

Deposition of Marilyn Watts, taken November 1, 2010

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HIDDEN VILLAGE,)
)
Plaintiff,)
vs.) Case No. 1:10-CV 00887
) Judge James Gwin
CITY OF LAKEWOOD, et al.,)
)
Defendants.)

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THE DEPOSITION OF MARILYN WATTS

MONDAY, NOVEMBER 1, 2010

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The deposition of MARILYN WATTS, called by the Defendants for examination pursuant to the Federal Rules of Civil Procedure, taken before me, the undersigned, Tracy Morse, RPR and Notary Public within and for the State of Ohio, taken at Lakewood City Hall, 12650 Detroit Avenue, Lakewood, Ohio, commencing at 9:44 a.m., the day and date above set forth.

APPEARANCES:

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ALSO PRESENT:

Mr. Michael Priore

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MARILYN WATTS

of lawful age, called by the Defendants for examination pursuant to the Federal Rules of Civil Procedure, having been first duly sworn, as hereinafter certified, was examined and testified as follows:

EXAMINATION OF MARILYN WATTS

BY MR. CLIMER:

Q State your name for the record please, ma'am.

A Marilyn D. Watts.

Q Ms. Watts, my name is Jim Climer and I represent the City of Lakewood and a number of employees that have been sued by Hidden Village over a number of issues.

A Okay.

Q Have you had your deposition taken before?

A I have not.

Q Okay. I'm going to ask you to do a couple things to help us along here, if you would.

A Okay.

Q First of all, if you don't hear or understand a question I ask you, please let me know and I'll be happy to rephrase it. Okay?

A Yes.

Q Secondly, to help our court reporter along, you

1 need to speak verbally. It's very difficult
2 for her to accurately take down a nod or a
3 shake of the head.

4 A Okay.

5 Q We need to try to talk one at a time because
6 it's very, very difficult on our court reporter
7 to take down two people talking over each
8 other. Okay?

9 A Um-hum.

10 Q So if at any point I interrupt your response,
11 you let me know and I'll close my mouth. Okay?

12 A Okay.

13 Q This is not any kind of an endurance contest.
14 If at any time you need to take a break, you
15 let us know. Okay?

16 A Okay.

17 Q Okay. Tell us where you presently live.

18 A I live in Wilmore, Kentucky.

19 Q What's your address there?

20 A 106 Bruner Lane.

21 Q B-r-u-n-e-r?

22 A Yes. That's Wilmore, Kentucky 40390

23 Q Okay. If we have to get ahold of you there for
24 any reason, do you have a phone number?

25 A I do. It's *** -- and I'm going to have to

1 look it up because it's a new phone number. I
2 just had it switched over -- ***-****. I keep
3 giving everybody my husband's.

4 Q No problem.

5 MR. CLIMER: Rich, can we
6 stipulate that the phone number be deleted from
7 the official transcript?

8 MR. HABER: Yes.

9 Q What we're doing there is, we're just telling
10 the court reporter that she can delete your
11 phone number from the transcript in case it
12 gets filed in court.

13 A Okay.

14 Q Okay?

15 A Okay.

16 Q How long have you lived there?

17 A We moved down there about September 15, so not
18 very long.

19 Q 2010?

20 A Yes.

21 Q Where did you live prior to that?

22 A I lived in Elyria.

23 Q And how long were you in Elyria?

24 A When did I move to Elyria? Not very long. I
25 can't remember the date I moved to Elyria, but

1 we only lived there maybe four months, five
2 months.

3 Q Where did you live prior to Elyria?

4 A Euclid, Ohio.

5 Q How long did you live in Euclid?

6 A About a year and some months.

7 Q Have you ever lived in Lakewood?

8 A Yes.

9 Q When was that, approximately?

10 A I moved to Lakewood in June of 2005.

11 Q And when did you leave Lakewood?

12 A 2007.

13 Q Where did you live in Lakewood?

14 A At The Drake.

15 Q Where is that?

16 A It's 1261 Fry Avenue.

17 Q Are you married?

18 A Yes.

19 Q What's your husband's name?

20 A Johnny, J-o-h-n-n-y.

21 Q And his last name is Watts?

22 A Yes.

23 Q Are you presently employed?

24 A I am.

25 Q What do you do?

1 A I'm a property manager.

2 Q For whom?

3 A Pardon me?

4 Q For whom?

5 A Lineback Corporation. They're out of Oklahoma.

6 Q What kind of property do you manage for them?

7 A A residential property, multifamily.

8 Q Apartment building?

9 A Yes.

10 Q How long have you been with Lineback
11 Corporation?

12 A Just since September 15.

13 Q Where did you work prior to that?

14 A For Michael Priore at Windsor Realty
15 Management.

16 Q How long did you work for Windsor?

17 A From June of 2005 until September 15 of 2010.

18 Q Is that about the time you moved to The Drake?

19 A June of 2005 is, yes.

20 Q What did you do for Windsor Management?

21 A Initially?

22 Q Yes.

23 A Initially I started off as a property manager
24 for the Lakewood Property Group and that was
25 five apartment complexes.

1 Q What were those?

2 A Clifford, Sheffield, Shore House, Hidden
3 Village and The Drake.

4 Q Can you tell us what your duties as the
5 property manager were for that group?

6 A For that period of time?

7 Q Yes.

8 A What I did then was lease -- you know, help
9 make sure that the suites were prepped and did
10 move in, move outs, evictions.

11 Q Did you have any maintenance responsibilities?

12 A Sometimes.

13 Q What did you do in terms of the maintenance?

14 Did you do it yourself? Did you manage it?

15 A I managed it. I had a maintenance man and a
16 cleaning lady.

17 Q If I'm understanding correctly, you lived in
18 The Drake during --

19 A I did.

20 Q -- during that period of time. Did you have an
21 office anywhere else?

22 A At the Hidden Village Apartments.

23 Q Is that your main work office?

24 A Yes. That was the B building.

25 Q How long did you continue as the property

1 manager for the Lakewood Group?

2 A Only?

3 Q Well, at some point your duties changed after
4 you began to work for Windsor Management. Is
5 that correct?

6 A Yes, in 2007.

7 Q What happened in 2007?

8 A I took on some additional properties. We had
9 sold three of the properties I had.

10 Q Okay. Which ones were sold?

11 A Clifford, Sheffield and Shore House.

12 Q All right. And at that point in time you took
13 on some additional properties --

14 A Yes.

15 Q -- that you were responsible to manage?

16 A Yes.

17 Q What were those properties?

18 A Camden Village and Canterbury Court.

19 Q Where are they located?

20 A They're located on Lorain Avenue between 140th
21 and 147th Street.

22 Q Is that in Cleveland?

23 A Yes.

24 Q Did your residence change at that point?

25 A No.

1 Q All right. Did you continue to live at The
2 Drake until you moved away from the Cleveland
3 area?

4 A No. Well, I moved in -- I had moved down on
5 Lakeshore to another property later on.

6 Q When would that have been?

7 A That was in 2007.

8 Q Now, is that Lakeshore in Euclid?

9 A No. That was in Cleveland. I'm sorry. Lake
10 Avenue. I'm sorry. Lake Avenue.

11 Q In Cleveland?

12 A Yes.

13 Q And that would have been when?

14 A I believe it was in the winter months still,
15 maybe March. I would have to go back. I mean,
16 I don't know exactly. It was early in 2007
17 sometime.

18 Q Prior to working for Windsor Management --

19 A Yes.

20 Q -- did you ever work for any municipalities?

21 A No.

22 Q Did you ever receive any training or have any
23 experience in the enforcement of building
24 codes?

25 A I'm not understanding what you're asking.

1 Q Did you ever work for a building department?

2 A No, sir.

3 Q Okay. Did you ever have any training in the
4 enforcement of building or zoning codes?

5 A Other than I had a lot of literature that I
6 studied on it.

7 Q Is that as part of your job as a property
8 manager?

9 A Yes.

10 Q How far have you gone in school?

11 A I just graduated high school and went part -- I
12 started college but never finished.

13 Q Okay. Where did you graduate high school?

14 A Rittman High School.

15 Q Did you take any special course of study or was
16 it general college?

17 A Just general.

18 Q And you began college?

19 A Yes.

20 Q Where would that have been?

21 A University of Arizona in Tucson.

22 Q What course of study did you contemplate there?

23 A Journalism and creative writing.

24 Q You just couldn't wait to get back to the nice
25 winter months in Ohio, huh?

1 A No. Actually, my father became gravely ill so
2 I moved home.

3 Q All right. Ma'am, during the course of your
4 management of the Windsor properties in
5 Lakewood, did you have occasion to become
6 involved in building or zoning or health
7 inspections that were being conducted by the
8 city for the properties under your care?

9 A Throughout the years I worked there, yes.

10 Q Can you tell us generally about the protocol
11 that would be followed or that you experienced
12 in those inspections?

13 A Normal procedure when I started at Lakewood
14 would be that they would actually contact our
15 home office and then they would either fax me
16 something saying that they were going to be
17 doing an inspection on a certain date.

18 Q All right. And did you encounter situations in
19 which the inspectors would arrive and want to
20 inspect individual apartments?

21 A No.

22 Q Did you encounter any fire safety inspections
23 while you were managing properties in Lakewood?

24 A The only thing they ever did would -- as far as
25 fire inspections would have been when the fire

1 department would schedule a walk-through yearly
2 and they would just check the fire
3 extinguishers.

4 Q Did the fire department ever check smoke
5 detectors in individual units?

6 A No.

7 Q How did the fire department set up these yearly
8 walk-throughs?

9 A Pardon me?

10 Q How did the fire department set up these
11 individual walk-throughs?

12 A Usually by sending something to the main
13 office.

14 Q Did any of the apartments that you managed for
15 Windsor in Lakewood have any Section 8 or other
16 public assistance housing in them?

17 A On occasion. Rarely, but on occasion.

18 Q Did you understand that in those situations,
19 inspections were required in order to maintain
20 eligibility for those programs?

21 A Sure.

22 Q And who would do the inspecting?

23 A The Section 8 inspector.

24 Q Do you know who that inspector was associated
25 with?

1 A All I know is they came from the Section 8
2 program.

3 Q Would they inspect the individual unit that was
4 at issue?

5 A Yes.

6 Q Leading up to the events at issue in this case,
7 which I think were basically occurring through
8 the period of 2006, 2007, had you, to your
9 knowledge, had any conflicts with any City of
10 Lakewood officials concerning inspections that
11 were to take place in Windsor properties within
12 the city of Lakewood?

13 A Could you be more specific?

14 Q Yes. Did you have any disagreements as to
15 whether or not inspections could occur, how
16 they were to occur, whether the results of
17 those inspections were correct or not?

18 A Pertaining to Hidden Village, yes, I had some
19 conflicts.

20 Q Can you tell us about those?

21 A Okay. I don't have the exact dates, but on one
22 occasion -- I'm the property manager, so
23 everybody, all tenants -- I hear all
24 complaints, you know, regardless from what
25 tenants they are and I started getting

1 complaints from the youth from a program we had
2 there that they were being harassed. Then some
3 of the staff called me to let me know that the
4 city was intimidating them and their staff and
5 their tenants.

6 Q Is that the YRP program?

7 A Yes.

8 Q Let's back up just a minute because we'll get
9 to that in a little while.

10 A Okay.

11 Q All right. Before 2006-2007, did you have any
12 conflicts with any Lakewood officials about
13 inspections that they wanted to carry out at
14 Hidden Village?

15 A Not prior to YRP.

16 Q How about in any of the other buildings that
17 you managed aside from Hidden Village? Did you
18 have any conflicts with Lakewood officials
19 about inspections there?

20 A No.

21 Q Did you have any conflicts about any other
22 issues relating to the buildings that you
23 managed on behalf of Windsor Management in
24 Lakewood? Did you have any other conflicts
25 with city officials?

1 A No, sir.

2 Q All right. Tell me, if you would, please about
3 the complaints that you began to receive from
4 YRP tenants about harassment.

5 A They would be stopped on the street by police
6 officers and questioned. Some of them were
7 roused, their word, that they would be stopped
8 on the street, at a bus stop. They would be
9 harassed if they were waiting for the bus.
10 They would do a cut-through down behind the
11 railroad tracks and they would stop them there.
12 They would hassle them there.

13 Q Any other complaints that you recall receiving?

14 A There's probably been -- there was a lot of
15 complaints. I don't know that I could remember
16 every single one.

17 Q Did you commit those to writing anywhere?

18 A Some of it. I don't -- I've tried to remember
19 some of the instances. I remember the bus stop
20 one where the boy was waiting for the bus and
21 they pulled him over to the car.

22 Q Was that a young man dressed in a suit?

23 A Yes.

24 Q And worked for a congressional representative?

25 A For Kucinich, yes.

1 Q Do you know his name?

2 A I do not. I'm sorry.

3 Q Did you receive any other complaints of tenants
4 encountered at bus stops other than this fellow
5 who was the congressional aid?

6 A They just said any time they were down there,
7 they would get complaints.

8 Q Now, you only said that there were some tenants
9 who complained of being stopped on the street
10 by the police, I'm assuming.

11 A Yes.

12 Q Do you know the names of any of the people who
13 made those complaints?

14 A I do not. I do not personally. Candy Withers
15 would know that information.

16 Q Did any of these people relate to you the
17 circumstances under which they were stopped?

18 A No.

19 Q And you indicated that a number of tenants
20 complained of being, in your words, roused.
21 Can you tell us what you meant by that?

22 A That they would be frisked by them.

23 Q Do you know any of the tenants that complained
24 of that behavior?

25 A Do I know their names?

1 Q Yes.

2 A No, I do not.

3 Q Did any of these tenants relate to you the
4 circumstances under which they were frisked?

5 A No.

6 Q Finally, I think you mentioned that the police
7 would encounter some tenants who were using a
8 cut-through on the railroad tracks.

9 A Right.

10 Q Okay. And where are those tracks in
11 relation --

12 A They're behind.

13 Q -- to the Hidden Village property?

14 A Yeah, they run right along behind it.
15 (Indicating.)

16 Q Do you know if any of the tenants who
17 complained of being encountered while they were
18 using the cut-through on the railroad tracks --

19 A There were several that complained about that.

20 Q -- do you know any of their names?

21 A I don't. Their complaints were given to me by
22 the YRP staff.

23 Q Did they describe for you at all the
24 circumstances under which they were encountered
25 on the railroad tracks, other than the fact

1 that they were just using the cut-through?

2 A No. They were just using it as a cut through.

3 Q Do you know whether or not it's legal to do
4 that?

5 A I have no idea.

6 Q You also talked about some complaints that you
7 received from the YRP staff.

8 A Yes.

9 Q Are those any different than the complaints
10 that we just talked about from the tenants?

11 A They called me the day that they -- that the
12 city came in and raided the place.

13 Q And you're talking about an incident in which
14 there was a joint inspection on May 22 of 2007?

15 A If that's what you want to call it, sir. I
16 call it a raid.

17 Q You recall it being right around May of 2007?

18 A Yes.

19 Q What was related to you about that event?

20 A They called me -- I was off the property -- and
21 told me that they came -- they said, "Hey,
22 we've got everyone here. They've got, you
23 know, ten policemen. They've got the fire
24 marshalls and they're being really
25 intimidating. They're telling us they're

1 coming in and we don't have a choice" and I
2 told them not to let them in.

3 Q This is somebody from the YRP staff that
4 contacted you?

5 A Yes.

6 Q Do you know who that was?

7 A I believe -- I'm not -- because three different
8 people would call me at any given time,
9 sometimes four, but --

10 Q Who were the people you communicated with?

11 A Michelle.

12 Q Do you know her last name?

13 A Her last name escapes me right now. Wanda.

14 Q Jacobs?

15 A Yes. And Candy Withers.

16 Q And you believe it was one of those three
17 people that contacted you --

18 A Yes.

19 Q -- about the -- we really need to try to talk
20 one at a time because sometimes you'll end up
21 accidentally answering a question I'm not even
22 asking. Okay?

23 A I'm sorry.

24 Q No problem. It also makes it really hard on
25 the court reporter.

1 A I'm sorry.

2 Q And if I cut you off, please let me know.

3 A Okay.

4 MR. HABER: Just take a deep
5 breath and let him finish his question.

6 THE WITNESS: I'm sorry.

7 Q Not a problem at all. Not a problem at all.

8 Do you recall about what time of day it
9 was that you got this call?

10 A I do not. I'm sorry. I do not recall.

11 Q Do you know where you were?

12 A I was -- that was at a point in time where I
13 was starting to branch out, so I was over at
14 another property. I believe it was Camden.

15 Q So you get the call from one of the YRP
16 representatives?

17 A Right.

18 Q And they indicated to you everybody was there.
19 Did they describe for you who was there?

20 A I know they said the fire inspectors, the
21 police.

22 Q Anybody else?

23 A I believe they said the building inspectors
24 were there.

25 Q They indicated to you that these people were

1 being, I think in your words, intimidating.

2 A Yes, sir.

3 Q Did they describe what they were doing to be
4 intimidating?

5 A I know they asked -- I guess when they first
6 came, because they had to buzz in -- they have
7 a buzzer -- and they asked them what they
8 wanted and they told them they were there to
9 inspect all the apartments and they weren't
10 going to let them at first and then they got
11 real hostile. This is per Candy later on
12 telling me.

13 Q Did she say what they did to become hostile?

14 A I believe they called their supervisor or one
15 of their supervisors and they told them to let
16 them go ahead and, you know, do their search or
17 whatever.

18 Q Okay. Now, when you say "they" --

19 A The city.

20 Q Okay. Let's back up.

21 A Okay. I'm sorry.

22 Q I think you said somebody called a supervisor,
23 correct?

24 A I believe it was Candy who called her
25 supervisor --

1 Q Fair enough.

2 A -- to let them know that they were there.

3 Q Candy's supervisor, to your understanding,
4 advised to let the inspection occur?

5 A Correct.

6 Q Do you understand this to be before or after
7 you were contacted by the YRP people?

8 A That all happened before.

9 Q Did they fill you in on anything else that
10 occurred before you were contacted?

11 A We discussed it later, the whole event.

12 Q "We" being you and Candy?

13 A Yes, sir.

14 Q Anybody else in that discussion?

15 A It was in her office, so there were other
16 people around.

17 Q Did Candy fill you in on anything else that
18 occurred prior to Candy calling you that you
19 can recall?

20 A I'm not sure what you're asking.

21 Q Okay. As I understand it, there were a series
22 of events that occurred before Candy Withers
23 called you about this inspection occurring,
24 correct?

25 A I'm still not sure what you're asking me.

1 Q Okay. If I'm understanding your testimony
2 correctly -- and you tell me if I'm wrong. I
3 don't want to put words in your mouth -- there
4 came a point on May 22 of 2007 where the YRP
5 caseworkers or somebody from YRP contacted you
6 to let you know that the police and fire and
7 building officials were there to conduct an
8 inspection.

9 A Right.

10 Q And at some point in time the YRP people told
11 you, At first we weren't going to let them in,
12 but then we contacted our supervisors and our
13 supervisors told us to let them in?

14 A That was after the fact.

15 Q They told you after the fact?

16 A Yeah.

17 Q But it occurred prior to you being called?

18 A Yes, sir.

19 Q Okay. Now, I understand that you discussed
20 things further after the fact, but what I'm
21 interested in is, Did they tell you anything
22 else about the events leading up to this
23 inspection before you were called, things that
24 happened before you were called?

25 A That day? I mean, during that time?

1 Q Yes.

2 A No.

3 Q So the YRP people contact their supervisors.
4 They're advised to let the police and fire and
5 building officials in, correct?

6 A What they told me, yes.

7 Q At some point you're called, correct?

8 A Correct.

9 Q Can you tell me as best you can recollect what
10 occurred during that telephone call?

11 A Just that they said they were being inspected.

12 Q They told you that it's police, building and
13 fire there?

14 A Yes.

15 Q Did anything else occur in that telephone call
16 that you can recollect?

17 A That they had a canine unit.

18 Q Did they tell you where the dog was?

19 A No.

20 Q Anything else that you can recall from that
21 telephone call?

22 A No, sir.

23 Q What did you say in response to this call, if
24 anything?

25 A I just told them I wouldn't have let them in.

1 Q You said you wouldn't have let them in?

2 A No.

3 Q Did you instruct the YRP people to tell the
4 Lakewood officials to leave the property?

5 A Not at that time.

6 Q Did you go to the property?

7 A I did.

8 Q Did you go straight there after you got the
9 call?

10 A By the time I got there, they were gone. They
11 were done.

12 MR. HABER: The question was, Did
13 you go straight there after you got the call?

14 A Not straight there, no.

15 Q So you were at Camden --

16 A Yes.

17 Q -- I believe you said, which is on Lake Shore.
18 I mean --

19 A Lorain.

20 Q -- Lorain Avenue in Cleveland. That's, what,
21 five, ten minutes from here, from Lakewood?

22 A Probably.

23 Q Did you have business you had to wrap up there?

24 A Yes.

25 Q How long did it take you after you received the

1 call to get over to Hidden Village?

2 A I don't recall.

3 Q By the time you got to Hidden Village, the
4 inspectors were done?

5 A Yes, sir.

6 Q Had they left the property?

7 A Yes.

8 Q Did you talk to anybody about what went on
9 during the course of the inspection?

10 A Yes.

11 Q Who did you talk to?

12 A Candy and Michelle.

13 Q Did you talk to anybody from Windsor Management
14 about the inspection?

15 A I may have called my boss or I may have called
16 Gary. I'm not sure.

17 Q And when you say "your boss," you're referring
18 to Mr. Priore?

19 A Michael Priore, yes.

20 Q I want you, if you would, please, to relate for
21 us as best you can what Candy and Michelle told
22 you about what went on during the course of
23 this inspection.

24 A Candy said that when they came in the office,
25 the fire marshall or the fire inspector was

1 extremely rude and the building inspector was
2 extremely rude. She said they were --

3 Q Did they say what they did in order to be rude?

4 A They were just being nasty to them. Were going
5 to do this and, you know, they didn't come in
6 at all in any kind of a cordial way.

7 Q Okay. What else did she tell you?

8 A She said that she called to find out from her
9 supervisor what she should do and at this point
10 in time he told them to let them go ahead and
11 inspect.

12 Q What else did Candy tell you?

13 A That they went through each and every
14 apartment, that they made the kids stand out
15 back and leave the building.

16 Q Anything else?

17 A That's pretty much it.

18 Q What did Michelle tell you?

19 A We were talking altogether.

20 Q Did she tell you anything that Candy didn't?

21 A Anything that Candy did --

22 Q Did she tell you anything in addition to what
23 Candy told you?

24 A No.

25 Q Did Candy and Michelle tell you what portions

1 of the Hidden Village property the inspectors
2 went to?

3 A Buildings C and D.

4 Q Did they tell you anything else?

5 A I mean, other than they were upset.

6 Q If I understand correctly, the YRP program at
7 that point in time had leased space in
8 buildings C and D, correct?

9 A Correct.

10 Q There were also two other buildings on the
11 property which would be buildings A and B,
12 correct?

13 A Correct.

14 Q Did Candy and Michelle tell you whether the
15 inspectors had gone to either building A or
16 building B?

17 A They had not. They went to buildings C and D.

18 Q They told you they did not go anywhere other
19 than C and D or they just didn't mention it?

20 A They didn't tell me. My maintenance man did.

21 Q Who is your maintenance man?

22 A David Kemmis.

23 MR. HABER: Spell his last name.

24 A K-e-m-m-i-s.

25 Q And did you talk to Mr. Kemmis about what had

1 gone on?

2 A Yes.

3 Q What did he tell you?

4 A He just said that it was a raid. I mean, those
5 were his words, too. That's what it looked
6 like to him.

7 Q Did Mr. Kemmis tell you where the inspectors
8 went?

9 A They went back to C and D buildings.

10 Q He claimed to have been present during this
11 entire transaction?

12 A He was working back there at the time.

13 Q He was working at C and D?

14 A Doing maintenance, yes.

15 Q He was working at C and D buildings?

16 A Yes, sir.

17 Q Can you see buildings A and B from buildings C
18 and D?

19 A From building C you can.

20 Q And which of the A and B buildings can you see
21 from building C?

22 A The way C is proportioned, you can see all the
23 way down.

24 Q So you can see both buildings A and B?

25 A Yes.

1 Q Did Mr. Kemmis relate to you whether or not the
2 inspectors were given any instructions to leave
3 the property or not during the course of the
4 inspection?

5 A Actually, prior to them going back to C and D,
6 they buzzed my phone.

7 Q Okay. How does that occur?

8 A Outside my office is a buzzer and they buzzed
9 the phone and they said they were there to do
10 an inspection. It was Police Officer Favre, I
11 believe, something like that.

12 Q Favre?

13 A Yeah.

14 Q Does that buzzer somehow get forwarded on to a
15 cell phone?

16 A My cell phone, yes.

17 Q So you spoke with Mr. Favre you believe at the
18 outset of this inspection?

19 A I believe that's who was on the phone when I
20 talked.

21 Q Did you understand this to be sort of at the
22 outset of the inspection?

23 A When he called me, he said, "We're here to
24 inspect the buildings" --

25 Q Okay.

1 A -- and I said, "I'm not there. I'm not on
2 property" and I would have to give a 24 hour
3 notice. Because I believe he wanted to inspect
4 suites and I said, "I have to give a 24-hour
5 notice" and that he would have to come back.

6 Q Where is that buzzer located again physically?

7 A On the B building.

8 Q Which is the building where your office is?

9 A Yes.

10 Q What else happened during this conversation
11 with Favre?

12 A He just said "Can't you get somebody to just
13 let us in?" and I said, "No. I have to give my
14 residents 24-hours notice" and I said "You'll
15 have to come back. I will not let you in
16 today."

17 Q What happened then?

18 A I thought they left.

19 Q Did you have any further conversation with
20 Mr. Favre during this phone call?

21 A During that day? No.

22 Q It was only later on that you got the call from
23 YRP?

24 A Yes.

25 Q How long after the initial phone call that you

1 received from Favre was it that you got the YRP
2 call?

3 A Quite a little while later. I don't know
4 exactly.

5 Q Did anybody ever tell you whether or not the
6 inspectors went into building A?

7 A To my knowledge, they did not go into buildings
8 A or B.

9 Q And you did not receive any citations or advice
10 from the City of Lakewood as to the outcome of
11 this inspection, correct?

12 A I don't recall if I got anything.

13 Q Would you normally?

14 A Normally it would go to the main office. That
15 was our corporate office. They usually did all
16 their dealings through the main office.

17 Q Did anybody ever tell you whether or not the
18 inspectors went to buildings A or B?

19 A A couple tenants said they knocked on their
20 doors.

21 Q In what building?

22 A In the very back of the B building.

23 Q Do you know who those tenants were?

24 A I do not.

25 Q Did they say whether or not they let the

1 inspectors in?

2 A Some did not, I believe, and some did.

3 Q If I'm understanding correctly, the A and B
4 buildings are not rented to any YRP tenants or
5 at least they weren't at that point in time?

6 A I don't remember when the other -- they did
7 take the back section of the B building, but I
8 believe that was after that, but I can't be
9 sure about exactly when they came in there.
10 That might have been later. I'm not sure.

11 Q Now, I understand you had a conversation with
12 Ms. Withers and Michelle about what had
13 occurred. Did you discuss this event with
14 anybody else?

15 A My staff.

16 Q Okay. Who is your staff?

17 A It would have been David Kemmis mostly.

18 Q Did David tell you anything other than what
19 we've already discussed, that he had been
20 working in the C building and that they came
21 around?

22 A I don't believe he said any more than that.

23 Q Did you discuss this at all with Mr. Priore or
24 Mr. Lieberman?

25 A Oh, absolutely, Mr. Priore.

1 Q Tell me about your discussion with Mr. Priore.

2 A I was quite upset.

3 Q Okay. What were you upset about?

4 A Because of the way my tenants were treated.

5 Q What did Mr. Priore say?

6 A He was very upset also.

7 Q Did he give you any instructions on how to deal
8 with any future requests for inspections?

9 A I don't know if right at that point in time he
10 did.

11 Q There came a time when he did so?

12 A Well, I started dealing with Gary Lieberman
13 after that.

14 Q Mr. Lieberman gave you some instructions on
15 dealing with further inspections?

16 A Yes. He said that if -- if they showed up
17 unannounced, I was to ask them to leave the
18 property.

19 Q Did you discuss the events of May 22, 2007 --
20 I'm going to represent to you that's the date
21 in this.

22 A Could you speak up?

23 Q I'm sorry.

24 A I'm sorry.

25 Q No problem. Did you discuss the events of

1 May 22, 2007 with anybody else other than what
2 we've already related here today?

3 A I don't believe so.

4 Q Did there come a time when an inspector came
5 back on May 22 asking to take a look at whether
6 inoperable smoke detectors had been corrected?

7 A The day they came in and did the inspection,
8 they came back that evening because they would
9 not allow the residents back in until they put
10 the new smoke detectors up.

11 Q Did you understand that what was being
12 addressed because there were inoperable smoke
13 detectors?

14 A Yes.

15 Q Do you know where those smoke detectors were
16 located? Were they in apartments, common
17 areas?

18 A I don't remember the whole list. I don't know
19 how many there were even. I just know that
20 there were several.

21 Q Do you know what buildings those smoke
22 detectors were located in?

23 A C and D I'm assuming.

24 Q Were you present when the inspectors returned
25 to check out the smoke detectors?

1 A No, I was not. They came back in the evening.

2 Q Did you have any objections to them returning
3 to make sure the smoke detectors were working
4 so that the tenants could return?

5 A No.

6 Q To your knowledge, did anybody ever tell the
7 inspectors to leave that evening when they came
8 back in to check on smoke detectors?

9 A Well, considering they would not allow the
10 tenants back in, we had to let them come back
11 that night so our tenants could go back home.

12 Q Did you become aware of another incident in
13 which one of the fire inspectors returned with
14 a state fire marshall?

15 A Yes.

16 Q Can you tell me about that?

17 A Once again, I was at the other property and I
18 got a call from my maintenance man, David
19 Kemmis, and he said, "There's some man walking
20 around taking photos of the buildings." He
21 said, "I've asked him who he is and he won't
22 tell me and I asked him to leave and he told me
23 he wanted my name because he was going to have
24 me arrested for intercepting him."

25 Q Did this person ever identify himself to

1 Mr. Kemmis, to your knowledge?

2 A No.

3 Q What happened then?

4 A I came right there.

5 Q And was the person still there?

6 A Yes.

7 Q And did you speak with that person?

8 A I did.

9 Q And how many people were there, one or more?

10 A What?

11 Q Were there one or more people there involved in
12 this taking of the photos?

13 A There were two people.

14 Q Did they identify themselves?

15 A No.

16 Q Did you gain an understanding as to what, if
17 anybody, they were representing?

18 A When I got to the property, I saw the state
19 fire marshall's car and I assumed at that point
20 in time who he must be.

21 Q Did the other fellow identify himself? Did the
22 other fellow identify himself in any way?

23 A Once I got there, they did.

24 Q That's what I was getting at.

25 A I'm sorry.

1 Q That's okay. Who did they identify themselves
2 as?

3 A The Lakewood fire inspector and then the state
4 fire inspector.

5 Q Do you recall either of their names?

6 A No, I don't offhand.

7 Q What happened when you got there?

8 A I asked them to leave.

9 Q What was their response, if any?

10 A They said they did not have to. They had every
11 right to do an inspection.

12 Q What happened then?

13 A I asked them to leave.

14 Q What happened then?

15 A This went on for a while.

16 Q All right. How long?

17 A He told me that he did not -- I told them that
18 I had to give my tenants 24-hours notice before
19 anyone entered their apartment myself included.

20 Q Did these fellows tell you the scope of the
21 inspection that they were contemplating,
22 whether they wanted to go in apartments, common
23 areas, outside?

24 A They wanted to go in the apartments again.

25 Q Okay. What else did they tell you about what

1 it is they wanted to do?

2 A The state fire marshall wanted to check the
3 fire alarms -- you know, the smoke detectors
4 again.

5 Q Did they tell you what buildings?

6 A C and D.

7 Q Just C and D?

8 A Just C and D.

9 Q Did the Lakewood inspector say anything about
10 which buildings he wanted to get into?

11 A No.

12 Q What else happened in this conversation?

13 A I had called Mr. Lieberman and I told him what
14 they said, that they didn't have to have, and
15 then I told them they had to either have a
16 warrant or they had to leave from the building
17 because that's what Mr. Lieberman instructed me
18 to them.

19 Q And you related to Mr. Lieberman that these
20 guys were telling you that they didn't need a
21 warrant?

22 A That they didn't -- they didn't need to give a
23 24-hour notice. They didn't need to do any of
24 that. They could just go in.

25 Q What did Mr. Lieberman instruct you to do, if

1 anything?

2 A He wanted to talk to the fire marshall, but the
3 fire marshall refused.

4 Q When you say "the fire marshall," you're
5 referring to --

6 A The state fire marshall.

7 Q -- the state fire marshall?

8 A Yes.

9 Q What happened then?

10 A I believe Gary -- or Mr. Lieberman ended up
11 talking to the Lakewood fire marshall and I
12 don't know what they spoke about.

13 Q What happened then?

14 A Then I just informed him that I would not let
15 him in the buildings. He said, "I'll get a
16 warrant in half an hour" and I said, "Then go
17 get a warrant."

18 Q And did they leave?

19 A Yes, they left.

20 Q Did anything else occur that day that you can
21 recall?

22 A Not that I can recall.

23 Q Where did this conversation occur?

24 A Out in front of the C building.

25 Q In the parking lot?

1 A Yes.

2 Q Sort of, for lack of a better word, a common
3 area on the property?

4 A Yes.

5 Q Is Scott your maintenance guy?

6 A Pardon?

7 Q Dave?

8 A Dave.

9 Q Did Dave tell you where else on the property
10 these two gentlemen had been?

11 A No.

12 Q After the May 22, 2007 inspection, were you
13 informed of any other inspections that occurred
14 on the Hidden Village property by the City of
15 Lakewood?

16 A One other.

17 Q Okay. Can you tell me about that?

18 A The state fire inspector and the fire marshall
19 came back one other time.

20 Q Was that before or after this?

21 A After all of these things.

22 Q We need to try to go one at a time. Okay?

23 A Okay.

24 Q Do you recall about how long after this second
25 inspection the third one took place?

1 A It wasn't very long after.

2 Q What happened then?

3 A They went into Wanda's office at YRP and I went
4 with them.

5 Q Did these gentlemen come to the property and
6 buzz your office and --

7 A You know, I don't remember, but I know that we
8 were all there at the same time. I was trying
9 to think if they called me or if I walked up
10 there with them. I do not remember.

11 Q But in any event, you accompanied these
12 gentlemen to --

13 A We were all there at the same time.

14 Q -- to Wanda Jacob's office?

15 A Yes.

16 Q What happened?

17 A They again wanted to enter a suite.

18 Q A particular suite?

19 A Well, this time they said, "It doesn't have to
20 be an occupied suite. If you have a vacant
21 suite, we would just like to check out a vacant
22 suite" and at that time I called Gary and Gary
23 said, "Just go ahead and let them do it."

24 Q Did they enter a vacant suite?

25 A Yes.

1 Q Did they tell you what they were looking for?

2 A No. They took pictures.

3 Q What did they take pictures of?

4 A I was not with them in the suite. I stayed
5 outside.

6 Q How long did that take?

7 A Not very long.

8 Q Five, ten minutes?

9 A Maybe ten minutes.

10 Q When I say "this," I'm talking about sort of
11 the A to Z time. How long were they on the
12 property altogether?

13 A Oh, from the time they came in the office?

14 Q Yes.

15 A Maybe half an hour.

16 Q If I'm understanding correctly, you did not
17 instruct those people to leave the property
18 during that transaction?

19 A I did not instruct them to leave because Gary
20 told me to let them go ahead, but Wanda did
21 make them leave her office.

22 Q What did she say to them?

23 A Well, they started snapping pictures around the
24 office and she told them that she did not give
25 them permission to take pictures of her office.

1 Q I would like to talk to you about any
2 conversations that were had between Wanda
3 Jacobs or anybody else from YRP and these two
4 gentlemen when they came on the property and
5 took the photos and in the suite. Okay?

6 A Okay.

7 Q You accompanied them over to Wanda Jacob's
8 office, correct?

9 A Like I said, I'm not sure. I know we were all
10 there at the same time.

11 Q Somehow you all ended up together?

12 A We were all at Wanda Jacob's office.

13 Q What did these guys say to Wanda when they
14 showed up?

15 A They were telling her, you know, they were just
16 there to protect the children, that they --
17 that that was their only goal, is to make sure
18 the kids were taken care of.

19 Q Anything else they said that you can recall?

20 A Not really. It was -- not really.

21 Q Okay. What did Wanda have to say?

22 A Not much.

23 Q Would it be correct that the only thing you can
24 really remember her saying is to leave my
25 office once they started taking photos?

1 A Right.

2 Q Did they ask for permission to take the photos?

3 A As they were snapping. They started snapping
4 and they go, "You don't mind if we take
5 pictures?" and Wanda said "Yes, I do."
6 (Indicating.)

7 Q So she told them to leave and they complied?

8 A Yes.

9 Q Then they went on and asked to see an
10 unoccupied or a vacant suite?

11 A A vacant suite.

12 Q And permission was granted for that?

13 A Yes.

14 Q Was anybody else from YRP involved in this, to
15 your knowledge, other than Wanda Jacobs?

16 A I can't remember who showed them the suite. It
17 might have been Michelle, but I do not
18 remember.

19 Q Any other instances that you're aware of in
20 which City of Lakewood officials came on to the
21 Hidden Village property to inspect after these
22 three incidents that we've just related or
23 talked about?

24 A I honestly cannot remember.

25 MR. CLIMER: We're at a little

1 bit of a breaking point here.

2 (Recess taken.)

3 BY MR. CLIMER:

4 Q Okay. Ms. Watts, we kind of jumped around
5 chronologically here and I'm going to kind of
6 take you sort of back to the beginning. When
7 you began working as the property manager for
8 Windsor in Lakewood in 2005, as I understand
9 it, you had your office at Hidden Village,
10 correct?

11 A Correct.

12 Q At that point in time was Hidden Village being
13 renovated in any way or had that already
14 occurred?

15 A Most of the renovation I believe was already
16 done. There might have been a little bit of
17 clean up, but most of it was finished.

18 Q Were all of the buildings occupied at that
19 point in time?

20 A No.

21 Q Tell me about your occupancy rate and where
22 these tenants were located.

23 A Okay. When I first started?

24 Q Yes.

25 MR. HABER: June of 2005.

1 A Okay. When I first came, I believe most of the
2 A building was full and we were starting to
3 fill the B building when I took over.

4 Q What was up with C and D?

5 A There might have been a few tenants on the one
6 side of the D building.

7 Q All right. As I understand it from Mr. Priore
8 and Mr. Lieberman, when they took over Hidden
9 Village, they kind of went through it in a
10 progressive fashion, emptied a building,
11 renovated it, filled it back up, went to the
12 next building. Do you know where in this chain
13 of events C and D were? Were they toward the
14 end, the beginning of the renovation?

15 A Toward the end.

16 Q Did you know about how many empty units there
17 were in the C and D buildings in June of 2005?

18 A I could only probably give you an approximate.
19 I think by May, there might have been 30 to 35
20 vacant. Maybe more. Maybe 40.

21 Q As I understand it, at some point in time you
22 learned of Lutheran Metropolitan Ministries and
23 the YRP program, correct?

24 A Yes.

25 Q How did you run across them?

1 A I was over at another property speaking with --
2 talking with the manager there and Kyle Withers
3 brought in a young man looking for an
4 apartment.

5 Q Kyle Withers brought in a young man to the
6 other building manager you were talking to?

7 A Yes.

8 Q Do you know who that was?

9 A I think it was -- Diane Wellman might have been
10 her last name.

11 Q Where did Diane Wellman work?

12 A Camden.

13 Q What happened when Mr. Withers brought this
14 young man in?

15 A He was explaining his program, that this youth
16 had graduated the program, was in college and
17 now looking for an apartment.

18 Q When you say "the program," you're talking
19 about the YRP program?

20 A Yes.

21 Q I take it there was some further conversation
22 beyond that.

23 A I was just -- I love children, so I was really
24 intrigued by his program, so I questioned him
25 further. You know, what is it about? What do

1 you do? What kind of -- where do you get the
2 kids? that kind of thing.

3 Q What did he tell you about the program?

4 A He told me at that time that these were
5 children that were coming out of the foster
6 care, they were aging out and they were trying
7 to transition them, you know, into their
8 adulthood I guess you could say. I don't know
9 what you would call it, but --

10 Q No. That's fine. Did he tell you whether or
11 not any of their clients were aging out of the
12 Ohio Department of Youth Services?

13 A I'm sorry?

14 Q I'm sorry. I sometimes have a problem keeping
15 my voice up.

16 A That's all right.

17 Q Did Mr. Withers tell you whether or not any of
18 YRP's clients were aging out of custody with
19 the Ohio Department of Youth Services?

20 A I think he just -- he said they -- most of them
21 had come out of the foster program.

22 Q Did he indicate whether or not any of their
23 clients would have had criminal records had
24 they been adults?

25 A No.

1 Q By the way, did Hidden Village at any point in
2 time attempt to do any kind of criminal record
3 check on its prospective tenants?

4 A No, none.

5 Q Can you tell me whether or not you had any
6 issues with criminal behavior occurring either
7 on the Hidden Village premises or being
8 perpetrated by Hidden Village tenants prior to
9 YRP moving in?

10 A Of course.

11 Q Can you tell me the kinds of things that you
12 were experiencing?

13 A Oh, car windows being broken, cars being keyed,
14 you know, somebody's apartment getting broke
15 into, domestics. It's really something I would
16 have had at any of my properties.

17 Q So it was nothing out of the ordinary from what
18 you experienced at other like properties around
19 Lakewood?

20 A No.

21 Q I want to go back to your conversation with
22 Mr. Withers. Did he tell you anything else
23 about the program, other than it's kids aging
24 out mostly out of foster care?

25 A At this time I told him that I was -- because I

1 had a lot of vacancies to fill and I'm
2 always -- I'm a salesman. I'm thinking always
3 in that direction, so I asked him, I said,
4 "Well, how many kids do you have that you'll be
5 placing into apartments?" and he said, "Well,
6 you know, at any given time it can change, you
7 know. Ten, fifteen. You know, it just comes
8 and goes." I said, "Oh." I said, "Well,
9 like" -- I just kept after him. How many would
10 he have in the next month? How many would he
11 have -- well, then he told me he was not the
12 head of this organization and that his wife was
13 and her name was Candy and I asked him if I
14 could meet with her.

15 Q Okay. Did you?

16 A Yes. The young man he had brought to us, we
17 rented to him and when he came back, you know,
18 to sign his paper, Candy and Kyle came
19 together.

20 Q Anything else discussed with Kyle before this
21 meeting with Candy?

22 A Not really.

23 Q Okay. So how long after this was it that you
24 met with Candy?

25 A It probably was just a few weeks, maybe.

1 Q Was that also at the Camden property?

2 A Yes. I just met them there when the boy --
3 when I knew they were coming back.

4 Q What did you talk about with Candy Withers and
5 Kyle Withers?

6 A Okay. Candy and I mostly did the talking from
7 that point on. Candy again explained that
8 these are kids that are trying to transition
9 into adulthood and they were -- you know, had a
10 program that helped them with life skills like
11 balancing a checkbook, getting jobs. Some of
12 them had not completed their high school
13 education, so making sure they got their
14 diplomas, whether GED or through high school.
15 Then they also helped them get into college,
16 find jobs, that sort of thing.

17 Q And did Candy Withers tell you at all where
18 their clientele came from?

19 A Yes. In fact, she said that she was looking at
20 that point in time to try to find better places
21 for them because they were in dangerous
22 neighborhoods.

23 Q Did she say where?

24 A I don't know if I asked that or not.

25 Q I think you had mentioned that Kyle Withers had

1 mentioned something about the majority of the
2 children aging out of foster care.

3 A Correct.

4 Q And Candy Withers also told you that?

5 A Yes.

6 Q Did she tell you anything about whether any of
7 clients came out of the Ohio Department of
8 Youth Services?

9 A I don't recall.

10 Q What else did Candy Withers have to say?

11 A That they were also looking to relocate their
12 offices.

13 Q Okay. Was she looking for someplace to locate
14 their offices where the kids were living or --

15 A She was looking for a safer, more centralized
16 area.

17 Q Anything else you can recall about this
18 conversation?

19 A Only that I told her I had a place that would
20 be perfect.

21 Q What happened then?

22 A We set up a time for her and Mark Brauer and
23 Kyle I believe was there and myself and Michael
24 Priore.

25 Q Do you recall approximately when that was?

1 A Probably maybe around December.

2 Q Of 2006?

3 A Or 2005. I don't remember. I honestly don't.
4 I'm sorry.

5 Q Yeah, I'm sorry and I didn't mean to mislead
6 you there. It probably would have been around
7 December 2005. What happened at this meeting?

8 A Well, they were thrilled.

9 Q "They "being who?

10 A The program people. That would be Mark Brauer
11 and Candy and Kyle.

12 Q Did you take a tour of the property?

13 A Yes.

14 Q Were there any discussions about how many
15 apartments the YRP program needed and where
16 they would be located?

17 A At that time I believe we were concentrating on
18 the C building because I hadn't started filling
19 that one yet.

20 Q It was completely empty?

21 A Yes.

22 Q What else happened during this meeting?

23 A I think we may have, you know, agreed to meet
24 again. I don't really remember.

25 Q By the way, I may have changed the subject on

1 you before I got an answer. Did or does Hidden
2 Village at any point in time, to your
3 knowledge, investigate the criminal histories
4 of its tenants?

5 A I believe they do now.

6 Q Do you know when they began?

7 A We actually began it at Camden Village once I
8 went over there.

9 Q And when would that have been?

10 A I honestly don't know.

11 Q I think in fairness, you testified it was
12 somewhere around 2007 when --

13 A It might have been 2008 or even later. I'm not
14 sure.

15 Q Fair enough. Did that policy spill over to
16 Hidden Village and the other Lakewood
17 properties you managed?

18 A We started doing it for all of the properties.

19 Q Have those background checks resulted in any
20 tenants being evicted or non-renewed?

21 A No.

22 Q I would kind of like to go back to the process
23 of coming to an agreement with YRP. What was
24 the next step along the way?

25 A I'm not sure --

1 Q Okay. Eventually an agreement --

2 A -- because I kind of set up the meeting and
3 from then on, I think it would have been Mark
4 and Mike and Gary. I think they did all the,
5 you know, lease agreements and all that kind of
6 stuff. I didn't.

7 Q Fair enough. Did you participate in any kind
8 of meetings with City of Lakewood officials as
9 to whether or not the YRP use in Hidden Village
10 was appropriate under the zoning codes?

11 A I went to the large zoning -- the appeal
12 meeting, the meeting.

13 Q I think at that meeting you spoke in favor --

14 A Yes

15 Q -- of YRP?

16 A Yes.

17 Q But you didn't attend any other meetings with
18 city officials, to your knowledge?

19 A Only that night when we came.

20 Q Fair enough. Now, were you there throughout
21 the course of that meeting?

22 A Yes.

23 Q During the course of that meeting, did you hear
24 any Lakewood official indicate that race was a
25 basis for any of the decisions made as to

1 whether or not YRP was an appropriate use in
2 that property?

3 A Did they mention race?

4 Q Yes. As being a basis for any decisions being
5 made concerning YRP's use of that property.

6 A I don't believe they said that.

7 Q Did you hear any members of the crowd say that
8 race was a basis for their support or
9 opposition to YRP's use?

10 A It was more concerning a flyer that had been
11 passed around all over the neighborhood.

12 Q Did that flyer say something to the effect --
13 well --

14 A I would have to see it again.

15 Q I'm not going to mark this, but I'm going to
16 show you a flyer. It says "Are you aware?
17 Convicted felons are living in your backyard."

18 A Yes.

19 Q Or at least starts with that, correct?

20 A Yes.

21 Q Is that the flyer you're referring to?

22 A It is.

23 Q Are you aware of any other flyers that were
24 spread around the neighborhood concerning the
25 YRP use?

1 A I'm trying to think if there was another one.
2 There may have been another one, but that's the
3 one I remember from the meeting.

4 MR. CLIMER: Okay. Nora, why
5 don't we go ahead and mark this. (Indicating.)

6 MR. HURLEY: Let me make a copy.

7 MR. CLIMER: That would be great.
8 Can we maybe do that later?

9 MR. HURLEY: Of course.

10 - - - - -

11 (Defendant's Exhibit A was marked.)

12 - - - - -

13 Q Handing you what's been marked as Defendant's
14 Exhibit A. The flyer we were talking about
15 that you were seeing before the planning
16 commission meeting has been marked as
17 Exhibit A, correct?

18 A Yes.

19 Q And I think you indicated that you heard some
20 comments concerning the flyer at the planning
21 commission meeting.

22 A Yes.

23 Q What were those comments?

24 A Just tenant said they got them. Not tenants.
25 I'm sorry. Residents in the area. That's the

1 only reason they even came to the meeting was
2 because of the flyer. I mean, they did say
3 that.

4 Q Fair enough. Did you hear any city officials
5 acknowledging that they had any part in
6 spreading this flyer around?

7 A No. In fact, they got up I believe -- I don't
8 know if it was at the beginning of the meeting.
9 I believe it was -- and stated that they did
10 not have anything to do with it.

11 Q Have you ever seen or heard any information
12 that leads you to believe that that was
13 incorrect and in fact any Lakewood official had
14 anything to do with this flyer?

15 A Yes.

16 Q Tell me about that.

17 A I started getting complaints from my residents.
18 They kept coming up to me going -- this was
19 prior to this. (Indicating.)

20 Q Okay.

21 A -- "I understand you have a -- you've started a
22 halfway house. You're renting to felons and
23 you're renting to drug -- you know, convicted
24 drug dealers" and I'm like, "No. It's a
25 Lutheran Metropolitan Ministry's group." I

1 said, "They're children" --

2 Q You were hearing this from --

3 A My tenants.

4 Q -- other tenants in the Hidden Village?

5 A Yes.

6 -- and I asked them, "Where did you hear
7 about this?" and they said, "Well, we were
8 talking to a police officer man that was here
9 the other day and he said that you guys are
10 running a halfway house back there and crime is
11 up in the neighborhood," and this was only one
12 of maybe three or four different tenants that
13 told me the same story through that period of
14 time and then this came out prior to the
15 meeting. (Indicating.)

16 Q So you're just kind of putting two and two
17 together?

18 A Well, they're the only ones who called it a
19 halfway house.

20 Q I understand that, but you haven't heard any
21 police officers acknowledge that they're behind
22 this flyer, correct?

23 A No.

24 Q And you haven't heard any other Lakewood
25 official acknowledge they're behind this flyer?

1 A No.

2 Q All right. Do you know any of the tenants who
3 said they were hearing from police officers
4 that you were running a halfway house?

5 A Do I know of any?

6 Q No. Do you know who any of those tenants were?
7 Could you identify any of those tenants who
8 were coming to you with these concerns?

9 A I believe there's one still on the property.

10 Q Do you know what his or her name is?

11 A I'm trying to think of it. I'm sorry. My mind
12 is blank. I am so sorry.

13 Q That's okay. Was it male or female?

14 A Male.

15 MR. HABER: If I showed you the
16 rent rolls after the deposition, would you be
17 able to look through it at that time and figure
18 out who that person was?

19 THE WITNESS: Yeah.

20 A I even know what apartment they're in.

21 Q What apartment was that?

22 MR. HABER: I got the rent
23 rolls --

24 MR. CLIMER: Okay.

25 A I can tell you --

1 MR. HABER: -- they're in my
2 car. Before we stop today, I'll pull the rent
3 rolls out. Do you have the rent rolls here?

4 MR. CLIMER: I don't have them
5 with me.

6 MR. HABER: I have them in my
7 car.

8 He asked you what apartment.

9 A I'm trying to remember. I don't want to give
10 you the wrong number, but I think it is -- it's
11 208 maybe.

12 MR. HABER: We'll confirm it for
13 you.

14 A His name is Jason Duckworth. I just had to
15 think a minute.

16 Q Did Mr. Duckworth make any complaints about
17 having been involved in or witnessing a robbery
18 in the parking lot?

19 A He did not witness it, no.

20 Q Had there been a robbery in the parking lot?

21 A Yes.

22 Q When was that?

23 A I don't remember the date.

24 Q Was it after YRP moved in?

25 A I think so.

1 Q Do you know if YRP tenants were involved in
2 that --

3 A They were not.

4 Q -- in that robbery? Did you witness a robbery
5 in the parking lot at some point in time?

6 A No.

7 Q Did you witness any other criminal activity in
8 the parking lot of your own?

9 A A girl that was living in the A building -- I
10 don't not recall her name -- someone tried to
11 car-jack her, but I didn't see it. I just saw
12 her afterwards.

13 Q Were the perpetrators ever identified?

14 A In my memory, it seems like they did catch
15 them, but I don't -- I can't be sure of that.

16 Q Do you know whether they were Hidden Village
17 residents?

18 A They were not.

19 Q Going back to the statements that Mr. Duckworth
20 related to you that he attributed to the
21 police, if I understand correctly, he said the
22 police had indicated that YRP was running a
23 halfway house.

24 A For felons.

25 Q And that crime was up in the neighborhood?

1 A Yes.

2 Q Did he say how many times he had heard this
3 from the police?

4 A No.

5 Q You don't recall any of the other residents --

6 A I do not.

7 Q -- who had heard this from the police?

8 A I do not.

9 Q There came a time when YRP did in fact move on
10 to the property, correct?

11 A I'm sorry?

12 Q There came a time when YRP did in fact move on
13 to the property?

14 A Yes, sir.

15 Q How many apartments did they take?

16 A Initially I think they took eight or twelve
17 maybe.

18 Q Did you experience any feedback from city
19 officials concerning the fact that YRP had
20 moved in?

21 A Did I personally?

22 Q Yes.

23 A No, sir.

24 Q Did anybody else relate to you any feedback
25 they were getting or pushback from city

1 officials concerning YRP's move in?

2 A I don't know -- I don't know time span, but I
3 know Candy said they weren't happy that they
4 moved in.

5 Q Said that the city officials weren't happy?

6 A Yes.

7 Q Did she say what was expressed about that?

8 A I don't recall.

9 Q The rent rolls will speak for itself, but
10 during the course of this succeeding year, did
11 YRP's presence on the property increase from
12 the initial eight to twelve apartments it took?

13 A Yes.

14 Q How many did it get up to?

15 A Well, they took over all of C and D buildings,
16 which would be 32 apartments, and then later on
17 they took an additional eight at the back of
18 the B building.

19 Q If I recall correctly, the testimony of
20 Mr. Priore and Mr. Lieberman indicated that
21 once YRP was fully into the property, the
22 property was essentially leased out. It was
23 full --

24 A Yes.

25 Q -- and that's consistent with your

1 recollection?

2 A Correct.

3 Q There came a time when YRP dialed back its
4 presence somewhat. Am I correct in that
5 understanding?

6 A Yes.

7 Q And did the YRP people relate to you why they
8 needed to dial back their presence?

9 A Funding.

10 Q Did they ever mention to you the City of
11 Lakewood's attitude toward YRP as being a
12 factor in renting less apartments?

13 A I'm sorry, I didn't hear you.

14 Q Did they ever cite the City of Lakewood's
15 attitude toward the YRP program as being a
16 reason why they were renting less apartments?

17 A No.

18 Q Have the apartments that YRP -- well, at least
19 as of the time you left in the fall of 2010,
20 were the apartments formerly leased by YRP
21 rented out to other people?

22 A Yes.

23 Q And when you left, was Hidden Village still
24 essentially full?

25 A I believe so.

1 Q Once YRP moved in, did you have occasion -- and
2 I understand you would never as a landlord have
3 done a formal study of the racial makeup of
4 your tenants, but were you able to make any
5 rough observations as to the racial makeup of
6 the YRP clientele?

7 A Yes.

8 Q Can you tell me about that?

9 A They are African-American.

10 Q One hundred percent?

11 A Most of the time, yes.

12 Q After YRP moved in, did you notice any
13 difference in the number or severity of
14 criminal incidents occurring in and around the
15 Hidden Village property?

16 A No.

17 Q Did you have any reason at any point to talk to
18 the Lakewood Police Department about concerns
19 relating to crime in and around the Hidden
20 Village property?

21 A Did I personally talk to them?

22 Q Yes.

23 A No.

24 Q How about City of Lakewood officials? The
25 answer is, no?

1 A I'm sorry. No.

2 Q Okay. Other than the inquiries you got from
3 tenants about the flyer and whether or not
4 there was a halfway house being operated, did
5 you have any other complaints from tenants
6 about crime occurring within and around the
7 Hidden Village property?

8 A I'm confused as to what you're asking me.

9 Q Okay. At some point in time you began to get
10 some inquiries from tenants -- I'm assuming in
11 the A and B buildings -- about whether or not
12 there was a halfway house being run on the
13 property, correct?

14 A Yes.

15 Q At least one of those gentleman had some
16 complaints about a robbery or something to that
17 effect.

18 A Yes.

19 Q Had you had any other complaints from Hidden
20 Village tenants about crime on the Hidden
21 Village property there?

22 A I mean, no more than -- no more than usual. I
23 mean, you always have something. I mean,
24 that's just a given.

25 Q Somebody calls and complains about their car

1 getting keyed or a window broken?

2 A Right.

3 Q Were you ever aware of a request by Windsor or
4 the YRP program that the City of Lakewood
5 consider locating a police mini station on the
6 property?

7 A I wasn't aware of it, no.

8 Q Were you aware of any requests for an increased
9 police presence on the property?

10 A No.

11 Q Since the last of the inspections that we
12 talked about a little earlier, did you, as the
13 manager of the Hidden Village property,
14 encounter any other difficulties with the City
15 of Lakewood at all?

16 A With YRP?

17 Q With YRP or the operation of Hidden Village in
18 general.

19 A Other than it seemed like we got a lot more
20 building inspections after that.

21 Q Tell me about that.

22 A Drake I know was inspected two or three times.
23 We got a citation because they thought our
24 bushes needed trimmed, just kind of silly
25 things. We had one guy, he was actually a

1 residential housing inspector and he spilled
2 over on to our property one day and wrote us up
3 for all kinds of stuff.

4 Q And which property are you speaking of?

5 A He started at Drake I believe and spilled onto
6 Hidden Village and we had just had an
7 inspection at Drake by another building
8 inspector prior to that, within like days,
9 maybe a week of each other.

10 Q Do you recall about what time period this was?

11 A Pardon me?

12 Q Do you recall about what time period this was?

13 A I do not. I'm sorry.

14 Q And the citation for trimming the bushes, was
15 it The Drake as distinct from Hidden Village?

16 A That was at The Drake.

17 Q Any other difficulties that you as the manager
18 of Windsor's Lakewood properties encountered
19 after the inspections and these additional
20 citations you got?

21 A The only other -- I mean, other than the police
22 would circle our property daily; five, six
23 times you would see them come through. It was
24 kind of ridiculous and they would sit out front
25 of our building. And on several occasions when

1 I would leave to go to another building or go
2 to lunch, they would follow me wherever I went.

3 Q When you say "the police would circle the
4 property daily," you mean drive back through
5 the parking areas?

6 A They would -- because it's kind of a circle
7 drive, so they would just circle in and out and
8 they would do this five, six times a day and
9 that never happened before that I know of.

10 Q To your knowledge, did the police officer ever
11 confront or arrest anybody when they were doing
12 this?

13 A I don't know. Not to my knowledge.

14 Q How many times were you followed by the police
15 between properties?

16 A Several. Two.

17 Q Two times?

18 A Two times.

19 Q Do you know when this happened?

20 A I do not.

21 Q Did they happen more or less together or in
22 different --

23 A In the same time period, yes.

24 Q Do you know about how long ago that may have
25 been in terms of years?

1 A I know it was when most of the heated -- it was
2 during the same period of time that the
3 inspections and all that stuff were going on.

4 Q Did the police who followed you ever pull you
5 over or confront you in any way?

6 A No.

7 Q What led you to believe you were being
8 followed?

9 A Because they would follow me to the
10 Lakewood/Cleveland line and then they would
11 turn back and go the other way.

12 Q Pull a U turn or go down 117th?

13 A U turn.

14 Q Did you witness anybody committing any traffic
15 violations or criminal activity that the police
16 ignored in favor of following you?

17 A No.

18 Q Have you ever heard the former Mayor Tom George
19 express that race was a basis for any of the
20 actions he took in relation to Hidden Village
21 and the YRP?

22 A I never spoke to him.

23 Q Has anybody ever come to you claiming to have
24 heard Mayor George indicate that race was a
25 basis for any of his actions?

1 A Not to my knowledge.

2 Q How about Charles Barrett? Are you familiar
3 with Mr. Barrett?

4 A I know that they were at the meeting, all these
5 names, but I don't --

6 Q Have you ever heard Mr. Barrett state or has
7 anybody come to you claiming they heard
8 Mr. Barrett state that race was a basis for any
9 of the actions that he took relating to Hidden
10 Village?

11 A The only -- it was expressed to me by the YRP
12 staff. They felt race was a definite issue.

13 Q Did they give you a basis for that?

14 A I think just the accumulation of all the things
15 that were going on back there at the time.

16 Q Were they speaking in general or specifically
17 with relation to Mr. Barrett?

18 A I know they mentioned him several times saying
19 that he wants them out, he doesn't want them
20 there and that they felt it was racially
21 motivated.

22 Q But if I'm understanding correctly, they didn't
23 give you a specific basis for that opinion?

24 A No.

25 Q Who from YRP expressed this opinion to you?

1 A At different times it was Michelle, Wanda and
2 Candy.

3 Q How about Building Inspector Edward Fitzgerald
4 as distinct from Mayor Edward Fitzgerald?
5 Okay. Has he ever stated to your knowledge or
6 has anybody claimed to have heard him state
7 that race was a basis for any of his actions in
8 relation to this case?

9 A Not to my knowledge.

10 Q How about Fire Chief Morz?

11 A I guess only just from comments the YRP staff
12 would make.

13 Q Were they speaking specifically with respect to
14 Chief Morz?

15 A And Edward Fitzgerald also.

16 Q How about Police Chief Tim Malley? Has he
17 ever, to your knowledge, stated that race was a
18 basis for any of his actions in this case or
19 has anybody come to you claiming to have heard
20 him say that?

21 A Honestly I was led to believe that they
22 believed they were all racially motivated
23 against them.

24 Q And that would be YRP?

25 A Yes.

1 Q Specifically you, Michelle, Wanda Jacobs and
2 Candy Withers?

3 A Yes, sir.

4 Q And it would be true that none of them gave you
5 a specific basis for reaching that conclusion;
6 they just simply expressed that as their
7 opinion?

8 A In the meetings they had. They had several
9 meetings with city officials at different times
10 and just in general. I think after they kept
11 coming back there and circling the property and
12 they just felt it was --

13 Q But they didn't give you anything specific from
14 those meetings --

15 A No, sir.

16 Q -- that led them to believe that?

17 A No, sir.

18 MR. CLIMER: Can we have just a
19 minute?

20 THE WITNESS: Sure.

21 (Recess taken.)

22 BY MR. CLIMER:

23 Q Okay. Ma'am, just very briefly, we talked a
24 little bit ago about Windsor management
25 beginning a policy apparently of checking its

1 clients' backgrounds and criminal histories.

2 Do you recall if there were any particular
3 incidents that led to that change in policy?

4 A No.

5 Q Was anything expressed to you in writing in
6 terms of doing that?

7 A No.

8 Q Was anything expressed as to the reason for
9 beginning to do that?

10 A I was the one who instituted it.

11 Q Okay. And what were your reasons?

12 A At the time I was working at Camden Village and
13 it's more of a tough market over there and I
14 just felt that it should be done.

15 MR. CLIMER: Ma'am, that's all I
16 have.

17 MR. HABER: She will read.

18 I'll get the deposition transcript down
19 to you so that you can read it and make sure
20 that everything was taken down correctly.

21 THE WITNESS: Okay.

22 MR. CLIMER: We will order and I
23 would like this by the end of the week.

24 (Thereupon, the deposition
25 was adjourned at 11:43 a.m.)

THE STATE OF OHIO,)
COUNTY OF CUYAHOGA.)

SS:

I, Tracy Morse, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that MARILYN WATTS, was first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by her was by me reduced to stenotypy in the presence of said witness, afterwards transcribed on a computer/printer, and that the foregoing is a true and correct transcript of the testimony so given by her as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified. I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio, on this 4th day of November 2010.

Tracy Morse, Notary Public
within and for the State of Ohio

My Commission expires 1/26/2013.

THE STATE OF)
) SS:
COUNTY OF)

Before me, a Notary Public in and for said state and county, personally appeared the above-named MARILYN WATTS, who acknowledged that she did sign the foregoing transcript and that the same is a true and correct transcript of the testimony so given.

IN TESTIMONY WHEREOF, I have hereunto affixed my name and official seal at
this day of
, 2010.

MARILYN WATTS

Notary Public

My Commission expires:

tm