you --

11:41:47 13 What was --

11:41:47 14 Why did you think that was stirring up

11:41:50 15 trouble?

11:41:51 16 A It was a whole context of a bunch of tweets

11:41:55 17 about our doll.

11:41:56 18 Q Okay.

11:41:56 19 So she made some tweets about a doll. What

11:41:57 20 else has she done to stir up trouble specifically?

11:42:00 21 A She's contacted my corporate members.

11:42:02 22 Q Who has she contacted?

11:42:05 23 A Marc Crusoe Friedelay [phonetic].

11:42:09 24 Q And what did -- what did she say to this

11:42:11 25 person?



11:42:11 1 A I don't know. I wasn't part of the  
11:42:13 2 conversation.  
11:42:13 3 Q How did you find out about it?  
11:42:15 4 A He told me.  
11:42:17 5 Q What did he tell you about it?  
11:42:18 6 A He told me she was trying to defame me.  
11:42:22 7 Q What did he say specifically she said to  
11:42:23 8 defame you?  
11:42:25 9 A I don't recall.  
11:42:26 10 Q So he just said, "Hey, Desiree's trying to  
11:42:29 11 defame you" --  
11:42:31 12 A Correct.  
11:42:32 13 Q -- and that was the end of the conversation?  
11:42:33 14 A Correct.  
11:42:33 15 MS. TANADA: Let her finish her question.  
11:42:33 16 THE WITNESS: Sorry.  
11:42:33 17 BY MS. WEATHERFORD:  
11:42:34 18 Q Did you get any more information about that?  
11:42:36 19 A No.  
11:42:37 20 Q Okay.  
11:42:37 21 What's your definition of "defame"?  
11:42:41 22 A Lying about someone and calling them names.  
11:42:48 23 Q Okay.  
11:42:49 24 Did you ever do anything legally in response  
11:42:52 25 to her defaming you to this Marc Friedelay [phonetic]



11:42:58 1 person?

11:43:00 2 A No.

11:43:01 3 Q Okay.

11:43:02 4 So what else has she done that you believe has

11:43:05 5 been stirring up trouble besides the doll, contacting

11:43:09 6 one of your corporate members, and calling you a pimp?

11:43:14 7 A She does videos to me on YouTube.

11:43:18 8 Q Videos directly to you?

11:43:18 9 A Correct.

11:43:19 10 Q Okay.

11:43:20 11 Did you produce any of those videos? Are any

11:43:21 12 of them in your file?

11:43:23 13 A I have a photo of one.

11:43:24 14 Q Okay.

11:43:24 15 Can you show it to me?

11:43:26 16 A Yes.

11:43:38 17 Oh, it got cut off.

11:43:41 18 Q Okay.

11:43:42 19 And so this --

11:43:43 20 It's entitled, "Letter to Ellen Voie --

11:43:46 21 President of Women in Trucking," December 26, 2010. It

11:43:52 22 has 1,502 views.

11:43:56 23 You've watched this video?

11:43:57 24 A No.

11:43:57 25 Q You've never watched it?





11:43:57 1 A No.

11:43:58 2 Q So how do you know it's defaming you?

11:44:02 3 A Friends of mine have watched it and said,

11:44:04 4 "Don't watch it."

11:44:04 5 Q What did she say in it?

11:44:04 6 MS. TANADA: Calls for speculation.

11:44:04 7 BY MS. WEATHERFORD:

11:44:06 8 Q What have your friends told you that she says

11:44:09 9 in it?

11:44:10 10 A I don't recall anything specific. They just

11:44:13 11 said, "Don't watch this."

11:44:15 12 Q What's the topic of it?

11:44:16 13 A I don't know. I don't look at -- I try not to

11:44:19 14 look at her social media.

11:44:21 15 Q Okay.

11:44:21 16 So you --

11:44:22 17 I mean, it would be fair to say that you have

11:44:23 18 a serious personal problem with Desiree Wood that's

11:44:27 19 dated back for 12 years?

11:44:30 20 MS. TANADA: Vague and ambiguous.

11:44:30 21 THE WITNESS: Was that a question?

11:44:31 22 BY MS. WEATHERFORD:

11:44:33 23 Q Yeah.

11:44:33 24 MS. CAPASSO: Join.



11:44:33 1 BY MS. WEATHERFORD:

11:44:33 2 Q Would it be fair to say that?

11:44:33 3 MS. TANADA: Same objections.

11:44:33 4 THE WITNESS: I do not like Desiree Wood.

11:44:35 5 BY MS. WEATHERFORD:

11:44:36 6 Q As a person?

11:44:37 7 A I do not like the way she acts.

11:44:39 8 Q But you don't like her as a person?

11:44:43 9 MS. TANADA: Vague and ambiguous.

11:44:44 10 MS. CAPASSO: Join.

11:44:45 11 THE WITNESS: I focus on behaviors, not

11:44:47 12 individuals.

11:44:47 13 BY MS. WEATHERFORD:

11:44:48 14 Q Do you or do you not like Desiree Wood as a

11:44:53 15 person?

11:44:54 16 A I don't like her.

11:44:58 17 MS. TANADA: Vague and ambiguous.

11:44:58 18 BY MS. WEATHERFORD:

11:44:58 19 Q Personally?

11:44:58 20 MS. TANADA: Vague and ambiguous.

11:44:59 21 MS. CAPASSO: Join.

11:44:59 22 THE WITNESS: I do not like Desiree Wood.

11:45:02 23 BY MS. WEATHERFORD:

11:45:02 24 Q And that is a personal opinion that you have

11:45:05 25 held for 12 years?



11:45:07 1 MS. TANADA: Asked and answered.

11:45:07 2 MS. CAPASSO: Join.

11:45:10 3 THE WITNESS: Probably 11 years.

11:45:18 4 BY MS. WEATHERFORD:

11:45:18 5 Q Okay.

11:45:20 6 Can we go back to your report?

11:45:22 7 A Sure.

11:45:22 8 Q Actually --

11:45:25 9 I'm sorry.

11:45:27 10 There's something in here from a company

11:45:30 11 called Veristar. It's, like, a social media report. Is

11:45:35 12 that something that you performed yourself?

11:45:38 13 A No.

11:45:38 14 Q Who performed that?

11:45:40 15 MS. TANADA: Calls for speculation.

11:45:43 16 BY MS. WEATHERFORD:

11:45:43 17 Q Did you get it from the lawyers?

11:45:45 18 A Yes.

11:45:46 19 Q From Horton's lawyer and CRST's lawyer?

11:45:48 20 A Yes.

11:45:48 21 Q Did you ask for it?

11:45:50 22 A No.

11:45:54 23 Q Was there anything in this Veristar report

11:45:58 24 that affected the opinions that you formed in your

11:46:01 25 report in this case?



11:46:02 1 A There was nothing surprising in that report.

11:46:05 2 Q But did any of it --

11:46:07 3 A No.

11:46:07 4 Q -- impact your opinions?

11:46:09 5 A No.

11:46:15 6 Q Okay.

11:46:15 7 I'm sorry.

11:46:16 8 And now, back to your report, which you have.

11:46:23 9 A Correct.

11:46:36 10 Q Let me get there.

11:46:36 11 Actually --

11:46:37 12 I'm sorry.

11:46:39 13 Can we go to an e-mail from -- between you and

11:46:42 14 a man named Greg Shipman?

11:46:46 15 A Sure.

11:46:56 16 Q And that's -- that's in the -- your file?

11:46:59 17 Great.

11:46:59 18 And it is dated February 27th, 2020. It looks

11:47:05 19 like you sent an e-mail to Greg Shipman at 1:11 p.m. on

11:47:15 20 February 27th, 2020, "Subject: Quick Question."

11:47:20 21 Why did you --

11:47:21 22 First of all, who's Greg Ship- -- Gregory

11:47:25 23 Shipman?

11:47:26 24 A He works for Vertical Alliance Group.

11:47:30 25 Q It says he works for Infini -- Infinit-I





11:47:32 1 Workforce Solutions. Is that the same thing?

11:47:35 2 A Infinit-I is a product of Vertical Alliance

11:47:38 3 Group.

11:47:39 4 Q Okay.

11:47:39 5 And so you wrote to him and said:

11:47:42 6 "Greg, could you please check on something for

11:47:44 7 me very quickly?

11:47:46 8 "Desiree Wood is calling herself an expert on

11:47:52 9 sexual harassment and the only verification she has is

11:47:54 10 that she was asked to do a program for Vertical Alliance

11:47:54 11 Group. I thought they didn't use her. I really need

11:47:55 12 this information as I am being called in to refute her."

11:48:01 13 You wrote that e-mail?

11:48:02 14 A Yes.

11:48:05 15 Q And why do you believe the only verification

11:48:07 16 she has to be an expert on sexual harassment is that she

11:48:12 17 wrote this PowerPoint for Vertical Alliance?

11:48:17 18 A She didn't write --

11:48:19 19 She didn't do anything for Vertical Alliance.

11:48:22 20 I read her transcript, and the questions asked

11:48:25 21 of her were, "How much training had you done?" and the

11:48:30 22 only one she could cite was Vertical Alliance Group.

11:48:35 23 Q Oh, like an in-person training?

11:48:38 24 A Training in a professional setting.

11:48:40 25 Q Okay.



11:48:41 1 Did you see in her -- in her transcript that  
11:48:45 2 she talked about hundreds of women who had reported  
11:48:49 3 directly to her about their sexual assaults that they  
11:48:53 4 experienced on the road?

11:48:55 5 A Yes.

11:48:56 6 MS. TANADA: Assumes facts not in evidence.

11:48:56 7 BY MS. WEATHERFORD:

11:48:56 8 Q Okay.

11:48:56 9 Did you have any feeling --

11:48:56 10 Did that affect your opinion one way or the  
11:49:00 11 other?

11:49:01 12 A No.

11:49:01 13 Q Okay.

11:49:01 14 So let's go to his response to you. It is on  
11:49:05 15 the page right before that.

11:49:07 16 And he wrote you back, same day, 1:31 p.m.

11:49:18 17 And I just want to skip down here.

11:49:33 18 So he says that she did create a PowerPoint  
11:49:38 19 presentation for them -- you saw that -- but they didn't  
11:49:44 20 pay her for it and they didn't use it. Did you  
11:49:46 21 understand that from reading the e-mail?

11:49:46 22 A Yes.

11:49:46 23 Q Okay.

11:49:46 24 And then he goes on to say:

11:49:47 25 "When talking to Jay and Karen about this --



11:49:49 1 it all came back. You actually call me on this back in  
11:49:54 2 2015 and told me that we should investigate Desiree for  
11:49:59 3 credibility. I called Jay and or Karen (can't remember  
11:50:03 4 that detail) and they looked into it" based on -- "base  
11:50:05 5 on your comment and then decided to cancel the webinar.  
11:50:09 6 So she never did anything for us -- no webinar -- no  
11:50:19 7 sexual harassment video classes and we never paid her  
11:50:22 8 any money. Let me know if you need anything else."

11:50:23 9 So my question is, back in 2015, how did you  
11:50:25 10 hear that Desiree was creating a PowerPoint for Vertical  
11:50:29 11 Alliance Group?

11:50:31 12 A Originally, Vertical Alliance Group asked --  
11:50:31 13 We had a discussion about a sexual harassment  
11:50:33 14 video. They do online training. And I asked if they  
11:50:37 15 had one. And they only had one for buses. And I said,  
11:50:41 16 "Have you thought about doing one for truck drivers?"  
11:50:45 17 And somehow, they found her. And I said -- and I -- I  
11:50:49 18 don't recall how I found that out, if she had posted it  
11:50:54 19 somewhere. I don't recall. But I called him, and I  
11:50:56 20 said, "What is her credibility to do this PowerPoint?"  
11:51:03 21 And that's where they took over and decided not to.

11:51:07 22 Q Okay.

11:51:08 23 So you made the suggestion to Vertical  
11:51:10 24 Alliance in 2015 that they should make a training video?

11:51:16 25 MS. TANADA: Objection.



11:51:17 1 Not a question.

11:51:18 2 THE WITNESS: I asked them if they had a training  
11:51:20 3 video, and they said, "We have one for buses," and I  
11:51:24 4 said, "Have you ever thought about doing one for  
11:51:29 5 trucking?"

11:51:29 6 BY MS. WEATHERFORD:

11:51:29 7 Q Did you offer to -- to do one with them for  
11:51:29 8 trucking?

11:51:29 9 A I did.

11:51:29 10 Q Okay.

11:51:31 11 And what did they say?

11:51:35 12 A The materials that I had were based on a  
11:51:38 13 competitor, and they didn't want their materials in  
11:51:42 14 there.

11:51:42 15 Q Okay.

11:51:43 16 So then they go to Desiree Wood to create the  
11:51:46 17 video?

11:51:46 18 A Correct.

11:51:47 19 Q And you found out about that?

11:51:48 20 A Correct.

11:51:49 21 Q And then you contacted them to tell them that  
11:51:53 22 they should investigate her for credibility?

11:51:55 23 A I don't know that I used the term  
11:51:55 24 "investigate." But I said they needed to establish her  
11:51:59 25 credibility.





11:52:01 1 Q Okay.

11:52:03 2 So you took it upon yourself to make sure that

11:52:06 3 she couldn't -- was not hired to finish this -- this

11:52:11 4 video; correct?

11:52:13 5 MS. TANADA: Objection.

11:52:13 6 Misstates testimony.

11:52:15 7 THE WITNESS: All I did was contact Vertical

11:52:16 8 Alliance Group and said, "Check her credibility."

11:52:21 9 BY MS. WEATHERFORD:

11:52:22 10 Q And why did you do that?

11:52:25 11 A Desiree Wood has a reputation in this

11:52:28 12 industry, and anytime --

11:52:35 13 Retract that.

11:52:36 14 Desiree Wood has a reputation in this

11:52:40 15 industry. I was worried that a professional

11:52:44 16 organization could have their credibility hurt by using

11:52:47 17 a person who didn't have credibility in that subject.

11:52:52 18 Q What is her reputation?

11:52:58 19 A As someone who harasses me.

11:53:01 20 Q Okay.

11:53:02 21 Beyond --

11:53:02 22 I know you --

11:53:02 23 A Mm-hmm.

11:53:04 24 Q Beyond harassing you personally --

11:53:06 25 A Mm-hmm.



11:53:07 1 Q -- what is her reputation in the community?

11:53:10 2 The trucking community; correct?

11:53:11 3 A Correct.

11:53:11 4 Q Okay.

11:53:12 5 Tell me what her reputation in the trucking  
11:53:15 6 community is beyond just you saying that she harasses  
11:53:18 7 you.

11:53:20 8 A That's it.

11:53:21 9 Q That's her reputation, is that she harasses  
11:53:23 10 you?

11:53:24 11 A People contact me and say, "Wow; you need to  
11:53:24 12 do something about this woman." I've even had drivers  
11:53:27 13 call me and say, "You need to do something about this  
11:53:31 14 woman"; companies who won't hire her because she's a  
11:53:35 15 loose cannon.

11:53:37 16 Q What do you mean by "a loose cannon"?

11:53:40 17 A She is a huge social media -- has a huge  
11:53:44 18 social media presence, and seriously, the stuff she puts  
11:53:53 19 on there is so fabricated.

11:53:56 20 Q Give me some examples.

11:54:00 21 I mean, you've got an entire social media  
11:54:04 22 report there done by an outside agency. Give me an  
11:54:07 23 example of something fabricated on her social media.

11:54:13 24 A So when we came out with our truck driver  
11:54:13 25 doll, she did a 22-minute video on her Facebook page



11:54:18 1 about how our doll promotes sexual harassment.

11:54:23 2 Q Okay.

11:54:23 3 What did she say about that?

11:54:25 4 A I don't know. I didn't watch it.

11:54:26 5 Q What was the title of the video?

11:54:28 6 A I don't recall.

11:54:30 7 My assistant watched it, and she said, "Don't

11:54:33 8 watch it, Ellen."

11:54:36 9 Q I mean, is she hurting someone in the video?

11:54:39 10 Like, why wouldn't you be able to watch it as an adult

11:54:46 11 woman and the president and CEO of a trucking group?

11:54:48 12 MS. TANADA: Objection.

11:54:48 13 Argumentative.

11:54:48 14 Burdensome and oppressive.

11:54:48 15 I'm going to instruct the witness not to

11:54:51 16 answer that question.

11:54:51 17 MS. WEATHERFORD: Sure.

11:54:52 18 MS. CAPASSO: Join.

11:54:53 19 MS. WEATHERFORD: That's fine.

11:54:54 20 BY MS. WEATHERFORD:

11:54:54 21 Q Are there any other videos that you've been

11:54:56 22 told about that she's posted that people told you not to

11:54:58 23 watch?

11:54:59 24 A Sure.

11:54:59 25 Q How many others?



11:55:05 1 A I honestly couldn't tell you because I don't  
11:55:08 2 go to her social media sites.

11:55:15 3 Q Okay.

11:55:18 4 I want to go to your report.

11:55:26 5 And so the first page of your report, it looks  
11:55:29 6 like it's just you writing about -- making comments on  
11:55:33 7 things that Desiree testified out -- about in her  
11:55:37 8 deposition; is that correct?

11:55:38 9 A Correct.

11:55:38 10 Q Okay.

11:55:39 11 And so even just the first sentence there, we  
11:55:41 12 go -- page 14, line 22, you say:

11:55:45 13 "Desiree is lying. She has been posting on  
11:55:49 14 social media about CRST for over ten years. I have  
11:55:54 15 pages of Tweets where she is claiming CRST had 'gang  
11:55:59 16 rape' class actions."

11:56:03 17 Where are those pages of social media -- where  
11:56:03 18 are those tweets?

11:56:04 19 A In my home office.

11:56:06 20 Q Why didn't you bring them today?

11:56:10 21 A It would have been volumin- -- volume --  
11:56:11 22 hundreds and hundreds and hundreds of pages.

11:56:14 23 Q Okay.

11:56:15 24 Well, those are really important if you're  
11:56:17 25 going to have an opinion on -- about them.





11:56:19 1 Did you ever give them to Defense Counsel?

11:56:21 2 A No.

11:56:21 3 I told them I had 'em.

11:56:23 4 Q Did they ask for them?

11:56:26 5 A Not that I recall.

11:56:27 6 Q Okay.

11:56:27 7 I mean, did you notice when they were included

11:56:27 8 in that --

11:56:28 9 Were they included in that social media report

11:56:31 10 that they paid to have done on her?

11:56:33 11 MS. TANADA: Assumes facts not in evidence.

11:56:35 12 MS. CAPASSO: Join.

11:56:35 13 BY MS. WEATHERFORD:

11:56:35 14 Q You looked through the entire social media

11:56:38 15 report that they had done; correct?

11:56:40 16 A I looked at it, yes --

11:56:41 17 Q Okay.

11:56:41 18 A -- quite a while ago.

11:56:43 19 Q So the -- the "gang rape" class action tweets,

11:56:47 20 the hundreds of tweets -- were any of them in there?

11:56:50 21 A I don't recall. It's been a while since I

11:56:53 22 read that social media report.

11:56:56 23 Do you want me to look at it again?

11:56:59 24 Q Sure.

11:57:16 25 A I don't see the --



11:57:19 1 MS. TANADA: (Indicating.)

11:57:20 2 THE WITNESS: Oh, okay; oh.

11:57:38 3 These tweets are relatively recent. The ones

11:57:44 4 I have are from a while ago.

11:57:46 5 BY MS. WEATHERFORD:

11:57:46 6 Q Okay.

11:57:47 7 Do you intend to bring those to trial?

11:57:51 8 A If asked.

11:57:52 9 Q Did you --

11:57:52 10 And --

11:57:52 11 I'm sorry.

11:57:53 12 And you didn't give those to the lawyers yet?

11:57:57 13 A I sent a few to the attorneys.

11:57:59 14 Q Okay.

11:58:01 15 Do you see the ones that you sent to the

11:58:03 16 attorneys included anywhere in your file?

11:58:29 17 A I thought I had sent some tweets, but -- some

11:58:34 18 examples of tweets, but I don't see them.

11:58:36 19 Q Okay.

11:58:36 20 And so back to your report.

11:58:43 21 A Mm-hmm.

11:58:44 22 Q And you recall on page 27, line 17 -- again,

11:58:49 23 you say, "She is" -- "She is lying."

11:58:52 24 Page 33, line 8, you say, "'Turned in my

11:58:56 25 truck' means she was terminated." What's the basis for



11:58:59 1 that opinion?

11:59:00 2 A That's a term in the industry, "turned in my  
11:59:03 3 truck."

11:59:04 4 Q And so based on industry terms, you're saying,  
11:59:08 5 as an opinion, that she was terminated from wherever she  
11:59:10 6 turned her truck in to?

11:59:11 7 A In all probability.

11:59:12 8 Q In what?

11:59:12 9 A In all probability.

11:59:12 10 Q Okay.

11:59:16 11 And how do you know about that term, "turned  
11:59:21 12 in my truck"?

11:59:22 13 A I've heard drivers use it.

11:59:25 14 Q How many times have you heard drivers use it?

11:59:27 15 A I have no clue.

11:59:29 16 Q Have you ever verified that "turned in my  
11:59:32 17 truck," in fact, means they were terminated?

11:59:36 18 MS. TANADA: Vague and ambiguous.

11:59:41 19 THE WITNESS: Question, again?

11:59:43 20 MS. WEATHERFORD: Can you read it back, please?

11:59:45 21 (The record was read by the reporter.)

11:59:56 22 THE WITNESS: Verified how?

11:59:57 23 BY MS. WEATHERFORD:

11:59:58 24 Q I don't know. You're the one who has the  
12:00:00 25 opinion.



12:00:01 1 A I've heard the term used.

12:00:03 2 Q How many times?

12:00:05 3 A I don't have a clue.

12:00:06 4 Q More than once?

12:00:07 5 A Oh, definitely.

12:00:09 6 Q More than a thousand?

12:00:15 7 A 50 to 80.

12:00:17 8 Q Okay.

12:00:17 9 And of those 50 to 80 times, what did you do

12:00:21 10 to term -- determine that when they said, "turned in my

12:00:26 11 truck," they meant -- they actually meant that they were

12:00:29 12 terminated?

12:00:30 13 A It's just a term I've heard used.

12:00:31 14 Q But how do you know it means they were

12:00:35 15 terminated?

12:00:38 16 A I've heard it used in that -- that manner.

12:00:42 17 Q All 50 to 80 times?

12:00:43 18 A Probably.

12:00:44 19 Q Okay.

12:00:45 20 But you don't know?

12:00:46 21 A No.

12:00:46 22 Q And then you go to page 37, line 9. You say,

12:00:51 23 "It appears she is lying about being paid \$100 per

12:00:56 24 hour." What are you talking about there?

12:00:58 25 A In her deposition, she -- you or someone --





12:00:58 1 the attorney kept asking her about being paid a hundred  
12:01:04 2 dollars an hour, and that was just my observation.

12:01:05 3 I didn't understand what she meant.

12:01:06 4 Q But why did you jump to "It appears [she's]  
12:01:08 5 lying about [it]"?

12:01:10 6 A Because the questions from the attorney kept  
12:01:13 7 saying, "Have you ever been paid a hundred dollars an  
12:01:16 8 hour?" and she never answered.

12:01:17 9 Q So why --

12:01:17 10 What makes --

12:01:18 11 I mean, do you have any training in --

12:01:19 12 A No.

12:01:19 13 Q Okay.

12:01:19 14 So --

12:01:20 15 MS. TANADA: Let her finish her question.

12:01:21 16 THE WITNESS: Sorry.

12:01:22 17 BY MS. WEATHERFORD:

12:01:22 18 Q That's just some -- an assumption you made  
12:01:24 19 about the way she was answering the question?

12:01:28 20 A Correct.

12:01:28 21 Q All right.

12:01:29 22 Then you go to page 39, line 13. You say,  
12:01:33 23 "Her knee injury occurred when she was walking her dog  
12:01:37 24 at . . . Covenant." How do you know that?

12:01:40 25 A Her social media.



12:01:42 1 Q I thought you said you don't look at her  
12:01:47 2 social media.

12:01:49 3 A I don't need to.

12:01:49 4 Q What do you mean?

12:01:50 5 A People tell me what she writes.

12:01:52 6 Q Oh, okay.

12:01:53 7 So these are all things that you heard from  
12:01:55 8 someone else telling you about what they saw on her  
12:01:55 9 social media, 'cause you don't -- you don't look at her  
12:01:55 10 social media?

12:01:56 11 A Well, when someone sends me a link, I look at  
12:02:00 12 it.

12:02:00 13 Q Okay.

12:02:01 14 So did someone send you a link about this dog  
12:02:04 15 thing?

12:02:05 16 A I don't recall how I learned about it, but she  
12:02:08 17 posted it on social media.

12:02:11 18 Her dog's name was Karma.

12:02:14 19 Q And when did that happen?

12:02:21 20 A Probably --  
12:02:22 21 I'm just going to guess here.

12:02:25 22 Well, it's about the time she left Covenant.

12:02:29 23 Q When did she leave Covenant?

12:02:33 24 A Approximately 2011, but I'm only guessing.

12:02:37 25 Q Okay.



12:02:38 1 Well, I don't want you to guess.

12:02:40 2 A I don't know, then.

12:02:41 3 Q Okay.

12:02:41 4 And then let's go to the second page, please.

12:02:52 5 So page 1 -- 143 talks about an FMCSA

12:02:59 6 petition. That's that petition that's recently come out

12:03:02 7 in 2020 -- correct? -- or the study by the FM- --

12:03:09 8 A What I was referring to is her petition.

12:03:11 9 Q Okay. I see.

12:03:13 10 A She asked me to sign her petition in March.

12:03:19 11 Q Of what year?

12:03:20 12 A Last year.

12:03:21 13 Q And did you sign it?

12:03:22 14 A No.

12:03:23 15 Q What was the petition about?

12:03:24 16 A It -- it was August.

12:03:26 17 I'm sorry.

12:03:27 18 It was August.

12:03:28 19 Q August of 2019?

12:03:29 20 A Correct.

12:03:30 21 Q And what was the petition about?

12:03:32 22 A Trying to get the FMCSA to somehow stop sexual

12:03:39 23 harassment or --

12:03:40 24 Q Or to investigate sexual harassment?

12:03:42 25 A It could be.



12:03:44 1 Q Isn't it true that the FMCSA is currently  
12:03:49 2 doing an investigation into sexual harassment --  
12:03:51 3 MS. TANADA: Vague and --  
12:03:51 4 BY MS. WEATHERFORD:  
12:03:52 5 Q -- that started in February 2020?  
12:03:53 6 MS. TANADA: Vague and ambiguous.  
12:03:54 7 THE WITNESS: The FMCSA is currently doing a  
12:03:56 8 three-year study on crimes against female drivers. And  
12:04:00 9 we initiated that.  
12:04:01 10 BY MS. WEATHERFORD:  
12:04:01 11 Q Does it have anything to do with sexual  
12:04:04 12 harassment?  
12:04:06 13 A No.  
12:04:06 14 It's crimes against female drivers --  
12:04:09 15 Q Yes.  
12:04:09 16 A -- which, I -- which, I would assume, would  
12:04:11 17 include sexual harassment.  
12:04:13 18 Q Well, you were quoted talking about how it has  
12:04:16 19 to do with sexual harassment, were you not?  
12:04:19 20 A The crimes against female drivers?  
12:04:22 21 Q Yeah.  
12:04:22 22 A It would include sexual harassment.  
12:04:25 23 Q No.  
12:04:25 24 It --  
12:04:25 25 I'm talking about what you were quoted talking





12:04:29 1 about.

12:04:34 2 MS. TANADA: Is there a question?

12:04:35 3 BY MS. WEATHERFORD:

12:04:35 4 Q Do you recall?

12:04:36 5 A I -- I -- I don't recall what quote you're

12:04:37 6 referring to.

12:04:38 7 Q Okay.

12:04:38 8 So your understanding of what the FMCSA study

12:04:43 9 is, is it has to do with just crimes against female

12:04:49 10 drivers?

12:04:49 11 A Crimes against female and minority drivers.

12:04:51 12 Q Okay.

12:04:52 13 And should there be any specific focus in that

12:04:53 14 study on sexual harassment of female drivers --

12:04:58 15 MS. TANADA: Calls for specu- --

12:04:58 16 BY MS. WEATHERFORD:

12:04:58 17 Q -- in your opinion?

12:04:59 18 MS. TANADA: Calls for speculation.

12:05:01 19 Lacks foundation.

12:05:01 20 MS. CAPASSO: Join.

12:05:02 21 THE WITNESS: That study was initiated to determine

12:05:04 22 the safety of female drivers. And the reason it was

12:05:07 23 initiated is we learned that females don't always feel

12:05:11 24 safe. And that includes much more than sexual

12:05:15 25 harassment. But sexual harassment is part of that.



12:05:17 1 BY MS. WEATHERFORD:

12:05:19 2 Q Do you think sexual harassment is a problem

12:05:22 3 for female truck drivers?

12:05:25 4 MS. TANADA: Vague and ambiguous.

12:05:25 5 Lacks foundation.

12:05:26 6 Calls for speculation.

12:05:28 7 And outside the scope.

12:05:30 8 MS. CAPASSO: Join.

12:05:37 9 BY MS. WEATHERFORD:

12:05:37 10 Q Go ahead.

12:05:37 11 A I'm going to give you the response I always

12:05:39 12 give.

12:05:40 13 You can ask two female drivers if they've been

12:05:43 14 harassed, and one will tell you, "Almost daily," and

12:05:49 15 then the -- the next will tell you, "Never," so I'm not

12:05:52 16 going to make that determination.

12:05:55 17 Q And you probably shouldn't be involved in the

12:05:57 18 study, then?

12:05:58 19 MS. TANADA: Objection.

12:05:58 20 Argumentative.

12:05:58 21 Burdensome.

12:05:58 22 Oppressive.

12:05:58 23 I'm going to instruct --

12:05:58 24 THE WITNESS: It's my study.

12:05:58 25 MS. CAPASSO: Join.



12:05:59 1 MS. TANADA: I'm going to instruct the witness not  
12:06:01 2 to answer.

12:06:02 3 MS. CAPASSO: Join.

12:06:04 4 BY MS. WEATHERFORD:

12:06:04 5 Q So let's go to -- to --

12:06:10 6 I want to talk specifically about the opinions  
12:06:12 7 that you formed in reviewing the documents of this case  
12:06:15 8 and testifying on behalf of the perpetrator, Eric  
12:06:19 9 Horton, and the trucking company CRST.

12:06:23 10 So "Summary of Document Review" -- your first  
12:06:25 11 sentence -- can you read that out loud to me?

12:06:26 12 MS. TANADA: Objection to the term "perpetrator" on  
12:06:28 13 the grounds that there -- that it assumes facts not in  
12:06:28 14 evidence.

12:06:30 15 MS. CAPASSO: Join.

12:06:30 16 MS. TANADA: But go ahead.

12:06:30 17 BY MS. WEATHERFORD:

12:06:30 18 Q Go ahead.

12:06:30 19 A "First, Ms. Wood is the poster child for  
12:06:34 20 victims."

12:06:35 21 Q What does that mean?

12:06:36 22 A She always calls herself a victim.

12:06:39 23 Q What do you mean?

12:06:40 24 A She talks about how, when she was in training,  
12:06:42 25 her instructors threw bleach at her. She talks about



12:06:47 1 being harassed. She also talks about how she takes  
12:06:53 2 calls from women -- female drivers who complain about  
12:07:01 3 sexual harassment, so she's the person that people refer  
12:07:08 4 female drivers to if they feel they've been harassed.

12:07:14 5 Q Okay.

12:07:14 6 When you say "people refer," who do you mean  
12:07:17 7 by "people"?

12:07:17 8 A I don't know.

12:07:18 9 That's what she called it. She said she  
12:07:21 10 takes in -- takes thousands of calls.

12:07:24 11 Q Okay.

12:07:26 12 Is there any truth behind her being sexually  
12:07:30 13 harassed or having bleach thrown on her or any of those  
12:07:34 14 things? Do you know whether or not that is truthful?

12:07:39 15 MS. TANADA: Calls for speculation.

12:07:39 16 Lacks foundation.

12:07:40 17 MS. CAPASSO: Join.

12:07:40 18 THE WITNESS: I've heard her --

12:07:42 19 She has said that or she has stated it on  
12:07:45 20 social media.

12:07:46 21 BY MS. WEATHERFORD:

12:07:46 22 Q Okay.

12:07:47 23 And do you believe her?

12:07:48 24 A Do I believe that she had bleach thrown on  
12:07:51 25 her? I don't know. I wasn't there.





12:07:54 1 Q Okay.

12:07:54 2 Do you believe that she was sexually harassed?

12:07:58 3 A I don't have an opinion on that.

12:08:02 4 Q When you call her "a poster child," what does

12:08:05 5 "poster child" mean?

12:08:07 6 A She's the one people contact, as even stated

12:08:12 7 in her testimony.

12:08:13 8 Q Okay.

12:08:13 9 And outside of her testimony, you've heard

12:08:15 10 that people -- female truck drivers who have been

12:08:20 11 harassed or assaulted on the road contact her directly?

12:08:23 12 A Correct.

12:08:23 13 Q You --

12:08:24 14 How many times have you heard that?

12:08:25 15 A I have no clue.

12:08:27 16 Q Would it be hundreds of times?

12:08:29 17 A I have no clue. I'm not going to guess.

12:08:32 18 Q It's definitely been a lot of times?

12:08:34 19 A (Indicating.)

12:08:35 20 Q Yes?

12:08:35 21 A Yes.

12:08:38 22 Q And she's kind of known as the go-to person in

12:08:41 23 the female trucking industry if you've been sexually

12:08:44 24 harassed?

12:08:45 25 MS. TANADA: Calls for --



12:08:47 1 BY MS. WEATHERFORD:

12:08:47 2 Q Would that be fair to say?

12:08:50 3 A I don't know.

12:08:51 4 I -- I guess that would be fair to say.

12:09:04 5 Q Would you say that she's an advocate for

12:09:06 6 women?

12:09:07 7 A No.

12:09:07 8 MS. TANADA: Vague and ambiguous.

12:09:08 9 Lacks foundation.

12:09:09 10 Calls for speculation.

12:09:09 11 MS. CAPASSO: Join.

12:09:11 12 MS. TANADA: Outside the scope.

12:09:12 13 BY MS. WEATHERFORD:

12:09:13 14 Q You said no --

12:09:13 15 A No.

12:09:13 16 Q -- she's not an advocate for women?

12:09:16 17 A No.

12:09:17 18 Q Why?

12:09:18 19 MS. TANADA: Same objections.

12:09:19 20 MS. CAPASSO: Join.

12:09:23 21 THE WITNESS: There's a big difference between Real

12:09:26 22 Women in Trucking and Women in Trucking. We're trying

12:09:30 23 to change the industry by working with government

12:09:32 24 officials, legislators, regulators, carriers. We're

12:09:40 25 trying to make a difference in the industry going that



12:09:42 1 way. For her, from what I understand, is she takes  
12:09:47 2 calls from female drivers. I don't know how you can  
12:09:50 3 change an industry by doing that.

12:09:52 4 BY MS. WEATHERFORD:

12:09:53 5 Q Have you ever taken a call from a female  
12:09:57 6 driver who's been sexually harassed --

12:09:59 7 A Yes.

12:10:00 8 Q -- on the road?

12:10:00 9 You have?

12:10:01 10 A Yes.

12:10:02 11 Q How many times?

12:10:04 12 A I'd say dozens.

12:10:09 13 Q Okay.

12:10:11 14 And all of the calls that you took -- did you  
12:10:14 15 believe that the female drivers who were calling you  
12:10:18 16 were actually sexually harassed on the road?

12:10:20 17 A I don't make an opinion.

12:10:22 18 We ask them to contact their companies, or we  
12:10:25 19 ask them to contact the authorities.

12:10:27 20 Q Do any of them ever tell you they do not feel  
12:10:30 21 comfortable contacting their companies?

12:10:33 22 A No.

12:10:34 23 Q Have you ever heard that, that victims of, you  
12:10:35 24 know, sexual harassment or assault on the road do not  
12:10:39 25 feel comfortable contacting the companies that employ



12:10:45 1 them and the driver who assaulted them?

12:10:48 2 A I've never heard that.

12:10:50 3 Q Have you ever heard that there's a particular

12:10:52 4 risk for sexual harassment or sexual assault that is

12:10:56 5 inherent in the student and trainer truck driver

12:11:01 6 relationship?

12:11:02 7 MS. TANADA: Vague and ambiguous.

12:11:10 8 THE WITNESS: Have I heard that?

12:11:11 9 BY MS. WEATHERFORD:

12:11:12 10 Q Yeah.

12:11:12 11 A Probably.

12:11:13 12 Q Is that an opinion that you have?

12:11:16 13 MS. TANADA: Outside the scope.

12:11:18 14 THE WITNESS: No.

12:11:19 15 MS. CAPASSO: Join.

12:11:20 16 BY MS. WEATHERFORD:

12:11:20 17 Q So you don't think there's any sort of

12:11:22 18 inherent risk that comes with a male trainer and a

12:11:25 19 female student on a truck together?

12:11:28 20 MS. TANADA: Misstates testimony.

12:11:29 21 And not a question.

12:11:31 22 MS. CAPASSO: Join.

12:11:32 23 THE WITNESS: If the trainer and the trainee treat

12:11:35 24 each other with respect, there's no risk.





12:11:42 1 BY MS. WEATHERFORD:

12:11:42 2 Q Okay.

12:11:43 3 But that doesn't always happen; right?

12:11:46 4 A Correct.

12:11:46 5 MS. TANADA: Calls for speculation.

12:11:48 6 Lacks foundation.

12:11:49 7 BY MS. WEATHERFORD:

12:11:50 8 Q Correct?

12:11:50 9 MS. CAPASSO: Join.

12:11:50 10 THE WITNESS: Correct.

12:11:50 11 BY MS. WEATHERFORD:

12:11:51 12 Q In your experience working in this industry

12:11:54 13 for --

12:11:54 14 I'm sorry; tell me how many years, again.

12:11:55 15 A 30.

12:11:56 16 Q 30 years.

12:11:56 17 In your 30 years of experience, there are

12:11:58 18 times when male truck drivers sexually harass their

12:12:03 19 female students; is that correct?

12:12:05 20 A That's --

12:12:06 21 MS. TANADA: Calls for speculation.

12:12:07 22 Lacks foundation.

12:12:08 23 MS. CAPASSO: Join.

12:12:08 24 THE WITNESS: It's correct; they --

12:12:11 25 Yes, it's correct.



12:12:11 1 BY MS. WEATHERFORD:

12:12:12 2 Q And does it occur often?

12:12:14 3 MS. TANADA: Vague and ambiguous.

12:12:14 4 Calls for speculation.

12:12:14 5 Lacks foundation.

12:12:15 6 MS. CAPASSO: Join.

12:12:15 7 THE WITNESS: I don't know.

12:12:17 8 BY MS. WEATHERFORD:

12:12:17 9 Q Do you have any opinion on the frequency of

12:12:19 10 how often it occurs?

12:12:21 11 A No.

12:12:21 12 MS. TANADA: Outside the scope.

12:12:21 13 BY MS. WEATHERFORD:

12:12:21 14 Q I'm sorry; say it again.

12:12:21 15 A No.

12:12:22 16 Q Have you done any research into the frequency

12:12:28 17 under which harassment in that scenario occurs?

12:12:30 18 A No.

12:12:32 19 Q Do you think there should be research done

12:12:35 20 into the frequency of how often that occurs?

12:12:38 21 A That's why we initiated the three-year

12:12:41 22 crime -- study on crimes against female drivers.

12:12:44 23 Q And so what are you doing -- your

12:12:47 24 organization --

12:12:48 25 What is your organization doing to help in --



12:12:49 1 with that initiative?

12:12:52 2 A I'm on the advisory board of that. And my  
12:12:57 3 program director is helping with the research questions  
12:13:02 4 with a contract company called Battelle.

12:13:10 5 Q Battelle?

12:13:11 6 A Mm-hmm; B-a-t-t-e-l-l-e.

12:13:14 7 Q And you're formulating research questions  
12:13:16 8 right now?

12:13:18 9 A We did that about two years ago.

12:13:22 10 Q And then what happens with the research  
12:13:24 11 questions?

12:13:24 12 A Well, it --  
12:13:26 13 The study went to the OMB and got stalled for  
12:13:33 14 quite a while, and now, it's going into the third phase,  
12:13:37 15 which will be actually asking female and minority  
12:13:42 16 drivers the questions.

12:13:43 17 Q How are you gonna choose --  
12:13:46 18 Are you gonna choose the drivers that get  
12:13:49 19 asked questions?

12:13:51 20 A No.

12:13:51 21 Q Who's gonna choose them?

12:13:54 22 A The research organization, Battelle.

12:13:56 23 Q Do you have any input into how or who they  
12:14:00 24 choose?

12:14:00 25 A I do not because I'm on the advisory



12:14:05 1 committee.

12:14:06 2 Q Does anyone from your organization?

12:14:08 3 A My assistant, Lana, is helping them.

12:14:10 4 Q What's Lana's last name?

12:14:13 5 A Nichols.

12:14:14 6 Q And she's your -- your personal assistant?

12:14:17 7 A No.

12:14:17 8 She's our director of programs.

12:14:19 9 Q Do you know how Lana's gonna choose the

12:14:23 10 persons who participate in the survey?

12:14:24 11 A Battelle will be choosing.

12:14:26 12 Q But do you know how she's going to assist in

12:14:29 13 Battelle choosing them?

12:14:31 14 A I am not given visibility to the process

12:14:31 15 because I'm on the advisory committee. So that's why

12:14:31 16 it's separated.

12:14:35 17 Q No; I know.

12:14:35 18 But you said that she's gonna be involved. Do

12:14:35 19 you have any information about her involvement in it?

12:14:38 20 A Yes.

12:14:39 21 She has been involved since the beginning.

12:14:42 22 Q But you don't know which -- how she -- what

12:14:44 23 she's doing or how they're doing it?

12:14:45 24 A In the beginning, we provided female drivers

12:14:50 25 for them to offer suggested questions -- like, to better





12:14:56 1 understand what questions to ask. They would put Lana  
12:15:00 2 on that. And then they formulated the process. And  
12:15:06 3 then it went to OMB. So now, the third phase will be  
12:15:13 4 actually going out and asking the questions, which will  
12:15:18 5 be conducted by Battelle.

12:15:20 6 Q And does Lana have any involvement in helping  
12:15:23 7 Battelle go out and ask the questions of the female  
12:15:23 8 drivers?

12:15:24 9 A Not that I'm aware of.

12:15:25 10 Q Does she have any involvement in choosing the  
12:15:28 11 drivers that they go out and ask?

12:15:31 12 A I believe they'll be self-selected.

12:15:34 13 Q What do you mean by that?

12:15:36 14 A That they'll post links, ask drivers to  
12:15:39 15 respond.

12:15:40 16 Q Are there going to be any links posted to  
12:15:43 17 Women in Trucking?

12:15:46 18 A If they ask us.

12:16:06 19 Q Okay.

12:16:07 20 Back to your report.

12:16:10 21 Page 2, you talk about -- you say that  
12:16:18 22 "Ms. Wood is making a lot of" assump- -- "assumptions  
12:16:20 23 about Eric Horton's eligibility as a lead driver."

12:16:26 24 Do you have an opinion about Mr. Horton's  
12:16:28 25 eligibility as a lead driver at CRST?



12:16:32 1 A No.

12:16:33 2 Q Okay.

12:16:35 3 So what's your basis of saying that she has

12:16:40 4 assumptions about it?

12:16:40 5 A I read her transcript.

12:16:42 6 Q So how do you know they were assumptions?

12:16:47 7 A The -- the way they were worded sounded like

12:16:51 8 opinions.

12:16:51 9 Q Well, I mean, she's an expert. She's there to

12:16:54 10 give opinions; right?

12:16:56 11 MS. TANADA: Argumentative.

12:16:57 12 BY MS. WEATHERFORD:

12:16:57 13 Q No; it's --

12:16:57 14 That's my --

12:16:58 15 That's a question.

12:16:59 16 MS. WEATHERFORD: And it's not funny.

12:16:59 17 THE WITNESS: That --

12:16:59 18 MS. WEATHERFORD: I know we all want to joke.

12:16:59 19 THE WITNESS: And -- and --

12:16:59 20 MS. WEATHERFORD: And we're here, talking about a

12:16:59 21 rape --

12:16:59 22 THE WITNESS: And this is my opinion. That's

12:16:59 23 just --

12:16:59 24 MS. WEATHERFORD: -- that's hilarious.



12:17:01 1 BY MS. WEATHERFORD:

12:17:05 2 Q But she's --

12:17:07 3 You understood she was giving opinions, based  
12:17:10 4 on her review, as a truck driver, of the facts of the  
12:17:15 5 case; correct?

12:17:15 6 A Correct.

12:17:16 7 Q Okay.

12:17:16 8 So tell me why you believe that she was making  
12:17:20 9 assumptions about his eligibility as a lead driver.

12:17:30 10 A I don't see how she --

12:17:32 11 In my opinion, I don't see how she can  
12:17:36 12 determine whether he was qualified or not if she wasn't  
12:17:40 13 involved in the training.

12:17:42 14 Q Okay.

12:17:42 15 That's -- that's the basis of your opinion?

12:17:45 16 A Correct.

12:17:45 17 Q All right.

12:17:45 18 And then you say you see "no evidence that  
12:17:49 19 they engaged in sex talk except Jane Doe's accusation."  
12:17:54 20 That's -- that's an opinion that you have?

12:17:56 21 A Correct.

12:17:56 22 Q Okay.

12:17:57 23 And that's based on your review of all the  
12:18:01 24 documents you were provided, including the police report  
12:18:05 25 and the -- the interviews of Eric Horton from the



12:18:08 1 police?

12:18:08 2 A Is that a question?

12:18:09 3 Q Yeah.

12:18:10 4 A Yes.

12:18:11 5 Q And you also said you saw no evidence that he

12:18:14 6 was on a watch list; is that correct?

12:18:16 7 A Correct.

12:18:17 8 Q And that was based on your review of all the

12:18:20 9 documents that they provided, including Eric Horton's

12:18:25 10 employment file?

12:18:28 11 A I don't even know what a watch list is.

12:18:30 12 Q Okay.

12:18:31 13 So you never heard of a watch list before?

12:18:31 14 A I've heard of a watch list, and I can make an

12:18:31 15 assumption about what it is. But in a CRS [sic] term, I

12:18:36 16 didn't see any evidence that he was on a watch list.

12:18:38 17 And maybe I missed it when -- in reading.

12:18:38 18 Q Okay.

12:18:39 19 If he was on a watch list, would that affect

12:18:41 20 your opinion in any way?

12:18:44 21 A Can you define "watch list" --

12:18:46 22 Q Sure.

12:18:46 23 A -- in CRST terms?

12:18:47 24 Q Sure.

12:18:47 25 A watch list means he's on probation for





12:18:51 1 having too many driving-related incidents, so he's on a  
12:18:56 2 probationary watch list --  
12:18:58 3 MS. TANADA: Assume- --  
12:18:58 4 BY MS. WEATHERFORD:  
12:18:59 5 Q -- for a period of time. That's my definition  
12:18:59 6 of what a CRST watch list is.  
12:19:01 7 MS. TANADA: Assumes facts not in evidence.  
12:19:02 8 MS. CAPASSO: Join.  
12:19:03 9 BY MS. WEATHERFORD:  
12:19:03 10 Q So if he was on a watch list like that, would  
12:19:06 11 that affect any of your opinions?  
12:19:08 12 A No.  
12:19:09 13 MS. TANADA: Same objection.  
12:19:10 14 BY MS. WEATHERFORD:  
12:19:10 15 Q So if he was on a watch list, in your opinion,  
12:19:12 16 he could still become a lead driver?  
12:19:15 17 A Correct.  
12:19:16 18 MS. TANADA: Same objections.  
12:19:17 19 MS. CAPASSO: Join.  
12:19:18 20 BY MS. WEATHERFORD:  
12:19:18 21 Q And that would be within industry standards;  
12:19:20 22 correct?  
12:19:21 23 MS. TANADA: The same objections.  
12:19:22 24 MS. CAPASSO: Join.  
12:19:23 25 THE WITNESS: I've never heard of another carrier



12:19:26 1 calling -- having a watch list, so --

12:19:28 2                   You're asking me about industry standards.

12:19:31 3 That's a CRST --

12:19:33 4 BY MS. WEATHERFORD:

12:19:34 5           Q     Okay.

12:19:34 6                   And that's based on your review of all the

12:19:37 7 CRST policies, that if he was on a watch list, doesn't

12:19:41 8 matter; he can still become a -- a lead driver?

12:19:45 9           MS. TANADA: Assumes facts in evidence.

12:19:46 10           MS. CAPASSO: Join.

12:19:47 11           THE WITNESS: I'd defer to CRST on determining his

12:19:50 12 eligibility.

12:19:50 13 BY MS. WEATHERFORD:

12:19:51 14           Q     Okay.

12:19:51 15                   So you have no opinion --

12:19:51 16                   So your opinion is that you defer to CRST in

12:19:55 17 determining Eric Horton's eligibility as a truck driver;

12:19:59 18 that is your opinion?

12:20:01 19           A     As a trainer; correct.

12:20:03 20           Q     So you're going to agree with everything that

12:20:05 21 CRST did with regard to promoting him to be a trainer,

12:20:10 22 and his -- whatever training he received to become a

12:20:14 23 lead driver, you agree with CRST?

12:20:17 24           MS. TANADA: Assumes facts not in evidence.

12:20:18 25           MS. CAPASSO: Join.



12:20:19 1 THE WITNESS: Based on the documentation, yes.

12:20:22 2 BY MS. WEATHERFORD:

12:20:22 3 Q Okay.

12:20:24 4 You also said, "I didn't see evidence that he

12:20:26 5 allowed her to drive at night." You didn't see that

12:20:30 6 anywhere in any of the documents?

12:20:32 7 A Not that I recall.

12:20:33 8 Q Or the police report?

12:20:35 9 A It could be --

12:20:35 10 Possibly I missed it.

12:20:37 11 Q Okay.

12:20:38 12 If he had allowed her to drive at night, would

12:20:41 13 that affect your opinions in any way?

12:20:44 14 A It would depend on when it was, because I

12:20:47 15 believe she wasn't allowed to drive at night until after

12:20:51 16 so many days.

12:20:52 17 Q Okay.

12:20:53 18 So if she was allowed to drive at night within

12:20:56 19 X amount of days, that would affect your opinion?

12:20:58 20 A If he violated CRST's policies, that would

12:21:02 21 affect my opinion.

12:21:03 22 Q Okay.

12:21:03 23 How would it affect your opinion if he

12:21:06 24 violated CRST's policies in allowing her to drive at

12:21:09 25 night?



12:21:10 1 A I would think that he violated CRST's  
12:21:13 2 policies.  
12:21:15 3 Q And that he should be subject to -- to some  
12:21:17 4 sort of discipline?  
12:21:20 5 MS. TANADA: Objection.  
12:21:20 6 Calls for speculation.  
12:21:20 7 Lacks foundation.  
12:21:20 8 Incomplete hypothetical.  
12:21:22 9 MS. CAPASSO: Join.  
12:21:23 10 THE WITNESS: I don't know if it would be  
12:21:25 11 discipline or just remedial oversight.  
12:21:27 12 BY MS. WEATHERFORD:  
12:21:29 13 Q Do you have any opinion about him telling her  
12:21:32 14 to take ZzzQuil at night?  
12:21:37 15 A Is that a fact?  
12:21:39 16 Q What do you mean, is that a fact?  
12:21:41 17 A I don't recall that he told her to take  
12:21:44 18 ZzzQuil.  
12:21:45 19 Q Okay.  
12:21:46 20 A I have an opinion about ZzzQuil.  
12:21:49 21 Q Tell me your opinion about ZzzQuil.  
12:21:53 22 A Okay.  
12:21:53 23 That all drivers need to be careful when  
12:21:57 24 taking sleep aids to make sure they use them  
12:22:01 25 appropriately.





12:22:02 1 Q Okay.

12:22:02 2 So should drivers be taking ZzzQuil or any

12:22:08 3 sort of sleep aid when they're out on the road?

12:22:13 4 A It's not a violation.

12:22:14 5 Q What do you mean, it's not a violation?

12:22:21 6 A If they understand the ramifications of the

12:22:25 7 effects of the sleep aid --

12:22:28 8 I guess it depends on the scenario.

12:22:30 9 So, like, if you're going to take your

12:22:33 10 ten-hour break and you take ZzzQuil, I have no problem

12:22:38 11 with that.

12:22:38 12 Q Okay.

12:22:39 13 But when -- when does it rise to the level of

12:22:41 14 you having a problem with it?

12:22:42 15 A If you take it before you drive.

12:22:45 16 Q So if you took a ZzzQuil and then you started

12:22:45 17 to drive, you have a problem with that; correct?

12:22:46 18 A Definitely.

12:22:47 19 Q But if you took a sleep aid and then took your

12:22:50 20 ten-hour break and then drove after that, that would not

12:22:52 21 be a problem for you?

12:22:53 22 A Correct.

12:22:53 23 Q And --

12:22:53 24 MS. TANADA: Incomplete hypothetical.



12:22:54 1 BY MS. WEATHERFORD:

12:22:56 2 Q That's within industry standards; correct?

12:22:58 3 A Correct.

12:22:59 4 MS. TANADA: Incomplete hypothetical.

12:23:00 5 BY MS. WEATHERFORD:

12:23:00 6 Q And when we say "industry standards," we're

12:23:03 7 just basing it off of your 30 years of experience;

12:23:07 8 right?

12:23:08 9 A And my work at Schneider. I actually

12:23:12 10 contacted the person who wrote the curriculum.

12:23:16 11 Q How long did you work at Schneider?

12:23:18 12 A Almost two years.

12:23:19 13 Q And what was your position?

12:23:20 14 A Manager of retention -- retention and

12:23:20 15 recruiting programs.

12:23:20 16 Q And what year were the -- were those two

12:23:20 17 years?

12:23:22 18 A 2006-2007.

12:23:26 19 Q Okay.

12:23:27 20 Did you ever --

12:23:27 21 So this was the policy -- or this is the

12:23:31 22 policy at Schneider, this about ZzzQuil?

12:23:35 23 A Correct.

12:23:38 24 Q Do you know if it's still the policy today?

12:23:41 25 A They don't do training.



12:23:41 1 Q Not -- not even talking about training.

12:23:41 2 A Oh.

12:23:41 3 Q I'm talking about any truck driver.

12:23:42 4 A I -- I don't work there anymore.

12:23:44 5 Q But this was the policy that you enforced back

12:23:46 6 when you worked there in 2006 and 2007?

12:23:50 7 A I wasn't in charge of enforcing it.

12:23:54 8 Q Okay.

12:23:55 9 But that's the policy that they had --

12:23:57 10 A Correct.

12:23:57 11 Q -- back in 2006-2007?

12:24:01 12 A Correct.

12:24:02 13 Q Okay.

12:24:02 14 So we go back to Opinion --

12:24:02 15 We'll go to Opinion Number 2. You said that

12:24:04 16 "CRST does NOT fall below industry standards in

12:24:09 17 prevention and protection from sexual assaults."

12:24:10 18 MS. TANADA: Counsel, before you ask your question,

12:24:10 19 can we take a break, since we've been going for an hour?

12:24:10 20 MS. WEATHERFORD: I'm gonna wrap up soon.

12:24:10 21 MS. TANADA: Oh, you're almost done?

12:24:10 22 MS. WEATHERFORD: Yeah.

12:24:10 23 MS. TANADA: Oh, okay.

12:24:16 24 BY MS. WEATHERFORD:

12:24:16 25 Q So you make note --



12:24:21 1 You say --

12:24:22 2 So --

12:24:22 3 I'm sorry.

12:24:23 4 Tell me what the basis for your "CRST does NOT

12:24:27 5 fall below industry standards in prevention and

12:24:31 6 protection from sexual assaults" opinion.

12:24:34 7 A So I watched the videos, the scenarios.

12:24:37 8 I also know that they have a zero tolerance

12:24:40 9 policy. In the training materials, they instruct

12:24:45 10 drivers that harassment will not be tolerated. And

12:24:48 11 that's pretty much industry standard.

12:24:50 12 Q Okay.

12:24:51 13 So they only have to do those things and

12:24:55 14 nothing more, and they fall within industry standards?

12:24:55 15 MS. TANADA: Misstates testimony.

12:24:55 16 And not a question.

12:24:56 17 THE WITNESS: What I said is they don't fall below

12:24:59 18 industry san- -- standards. That's my exact term.

12:25:02 19 BY MS. WEATHERFORD:

12:25:02 20 Q Okay.

12:25:02 21 In your opinion, in running the Women in

12:25:04 22 Trucking organization, do you think that there should be

12:25:08 23 higher industry standards than that?

12:25:10 24 A Yes.

12:25:10 25 Q Okay.





12:25:11 1 Tell me what you think the industry standards  
12:25:15 2 should be.

12:25:15 3 A I believe in inward-facing cameras for  
12:25:18 4 training purposes only, and only in the cab, seats  
12:25:22 5 forward.

12:25:22 6 Q Anything else?

12:25:23 7 A I also think that Prime's female driver  
12:25:30 8 liaison is a good idea.

12:25:32 9 And I really think that Roehl Transport,  
12:25:37 10 having their trainers watch the movie North Country and  
12:25:45 11 then talking about it, is a good idea.

12:25:48 12 Q Anything else?

12:25:51 13 A Some companies have brought in self-defense  
12:25:53 14 experts.

12:25:55 15 Q What do you mean?

12:25:56 16 A I know that Prime brought in a self-defense  
12:25:59 17 expert -- so did Walmart -- just to train their female  
12:26:03 18 drivers.

12:26:04 19 Q But what happens if the female driver is being  
12:26:09 20 assaulted or harassed by her male co-driver?

12:26:13 21 MS. TANADA: Calls for speculation.

12:26:13 22 Lacks foundation.

12:26:14 23 Incomplete hypothetical.

12:26:16 24 MS. CAPASSO: Join.

12:26:16 25 THE WITNESS: The -- the self-defense course is for



12:26:20 1 their job as a whole.

12:26:22 2 BY MS. WEATHERFORD:

12:26:22 3 Q Okay.

12:26:23 4 So it would teach them how to fight off,

12:26:26 5 maybe, a -- an attacker who was in the truck with them?

12:26:29 6 MS. TANADA: Calls for speculation.

12:26:31 7 MS. CAPASSO: Join.

12:26:32 8 THE WITNESS: And -- and it's not necessarily

12:26:34 9 "fight off." It's how to avoid getting in those

12:26:39 10 situations.

12:26:39 11 BY MS. WEATHERFORD:

12:26:39 12 Q Tell me about that. What do you mean, how to

12:26:41 13 avoid getting in those situations?

12:26:45 14 A Don't walk alone at night.

12:26:46 15 Don't park in the back of the parking lot.

12:26:47 16 Don't walk between trucks.

12:26:49 17 Carry something in your hand.

12:26:51 18 Walk with a purpose.

12:26:53 19 Q Okay.

12:26:53 20 But what about when the assault happens in the

12:26:55 21 truck?

12:26:57 22 MS. TANADA: Vague and ambiguous.

12:26:58 23 Lacks foundation.

12:27:00 24 THE WITNESS: I'm not sure what the question is.

12:27:02 25 MS. CAPASSO: Join.



12:27:02 1 BY MS. WEATHERFORD:

12:27:02 2 Q Yeah.

12:27:02 3 MS. TANADA: Yeah.

12:27:02 4 BY MS. WEATHERFORD:

12:27:02 5 Q You just talked about self-defense --

12:27:04 6 A Correct.

12:27:05 7 Q -- and how to avoid those types of situations,

12:27:08 8 meaning sexual assault and harassment situations.

12:27:11 9 A Correct.

12:27:12 10 Q What --

12:27:12 11 How do you avoid when it's happening in the

12:27:16 12 truck that you're in?

12:27:17 13 MS. TANADA: Lacks foundation.

12:27:17 14 Calls for speculation.

12:27:17 15 Incomplete hypothetical.

12:27:19 16 MS. CAPASSO: Join.

12:27:21 17 THE WITNESS: We answer?

12:27:23 18 BY MS. WEATHERFORD:

12:27:24 19 Q Yeah.

12:27:25 20 MS. TANADA: Yes.

12:27:26 21 THE WITNESS: So in our anti-harassment employment

12:27:29 22 guide, we ask the company to have the driver sit down

12:27:33 23 and set boundaries. So they'll talk about what's

12:27:40 24 offensive: Can you discuss religion? Can you discuss

12:27:46 25 politics? Do you have any food allergies? Do you not



12:27:50 1 like my music? Do you not like my -- my perfume? You  
12:27:52 2 set boundaries ahead of time.

12:27:55 3 We also feel that --

12:27:57 4 We also state that the -- if the person feels  
12:27:59 5 harassed, they have an obligation to, first of all, tell  
12:28:03 6 the harasser to stop, depending on the extent of the  
12:28:08 7 harassment. If it's a joke or using a crude term or a  
12:28:12 8 phrase, they have an obligation to tell the person,  
12:28:16 9 "This is unacceptable to me." So you're -- you're  
12:28:20 10 establishing boundaries.

12:28:23 11 BY MS. WEATHERFORD:

12:28:25 12 Q Okay.

12:28:25 13 So you're an advocate for training the women  
12:28:29 14 on how to set boundaries with their male driver?

12:28:33 15 A I'm an advocate for any two people who go out  
12:28:37 16 in the cab of a truck to establish boundaries.

12:28:40 17 Q But I want to talk just specifically about  
12:28:40 18 women, 'cause that's the case that we're dealing with  
12:28:40 19 here.

12:28:40 20 So you think that the women should sit down  
12:28:43 21 with their male lead driver -- or -- I guess lead driver  
12:28:48 22 in this situation and tell them, "This is what offends  
12:28:51 23 me. Here are my food allergies," that that should be a  
12:28:58 24 mandatory requirement?

12:29:01 25 MS. TANADA: Misstates testimony.





12:29:02 1 MS. CAPASSO: Join.

12:29:03 2 THE WITNESS: I'm saying it elevates the level of

12:29:07 3 training.

12:29:07 4 BY MS. WEATHERFORD:

12:29:09 5 Q What do you mean?

12:29:10 6 A I think it's a best practice.

12:29:12 7 Q Does CRST do that?

12:29:16 8 A Not that I'm aware of.

12:29:22 9 Q Okay.

12:29:23 10 So --

12:29:25 11 And you said if a woman feels harassed, she

12:29:28 12 has an obligation to tell the harasser to stop, and

12:29:33 13 "This is unacceptable to me." What do you mean by that?

12:29:36 14 A As I said, if someone says a joke or uses a

12:29:40 15 term or a phrase that's offensive, you have to say,

12:29:43 16 "That offends me. Don't use that term in front of me

12:29:48 17 anymore."

12:29:49 18 Q Okay.

12:29:49 19 What about in a situation where the person

12:29:51 20 making the offensive statement is the trainer of the

12:29:56 21 person that hears the statement? Can you see a --

12:29:59 22 A I'd say --

12:30:00 23 Q You don't see any problem in that scenario?

12:30:03 24 MS. TANADA: Incomplete hypothetical.

12:30:04 25 Vague and ambiguous.



12:30:06 1 MS. CAPASSO: Join.

12:30:06 2 MS. TANADA: Go ahead.

12:30:07 3 THE WITNESS: I'm saying you should do it in --

12:30:09 4 regardless of what their title is.

12:30:13 5 BY MS. WEATHERFORD:

12:30:13 6 Q And the onus should be on the woman to make

12:30:16 7 sure that she says, "Hey, I don't appreciate that you're

12:30:20 8 saying this. Stop"?

12:30:21 9 MS. TANADA: Misstates testimony.

12:30:23 10 And not a question.

12:30:24 11 MS. CAPASSO: Join.

12:30:24 12 BY MS. WEATHERFORD:

12:30:25 13 Q Should the onus be on the woman to say that?

12:30:28 14 MS. TANADA: Misstates testimony.

12:30:29 15 THE WITNESS: The onus should be on the person

12:30:31 16 who's offended.

12:30:32 17 BY MS. WEATHERFORD:

12:30:33 18 Q Yeah.

12:30:34 19 So if it's a woman who's offended, the onus is

12:30:37 20 on the woman; correct?

12:30:39 21 A Yes.

12:30:39 22 Q And so then would the woman be, like,

12:30:41 23 partially at fault for any further harassment that

12:30:46 24 occurs after harassment that she doesn't initially

12:30:51 25 head-on, like, tell the harasser that she's offended by?



12:30:52 1 A No.

12:30:53 2 MS. TANADA: Vague and ambiguous.

12:30:54 3 THE WITNESS: No; no.

12:30:54 4 MS. TANADA: Incomplete hypothetical.

12:30:56 5 Go ahead.

12:30:56 6 MS. CAPASSO: Join.

12:30:58 7 THE WITNESS: The woman is not at fault.

12:31:03 8 BY MS. WEATHERFORD:

12:31:03 9 Q Okay.

12:31:03 10 So what should companies do to train the men

12:31:06 11 ahead of time to not make these comments that the women

12:31:11 12 have to say, "Hey, this offends me"?

12:31:15 13 MS. TANADA: Assumes facts in evidence that only

12:31:15 14 men make these comments.

12:31:16 15 MS. CAPASSO: Join.

12:31:16 16 BY MS. WEATHERFORD:

12:31:16 17 Q Go ahead.

12:31:17 18 A I'm gonna go back to the sensitivity training

12:31:19 19 and discuss it. They need to talk to all their drivers

12:31:24 20 and say, "Would you want your mom, your sister, your

12:31:27 21 aunt, your grandma to be treated like that?"

12:31:30 22 Q Okay.

12:31:30 23 So beyond that, what can -- what else -- what

12:31:31 24 else should they do?

12:31:33 25 A Inward-facing cameras.



12:31:37 1                   And, again, I think the female driver liaison  
12:31:41 2                   is a good idea.

12:31:51 3           Q       Okay.

12:31:52 4                   You say in your report that Ms. Wood "gives no  
12:31:57 5                   support to prove that whistles and stickers do not help  
12:32:00 6                   prevent assaults." What's that opinion based on?

12:32:01 7           A       Her testimony said that they don't help  
12:32:03 8                   prevent assaults.

12:32:05 9           Q       Okay.

12:32:06 10                   Do you have a counter-opinion, that they do  
12:32:08 11                   help prevent assaults?

12:32:10 12           A       Yes.

12:32:10 13           Q       Okay.

12:32:11 14                   So how could a whistle help prevent assaults?

12:32:14 15           A       If you're walking through a truck stop and  
12:32:18 16                   someone is in your space, blowing a whistle would draw  
12:32:21 17                   attention to yourself and hopefully get someone to help  
12:32:21 18                   you.

12:32:25 19           Q       What if the assault is occurring inside the  
12:32:28 20                   truck between a lead driver and a student driver?

12:32:32 21           MS. TANADA: Incomplete hypothetical.

12:32:32 22                   Lacks foundation.

12:32:32 23                   Calls for speculation.

12:32:34 24           MS. CAPASSO: Join.





12:32:34 1 BY MS. WEATHERFORD:

12:32:34 2 Q Go ahead.

12:32:34 3 A If they're inside a truck, a -- a whistle  
12:32:38 4 wouldn't help.

12:32:40 5 Q And what about a sticker? How would that  
12:32:43 6 help?

12:32:44 7 A A sticker would be education, telling them who  
12:32:47 8 to call.

12:32:49 9 Q But how does it help prevent sexual assaults?

12:32:58 10 A I don't believe I ever said a sticker prevents  
12:33:02 11 sexual assaults.

12:33:03 12 Q No; I know.

12:33:04 13 But you're saying that "She gives no support  
12:33:07 14 to prove that whistles and stickers do not . . . prevent  
12:33:07 15 assaults," so I'd assume that you think that they do  
12:33:10 16 prevent assaults.

12:33:12 17 MS. TANADA: Objection.

12:33:13 18 Not --

12:33:14 19 BY MS. WEATHERFORD:

12:33:14 20 Q Or are you going to tell me I'm wrong?

12:33:16 21 MS. TANADA: Not a question.

12:33:18 22 MS. CAPASSO: Join.

12:33:19 23 THE WITNESS: Again, I'm going to go back to the  
12:33:21 24 situation.

12:33:21 25 If it's inside the cab of a truck, that's a



12:33:25 1 different situation than if they're outside of the cab  
12:33:28 2 of the truck. Or maybe they've got a truck parked next  
12:33:33 3 to them that they can hear a whistle. I guess it would  
12:33:38 4 depend on the context and the situation.

12:33:39 5 BY MS. WEATHERFORD:

12:33:39 6 Q Your testimony in this case --

12:33:40 7 You said you're --

12:33:41 8 You're doing this all pro bono; is that

12:33:43 9 correct?

12:33:44 10 A I'm not accepting any money.

12:33:46 11 Q From anyone?

12:33:47 12 A Correct.

12:33:47 13 Q Why?

12:33:49 14 A Because I'm being paid by Women in Trucking.

12:33:57 15 I mean, that's my salary. So I'm on Women in Trucking  
12:34:01 16 time.

12:34:01 17 Q Okay.

12:34:02 18 What's your salary at Women in Trucking?

12:34:05 19 A 163,000.

12:34:06 20 Q Do you get any bonuses?

12:34:08 21 A Yes.

12:34:08 22 Q What -- what are your typical --

12:34:10 23 Well, tell me what --

12:34:12 24 How much was your bonus last year?

12:34:15 25 A 25,000.



12:34:16 1 Q And what was your bonus in 2018?

12:34:19 2 A I believe it was around 18,000.

12:34:21 3 Q What are your bonuses based on?

12:34:26 4 A Membership numbers;

12:34:28 5 Conference income;

12:34:31 6 Media hits;

12:34:36 7 Corporate partners;

12:34:40 8 Dollars;

12:34:41 9 Members.

12:34:42 10 Q So, like, sponsorships, things like that?

12:34:47 11 A Sponsorships, yes.

12:34:51 12 Q Your sponsors are --

12:34:53 13 The majority of your sponsors are trucking

12:34:57 14 companies; correct?

12:34:58 15 A That's not correct.

12:34:59 16 Q Or carriers; correct?

12:35:01 17 A That's not correct.

12:35:02 18 Q Okay.

12:35:02 19 Tell me what the majority of your -- who the

12:35:03 20 majority of your sponsors are.

12:35:07 21 A First of all, they're members, so they pay

12:35:10 22 dues, so they would be broken down by -- could be

12:35:15 23 manufacturers; could be suppliers; could be trucking

12:35:17 24 companies, truck driving schools, truck dealerships,

12:35:20 25 truck drivers.



12:35:22 1 Q Okay.

12:35:22 2 Tell me how many truck --

12:35:25 3 Tell me the percentage of your membership are

12:35:28 4 actual truck drivers.

12:35:30 5 A We have 55,000 members, and I believe about

12:35:34 6 600 of them are truck drivers.

12:35:41 7 Q 55,000 members --

12:35:42 8 A I'm sorry; 5,500 members; 5500.

12:35:44 9 Q Okay.

12:35:45 10 So 600 are truck drivers. How many of those

12:35:49 11 600 truck drivers are active truck drivers?

12:35:53 12 A All of them.

12:35:57 13 Q How many of them are women?

12:35:58 14 A Most of them.

12:35:59 15 Q Give me a percentage.

12:36:01 16 A Probably 95 percent.

12:36:03 17 Q And then so the remainder 5,000 members in

12:36:08 18 your organization are corporations, truck driving

12:36:12 19 companies, truck driving schools, things like that?

12:36:15 20 A Correct.

12:36:15 21 Q What is the membership due for an individual

12:36:19 22 truck driver?

12:36:20 23 A \$30.

12:36:21 24 Q Is that yearly?

12:36:22 25 A Yes.





12:36:22 1 Q And what is a yearly membership due for a  
12:36:26 2 corporate sponsor?

12:36:29 3 A If they're over 250 employees, it would be  
12:36:32 4 1100 a year. If they're under 250 employees, it's 550.

12:36:39 5 Q And then do you receive money in any other way  
12:36:42 6 from, say, members or corporate sponsors?

12:36:48 7 A We make money on our conference.

12:36:55 8 A third party does our magazine. We get a  
12:36:58 9 percentage of ad revenue.

12:37:02 10 We also have a third party that does our  
12:37:06 11 weekly newsletter. We get a percentage of that ad  
12:37:11 12 revenue.

12:37:12 13 We also have a career site where they post  
12:37:17 14 jobs. We get a percent of that ad revenue.

12:37:21 15 Q Anything else?

12:37:21 16 A We have what we call partners. So partners go  
12:37:25 17 beyond dues. And they can be bronze at 5,000, silver at  
12:37:31 18 15,000, and gold at 25,000 annually.

12:37:36 19 Q CRST --

12:37:38 20 Are any of the CRST parent or subsidiary  
12:37:40 21 corporations -- are any of them your partners?

12:37:45 22 A No.

12:37:46 23 Q Have they ever been?

12:37:47 24 A No.

12:37:51 25 Q The third party magazine ad revenue, the



12:37:57 1 weekly newsletter ad revenue, the --

12:38:01 2 Strike that.

12:38:03 3 How much of the addition- --

12:38:05 4 So individual truck drivers -- it'd be fair to

12:38:08 5 say that the revenue that you get from them is

12:38:11 6 exclusively from their yearly membership dues?

12:38:16 7 A Correct.

12:38:16 8 Q And all of the other revenue that you receive

12:38:21 9 is from the corporate members?

12:38:23 10 A No.

12:38:24 11 We also have individual members who are not

12:38:28 12 drivers. Like, a student would pay -- I believe it's

12:38:32 13 \$15 their first year.

12:38:34 14 Q Okay.

12:38:35 15 So besides the students at \$15, truck drivers

12:38:39 16 at \$30 a year -- put those aside -- all of the other

12:38:43 17 revenue that you receive -- that your organization

12:38:46 18 receives throughout the year from all the various

12:38:51 19 sources is from the corporate members and sponsors and

12:38:55 20 partners?

12:38:57 21 A Corporate members, partners, and sponsors.

12:38:59 22 Q Why would you lend your time -- your

12:39:02 23 organization's time to testify against a woman who was

12:39:05 24 sexually assaulted in a truck while she was working for

12:39:10 25 a trucking company?



12:39:12 1 MS. TANADA: Objection.  
12:39:12 2 Assumes facts not in evidence.  
12:39:13 3 MS. CAPASSO: Join.  
12:39:15 4 BY MS. WEATHERFORD:  
12:39:15 5 Q Why would you do that?  
12:39:17 6 MS. TANADA: Same objections.  
12:39:18 7 THE WITNESS: I'm not --  
12:39:19 8 MS. CAPASSO: Join.  
12:39:19 9 THE WITNESS: I'm -- I'm not.  
12:39:22 10 BY MS. WEATHERFORD:  
12:39:22 11 Q You understand that you're testifying against  
12:39:24 12 Jane Doe in this case?  
12:39:26 13 A I am testifying to help the attorneys gather  
12:39:34 14 information.  
12:39:35 15 Q No; no; no; no; no.  
12:39:37 16 You're retained to testify against Jane Doe in  
12:39:41 17 this case. That's what you will do at trial.  
12:39:43 18 A Okay.  
12:39:44 19 Q You understand that?  
12:39:44 20 A Yes.  
12:39:44 21 Q And you agree with that?  
12:39:46 22 MS. TANADA: Objection.  
12:39:46 23 Assumes facts not in evidence.  
12:39:46 24 Calls for speculation.  
12:39:48 25 MS. CAPASSO: Join.



12:39:48 1 BY MS. WEATHERFORD:

12:39:50 2 Q You understand that now as you sit here;

12:39:53 3 correct?

12:39:54 4 MS. TANADA: Same objections.

12:39:56 5 MS. CAPASSO: Join.

12:40:01 6 THE WITNESS: State the question.

12:40:02 7 BY MS. WEATHERFORD:

12:40:03 8 Q Yeah.

12:40:04 9 You understand, as you sit here right now,

12:40:05 10 that you are going to testify against Jane Doe in her

12:40:09 11 lawsuit against the trucking company that employed a man

12:40:13 12 who sexually assaulted her?

12:40:17 13 MS. TANADA: Vague and ambiguous.

12:40:18 14 Lacks foundation.

12:40:18 15 Calls for speculation.

12:40:18 16 Assumes not -- fact -- facts not in evidence.

12:40:19 17 And not a question.

12:40:19 18 BY MS. WEATHERFORD:

12:40:19 19 Q You understand that; correct?

12:40:20 20 MS. CAPASSO: Calls for a legal conclusion.

12:40:21 21 And join.

12:40:22 22 THE WITNESS: I --

12:40:22 23 MS. TANADA: Same objections.

12:40:25 24 THE WITNESS: I have no opinion about the incident.

12:40:28 25 And I stated that at the beginning of my deposition.





12:40:32 1 BY MS. WEATHERFORD:

12:40:33 2 Q Not my question.

12:40:34 3 A Yeah; your question was.

12:40:35 4 Q No; no; no. That's not my question.

12:40:36 5 My question is, you understand, as a woman who

12:40:39 6 runs an organization called Women in Trucking, you are

12:40:44 7 here retained to testify against a woman who says she

12:40:47 8 was sexually assaulted by her male truck driver at a

12:40:51 9 trucking company?

12:40:53 10 A Correct.

12:40:53 11 MS. TANADA: Same objections.

12:40:56 12 BY MS. WEATHERFORD:

12:40:56 13 Q And you're comfortable doing that?

12:40:58 14 A Correct.

12:41:00 15 Q And if there's not a trucking company involved

12:41:03 16 at some point, you're gonna stay and testify for the

12:41:06 17 perpetrator of the abuse; correct?

12:41:09 18 MS. TANADA: Assumes facts not in evidence.

12:41:11 19 THE WITNESS: I have not been asked --

12:41:13 20 MS. CAPASSO: Join.

12:41:14 21 THE WITNESS: -- that scenario.

12:41:16 22 BY MS. WEATHERFORD:

12:41:16 23 Q You are retained as their expert. So if -- if

12:41:18 24 that scenario comes up, are you going to reconsider

12:41:23 25 your -- your retention?



12:41:25 1 A If I'm asked, I will testify.

12:41:29 2 Q For the perpetrator?

12:41:30 3 MS. TANADA: Assumes facts not in evidence.

12:41:31 4 MS. CAPASSO: Join.

12:41:31 5 BY MS. WEATHERFORD:

12:41:31 6 Q Correct?

12:41:33 7 A For the defendant.

12:41:34 8 Q You don't want to call him "the perpetrator"?

12:41:38 9 MS. TANADA: Outside the scope.

12:41:40 10 I'm gonna instruct the witness not to answer.

12:41:41 11 MS. CAPASSO: Join.

12:41:42 12 MS. TANADA: Don't answer that.

12:41:43 13 BY MS. WEATHERFORD:

12:41:47 14 Q Do you have any government sponsors?

12:41:51 15 A No.

12:41:52 16 Q Did you --

12:41:57 17 Do your corporate sponsors know you're here

12:42:02 18 testifying?

12:42:03 19 A My board knows.

12:42:05 20 Q Your board knows?

12:42:05 21 A Yes.

12:42:05 22 Q Do any of your corporate sponsors know about

12:42:08 23 your retention and testimony in this case?

12:42:10 24 MS. TANADA: Calls for speculation.

12:42:12 25 MS. CAPASSO: Join.



12:42:12 1 THE WITNESS: My --

12:42:16 2 I've only told my board.

12:42:18 3 BY MS. WEATHERFORD:

12:42:18 4 Q Okay.

12:42:19 5 Does the FMCSA know that you're testifying in

12:42:25 6 this case?

12:42:25 7 MS. TANADA: Calls for speculation.

12:42:27 8 MS. CAPASSO: Join.

12:42:28 9 THE WITNESS: I didn't tell them.

12:42:53 10 BY MS. WEATHERFORD:

12:42:53 11 Q Back to page 2 of your opinions, on the

12:42:59 12 paragraph that starts with Opinion Number 1, you say at

12:43:07 13 the -- for the last sentence, you say, "Why didn't Jane

12:43:10 14 Doe establish boundaries based on her training at CRST?"

12:43:15 15 What do you mean by that?

12:43:17 16 A Just what I talked about before, saying, "I

12:43:19 17 don't approve of that kind of talk." So my question

12:43:23 18 would have been, if he's talking about -- if she claims

12:43:26 19 that he's talking about sex with girlfriends, in my

12:43:29 20 opinion, she had a responsibility to say, "I don't want

12:43:32 21 to hear it," if she didn't want to hear it.

12:43:35 22 Q Okay.

12:43:36 23 So do you have an opinion about --

12:43:38 24 Strike that.

12:43:38 25 So your assumption from there is that she did



12:43:43 1 want to hear it?

12:43:44 2 A No.

12:43:44 3 MS. TANADA: Assumes facts not in evidence.

12:43:45 4 Not a question.

12:43:46 5 MS. CAPASSO: Join.

12:43:46 6 THE WITNESS: Not at all.

12:43:49 7 BY MS. WEATHERFORD:

12:43:49 8 Q Do you think that Jane Doe is at fault for

12:43:52 9 what happened to her in the truck?

12:43:54 10 A No.

12:43:54 11 MS. TANADA: Outside the scope.

12:43:56 12 Assumes fact- --

12:43:56 13 BY MS. WEATHERFORD:

12:43:57 14 Q Why don't you think she wasn't at fault?

12:44:00 15 MS. TANADA: Assumes facts not in evidence.

12:44:00 16 Outside the scope.

12:44:02 17 MS. CAPASSO: Join.

12:44:03 18 THE WITNESS: Any woman who is -- claims to be a

12:44:11 19 victim, I don't blame them. I don't blame them for any

12:44:17 20 action that was done against their will.

12:44:23 21 BY MS. WEATHERFORD:

12:44:23 22 Q Okay.

12:44:24 23 Do you fault her for filing this lawsuit?

12:44:27 24 A No.

12:44:28 25 MS. TANADA: Same objections.





12:44:29 1 THE WITNESS: Oh, lawsuit?

12:44:31 2 BY MS. WEATHERFORD:

12:44:31 3 Q Yeah.

12:44:32 4 A I have no opinion on that.

12:44:35 5 Q Other than that you're here to testify against

12:44:37 6 her?

12:44:38 7 A Correct.

12:44:39 8 MS. TANADA: Misstates testimony.

12:44:41 9 MS. CAPASSO: Join.

12:44:41 10 MS. WEATHERFORD: Okay.

12:44:42 11 I just want to attach the other two things

12:44:43 12 that were given to me today -- I'm just gonna attach

12:44:44 13 them collectively as Exhibit 2.

12:44:50 14 (Whereupon the documents referred to are

12:44:50 15 marked as Plaintiff's Exhibit 2 for identification.)

12:44:50 16 BY MS. WEATHERFORD:

12:44:51 17 Q Have you told me every opinion that you intend

12:44:53 18 to offer at trial in this matter?

12:44:56 19 A Yes.

12:44:57 20 Q Are there any other documents that you intend

12:44:59 21 to review in preparation for trial?

12:45:09 22 A Possibly, I would ask other carriers for their

12:45:14 23 best practices.

12:45:18 24 Q Okay.

12:45:19 25 I just have to tell you, if you do that --



12:45:22 1 A Mm-hmm.

12:45:22 2 Q -- you need to provide the -- those documents  
12:45:25 3 to your counsel, and they will have to provide them to  
12:45:26 4 us.

12:45:26 5 If you change any of your opinions that you've  
12:45:31 6 expressed in this deposition, we have a right to have a  
12:45:32 7 second deposition of you.

12:45:32 8 Okay?

12:45:33 9 A Correct.

12:45:37 10 Q How much time have you spent working on this  
12:45:40 11 case?

12:45:41 12 A 18 hours.

12:45:43 13 Q And that's inclusive of reading depositions,  
12:45:46 14 reviewing documents, and writing your report?

12:45:49 15 A Correct.

12:45:49 16 Q What about travel time?  
12:45:51 17 You don't live in San Bernardino; correct?

12:45:53 18 A Correct.

12:45:53 19 Q Did you have to travel here for the  
12:45:56 20 deposition?

12:45:56 21 A Yes.

12:45:57 22 Q Did you fly?

12:45:58 23 A Yes.

12:45:59 24 Q Who paid for the flight?

12:46:01 25 A Women in Trucking did. But I will be billing.



12:46:05 1 Q You will be billing Defense Counsel?

12:46:08 2 A Correct.

12:46:08 3 Q Are you --

12:46:08 4 Have you billed them for anything else?

12:46:09 5 A No.

12:46:09 6 Q The only thing you're going to bill them for

12:46:12 7 is just the flight?

12:46:17 8 A I've asked that they make a donation to our

12:46:20 9 foundation.

12:46:21 10 Q Tell me about that.

12:46:22 11 A That's typically what I do when I'm an expert

12:46:27 12 witness, just ask that the carrier make a donation to

12:46:32 13 the foundation.

12:46:33 14 Q How much is the donation you're asking for?

12:46:34 15 A It was 18 hours, so I billed it --

12:46:35 16 I said about a hundred dollars an hour, so

12:46:39 17 1800.

12:46:40 18 Q Do you have any invoices?

12:46:41 19 A Yes.

12:46:42 20 Q Why --

12:46:42 21 Do you --

12:46:44 22 Where are they?

12:46:45 23 A I sent them to Carrie.

12:46:46 24 Q Okay.

12:46:46 25 Well, Carrie didn't give them to us. And we



12:46:48 1 asked for any sort of compensation you're receiving.

12:46:51 2 We're under the impression that you're just  
12:46:51 3 doing this all for free. But you're doing it for a  
12:46:55 4 donation?

12:46:55 5 A I'm doing it --

12:46:57 6 I asked for them -- them to make a donation to  
12:47:01 7 the foundation. I don't work for the foundation.

12:47:02 8 Q Gotcha.

12:47:02 9 Lewis Brisbois is making the donation, or Eric  
12:47:05 10 Horton is making the donation, or is it CRST?

12:47:08 11 A I believe CRST.

12:47:10 12 Q Have you ever gotten a donation from CRST  
12:47:12 13 before for -- for -- for working with them in any  
12:47:17 14 litigation?

12:47:18 15 A No.

12:47:19 16 Q This is the first time?

12:47:21 17 A Yes.

12:47:21 18 Q What about other trucking companies? Have any  
12:47:24 19 other trucking companies given you donations in exchange  
12:47:28 20 for your testimony in their civil lawsuits?

12:47:35 21 A Prime --

12:47:35 22 New Prime made a donation to the foundation  
12:47:42 23 for my time.

12:47:44 24 Q Okay.

12:47:45 25 So there's 18 hours, you said, at a hundred





12:47:49 1 dollars an hour, not 150?

12:47:51 2 A I just put a hundred.

12:47:53 3 Q Why did you make it a hundred?

12:47:55 4 A I just made it a hundred, make it easy.

12:47:59 5 Q Okay.

12:48:00 6 So is --

12:48:01 7 18 hours -- that's the time that you reviewed

12:48:03 8 things and wrote a report. Are you going to charge them

12:48:09 9 for any additional time?

12:48:11 10 A I don't know.

12:48:12 11 Q Well, it took you time to fly here. Are you

12:48:15 12 charging them for the flight time?

12:48:18 13 A The Association will be billing for my

12:48:22 14 expenses.

12:48:24 15 Q So, like, meals --

12:48:26 16 A Airfare.

12:48:28 17 Q -- cabs, things like that?

12:48:30 18 A Correct.

12:48:30 19 Q What other types of expenses are the

12:48:33 20 Association going to bill CRST for?

12:48:36 21 A Parking.

12:48:37 22 Q What else?

12:48:39 23 A Uber.

12:48:40 24 Q What else?

12:48:40 25 A Airfare.



12:48:42 1 Just travel.

12:48:44 2 Q Okay.

12:48:45 3 And so that's in addition to the time that

12:48:48 4 they're billing CRST for your testimony?

12:48:54 5 A Correct; the -- the --

12:48:57 6 They would be two separate --

12:49:01 7 Q One would be a reimbursement; the other --

12:49:03 8 A Reimbursement would go to the Association

12:49:05 9 because the Association has paid my expenses up to this

12:49:09 10 point.

12:49:09 11 The donation goes to the scholarship

12:49:13 12 foundation.

12:49:14 13 Q It goes to Women in Trucking, and Women in

12:49:17 14 Trucking dedicates it to a scholarship foundation?

12:49:21 15 A No.

12:49:22 16 It goes to an actual 501(c)(3) charitable

12:49:24 17 organization, Women in Trucking Scholarship Foundation.

12:49:26 18 I don't work for them, and they have a separate board.

12:49:31 19 Q That was a scholarship foundation that Women

12:49:33 20 in Trucking created?

12:49:35 21 A Yes.

12:49:42 22 Q Did you think it was important to disclose to

12:49:45 23 us that you were doing this all for a charitable

12:49:51 24 donation from CRST toward your organization?

12:49:52 25 A Did I think it's important?



12:49:53 1 Q Yeah.

12:49:54 2 It wasn't written in your report; it wasn't

12:49:59 3 mentioned in your expert designation. That's -- don't

12:50:00 4 you think that's a problem?

12:50:01 5 MS. TANADA: Calls for speculation.

12:50:02 6 Lacks foundation.

12:50:03 7 MS. CAPASSO: Join.

12:50:04 8 THE WITNESS: I -- I supplied it to the law firm.

12:50:08 9 I assumed it was taken care of.

12:50:10 10 BY MS. WEATHERFORD:

12:50:16 11 Q We're gonna need you to provide us with any

12:50:19 12 bills or charitable -- charitable contributions that

12:50:22 13 arise from you testifying on behalf of the trucking

12:50:27 14 company against the sexual assault victim.

12:50:29 15 Okay?

12:50:31 16 A Correct.

12:50:38 17 MS. WEATHERFORD: Okay.

12:50:39 18 That's all I have.

12:50:41 19 MS. TANADA: Stip?

12:50:41 20 MS. WEATHERFORD: Questions?

12:50:42 21 MS. TANADA: No.

12:50:44 22 MS. WEATHERFORD: Per Code?

12:50:45 23 THE REPORTER: That's --

12:50:45 24 If counsel wants to discuss that off the

12:50:45 25 record --



12:50:45 1 MS. WEATHERFORD: Let's just go per Code.

12:50:45 2 THE VIDEOGRAPHER: This --

12:50:45 3 THE REPORTER: Does anyone need any copies?

12:50:45 4 MS. TANADA: Certified and rough.

12:50:45 5 THE REPORTER: Do you as well, or --

12:50:45 6 No?

12:50:45 7 MS. CAPASSO: No.

12:50:49 8 THE REPORTER: Okay.

12:50:58 9 THE VIDEOGRAPHER: This concludes today's

12:51:00 10 proceedings.

12:51:01 11 Total amount of time on the record was 2 hours

12:51:02 12 and 28 minutes.

12:51:02 13 We're going off the record at 12:51 p.m.

12:51:06 14 (The deposition concluded at 12:51 p.m.)

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DECLARATION UNDER PENALTY OF PERJURY

I, Ellen Voie, do hereby certify under penalty of perjury that I have reviewed the foregoing transcript of my deposition taken on March 10, 2020; that I have made such corrections as appear noted herein; that my testimony contained herein, as corrected, is true and correct.

DATED this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, at \_\_\_\_\_, California.

\_\_\_\_\_  
Ellen Voie



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REPORTER'S CERTIFICATION

I, Amy M. Kakuni, Certified Shorthand Reporter  
in and for the State of California, do hereby certify:

That the foregoing witness was by me duly  
sworn; that the deposition was then taken before me at  
the time and place herein set forth; that the testimony  
and proceedings were reported stenographically by me and  
later transcribed into typewriting under my direction;  
that the foregoing is a true record of the testimony and  
proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name on  
this date: March 23, 2020.

Amy M. Kakuni, CSR 13066/RPR







