

STATE OF MICHIGAN  
IN THE COURT OF APPEALS

JOHN CARRUTHERS,

Plaintiff/Appellant

v.

ISRINGHAUSEN, INC.,

Defendant/Appellee.

COA No. 296250

Kalamazoo County Circuit Court  
Case No. 09-0127-CZ

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**APPELLEE ISRINGHAUSEN'S BRIEF ON APPEAL**

**EXHIBIT 5**

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STATE OF MICHIGAN  
IN THE  
CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

JOHN CARRUTHERS, an  
individual,

Plaintiff,

HON: GARY C. GIGUERE, JR.

vs

File No. A90-0127-CZ

ISRINGHAUSEN, INC., a  
corporation,

Defendant.



Deposition of JOSEPH REINHEIMER, taken by the  
Plaintiff under the provisions of the Michigan Court  
Rules before Mary L. Myeno, CSR-2673, RMR, CRR,  
Certified Shorthand Reporter and Notary Public, at  
251 North Rose Street, Kalamazoo, Michigan, on  
Wednesday, August 19, 2009, commencing at or about  
10:05 a.m., pursuant to Notice.

mini-size  
COPY

MYENO REPORTING  
6271 Ormada Drive  
Kalamazoo, Michigan 49048  
269-385-1868

1 A. (Continuing) -- cutting a finger, that sort of thing?  
 2 Q. Well, there's distinction between filing a report of  
 3 injury, which may not go to a Workers' Compensation  
 4 claim, and actually filing the paperwork for a Workers'  
 5 Compensation claim. If you understand --  
 6 A. I guess I don't understand.  
 7 Q. Okay, well --  
 8 A. Have I filed a report that I've been injured on the job?  
 9 Yes. Has Workmen's Comp covered the expenses of that?  
 10 Yes.  
 11 Q. Okay.  
 12 A. Have I filed any further claim than that? No. If there  
 13 is a further process.  
 14 Q. Okay. Sounds like you don't recall any contested claims  
 15 that the company opposed, is that correct, with respect  
 16 to any --  
 17 A. That's a true statement.  
 18 Q. (Continuing) -- Workers' Compensation claim? Okay. Have  
 19 you ever held any professional licenses of any kind?  
 20 A. Define professional.  
 21 Q. Well, any license that you have to obtain from a state or  
 22 any regulatory body.  
 23 A. Yes.  
 24 Q. What kind of license have you had?  
 25 A. A custom applicator license. My former career was in

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1 agriculture, so it was for spraying chemicals.  
 2 Q. Have you ever had any licenses other than that license?  
 3 A. No.  
 4 Q. When did you first begin working for Isringhausen?  
 5 A. April 15th of 2008.  
 6 Q. Did you work as a professional at any time before you  
 7 graduated from college at Ohio State? I guess, maybe let  
 8 me be a little more clear. Did you work in an executive  
 9 or management position at any time prior to your  
 10 graduation from Ohio State?  
 11 A. No.  
 12 Q. What have you done for employment since graduating from  
 13 Ohio State University?  
 14 A. My work history?  
 15 Q. Yes.  
 16 A. Umm, I spent quite a few years in agriculture, managing  
 17 grain elevators, fertilizer operations. Made a career  
 18 change and went into materials management.  
 19 Q. When did you do that?  
 20 A. Oh, twelve, fourteen years ago.  
 21 Q. And what was the reason for that change?  
 22 A. Agriculture. The elevators were closing.  
 23 Q. What jobs have you worked at in the materials management  
 24 field?  
 25 A. I've worked as a traffic supervisor. I've worked as a

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1 materials manager. I've worked as an analyst. I've  
 2 worked as a master scheduler. So I've pretty much done  
 3 most of the jobs in materials.  
 4 Q. Did you hold most of those jobs in the State of Michigan?  
 5 A. Yes.  
 6 Q. Can you give me the names of the employers you worked  
 7 for?  
 8 A. Lear Corporation was my last employer.  
 9 Q. When did you work for the Lear Corporation?  
 10 A. I started working for them in 1999.  
 11 Q. When did you leave the employment of Lear?  
 12 A. April 10th of 2008.  
 13 Q. Which Lear facility or facilities did you work at?  
 14 A. I worked at the Alpine facility until it was closed.  
 15 Then I worked at the Walker facility until just prior of  
 16 it closing.  
 17 Q. The Alpine facility is up in Grand Rapids?  
 18 A. Correct.  
 19 Q. And obviously, the Walker one is as well.  
 20 A. Yes.  
 21 Q. Did you ever work in either Marshall or Mendon?  
 22 A. No.  
 23 Q. What were the positions you held at Alpine and Walker?  
 24 A. The positions that I -- other than material -- inbound  
 25 analyst, customer contact, traffic supervisor, and master

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1 scheduler.  
 2 Q. Why did you leave the Lear Corporation?  
 3 A. They closed.  
 4 Q. They closed the Alpine plant?  
 5 A. And the Walker plant.  
 6 Q. When did they close?  
 7 A. I can't give you a date on the Alpine plant; I  
 8 transferred from the Alpine to the Walker plant. The  
 9 Walker plant I believe closed at the end of 2008, but it  
 10 gradually tapered down.  
 11 Q. When did you start looking for another job? I -- let me  
 12 ask a little better question. I assume you anticipated  
 13 the closing of the plant or realized it would be closing  
 14 and realized that you'd have to make a career move. So  
 15 my question is when did you start looking for another job  
 16 with that in mind?  
 17 A. Oh, I always keep feelers out there, I mean, that's just  
 18 good sense. But when I seriously was I suppose when I  
 19 got my warn, 60-day notice.  
 20 Q. When did you get that?  
 21 A. It would have been 60 days prior to April 10th.  
 22 Q. Okay. How did you hear about a job opportunity at  
 23 Isringhausen?  
 24 A. I found it on the Internet.  
 25 Q. On the Internet? What was the job opportunity that was

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1 posted?  
 2 A. Materials manager.  
 3 Q. When you found that job opportunity on the Internet --  
 4 strike that. Were you familiar at all with Isringhausen?  
 5 A. No.  
 6 Q. Did you know anyone that worked at Isringhausen?  
 7 A. No.  
 8 Q. At the time you saw that job posting at Isringhausen,  
 9 where were you living?  
 10 A. Where I currently live.  
 11 Q. Where's that?  
 12 A. That's Delton, Michigan.  
 13 Q. What's the address?  
 14 A. Pardon me?  
 15 Q. What's the address?  
 16 A. Street address?  
 17 Q. Yes.  
 18 A. Four Oak Opening.  
 19 Q. Four Oak Opening. Is it the letter -- the number four or  
 20 the word written out?  
 21 A. The number four.  
 22 Q. Four Oak Opening, all right. Now, your current wife, is  
 23 that your second marriage?  
 24 A. Yes.  
 25 Q. What's your wife's name?

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1 A. Susan.  
 2 Q. And do you have any stepchildren?  
 3 A. Yes.  
 4 Q. Did you have a stepchild that went to school with Tonya  
 5 Colburn?  
 6 A. Yes.  
 7 Q. And how did you learn about that, that one of your  
 8 stepchildren went to school with Tonya Colburn?  
 9 A. Umm, when Tonya had applied for the job, she was from  
 10 Bellevue, which is a small town, which is where my wife  
 11 was raised, her children were raised, and I asked her if  
 12 she knew the family. She said she did, and she thought  
 13 one of the two girls went to school with her.  
 14 Q. This occurred during your interview of Tonya before she  
 15 became employed by Isringhausen? Or afterwards?  
 16 A. Oh, I probably -- I don't -- I discussed it with -- I  
 17 asked my wife if she knew the family prior to employing  
 18 her, yeah.  
 19 Q. Did you receive any information about Tonya from your  
 20 family members that you considered to be relevant in  
 21 deciding to bring her in?  
 22 A. No.  
 23 Q. Did your stepdaughter indicate she knew Tonya very well?  
 24 A. I didn't discuss it with my stepdaughter.  
 25 Q. Do you know who you replaced as materials manager at

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1 Isringhausen?  
 2 A. Oh, I don't recall the name, no.  
 3 Q. Do you know why that person left Isringhausen?  
 4 A. No.  
 5 Q. Is there a job description, a written job description for  
 6 materials manager?  
 7 A. Yes.  
 8 Q. When you took over as materials manager, what departments  
 9 did you supervise?  
 10 A. Just materials.  
 11 Q. How many people worked in materials?  
 12 A. Two. Myself and one other.  
 13 Q. Who is the other individual?  
 14 A. Lindsey.  
 15 Q. Lindsey Sikkema?  
 16 A. Sikkema, it's changed. She recently got married.  
 17 Q. Okay. Do you know what her current name is?  
 18 A. No. Do you?  
 19 JOHN CARRUTHERS: You're just as bad as me.  
 20 BY MR. PIPER:  
 21 Q. So it must have been very recently that she married and  
 22 changed her name?  
 23 A. Yes. It's not a common name.  
 24 Q. Sometimes the non-common names are easier to remember.  
 25 But, at any rate, after you originally became materials

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1 manager and you indicated there was just yourself and  
 2 Lindsey in the department, have you had to supervise  
 3 other people that have come into the department?  
 4 A. Could you repeat that?  
 5 Q. Yes. Has your department grown larger?  
 6 A. Yes.  
 7 Q. Okay. When did it grow larger?  
 8 A. Within two months of when I started.  
 9 Q. Okay. Do you know why that happened?  
 10 A. We needed -- there was extra help needed. There were  
 11 issues in the materials department with getting parts in  
 12 on time and being able to meet production requirements.  
 13 After being there awhile, it was obvious we needed some  
 14 more help to make this happen, to make things -- correct  
 15 the situation.  
 16 It was suggested that Bill King would be that  
 17 person, because he had a lot of experience there. So I  
 18 took that suggestion. With that suggestion I was also  
 19 given responsibility for the warehouse, which had  
 20 previously reported to production.  
 21 Q. So the warehouse department was taken out of production  
 22 department and put in under the materials department; is  
 23 that correct?  
 24 A. Correct.  
 25 Q. And when did that occur?

15

1 write down things that you take out and put away into the  
 2 racks so you can find them later. So that position, that  
 3 line feeding position has to do a traveler. So that  
 4 person reported to materials for a while. It became  
 5 apparent that there was --  
 6 Q. Wait a minute, excuse me, let me interrupt. Sorry about  
 7 that. That was your department, correct?  
 8 A. That was my department.  
 9 Q. Now, when the line feeder reported to materials --  
 10 A. That person was JR.  
 11 Q. That person was JR?  
 12 A. Correct.  
 13 Q. All right, go ahead.  
 14 A. It was decided, it was decided that it was better off  
 15 having the line feeder report to production. When JR was  
 16 released, Elliot became the line feeder, and he reported  
 17 to production.  
 18 Q. So are you saying there was no time that Elliot was  
 19 working as a line feeder in materials or in warehouse?  
 20 A. No, I did not say that. I said there's no time that  
 21 Elliot worked as a line feeder under materials. He  
 22 worked as a receiving, as a receiving person under  
 23 materials.  
 24 Q. Okay. And then was that in the warehouse?  
 25 A. That was in the warehouse.

1 Q. All right. When -- strike that. If I understand what  
 2 you're saying correctly, he was working, Elliot Brewer,  
 3 that is, in receiving in the warehouse up to the time  
 4 Lloyd Palar was terminated?  
 5 A. No.  
 6 MS. SETTERINGTON: Just object, lack of  
 7 foundation. Go ahead.  
 8 THE WITNESS: No, that's not true.  
 9 BY MR. PIPER:  
 10 Q. Okay, well, clarify that.  
 11 A. He was working in production, as a line -- on a line  
 12 prior to that.  
 13 Q. All right. Well, I thought you said he worked in  
 14 receiving in materials at some point.  
 15 A. After Lloyd was terminated.  
 16 Q. So after -- okay, after -- before Lloyd was terminated,  
 17 Mr. Brewer, and correct me if I'm wrong, was working in  
 18 production. Is that correct?  
 19 A. Could you say that again?  
 20 Q. Yeah. Before Mr. Palar was terminated, Mr. Brewer was  
 21 working in production; is that correct?  
 22 A. Correct.  
 23 Q. And was he working as a line feeder in production or some  
 24 other position in production?  
 25 A. Some other position.

1 Q. Some other position.  
 2 A. Assembly.  
 3 Q. Then when Mr. Palar was terminated, Mr. Brewer was moved  
 4 over to materials.  
 5 A. No.  
 6 Q. What happened?  
 7 A. He worked -- he continued to work for production as a  
 8 line feeder; the line feeder reported to production.  
 9 Q. Okay. Then what happened with respect to his duties?  
 10 A. He went from the line feeder to materials, when Mr. King  
 11 did not want to work in materials any more, he was given  
 12 the opportunity to be the line feeder, and Mr. Brewer  
 13 came to materials.  
 14 Q. When did that happen?  
 15 A. This year sometime.  
 16 Q. And then -- strike that. After -- well, let's back up a  
 17 little bit. Are there any other people who worked in  
 18 materials, whether or not it was specifically in the  
 19 warehouse, in 2008 from your recollection other than  
 20 Mr. Palar, Mr. Carruthers, Mr. King, yourself, and  
 21 Lindsey?  
 22 A. In 2008?  
 23 Q. Yeah. Oh, how about Tonya Colburn?  
 24 A. Would have been Tonya, and I believe the gentleman's name  
 25 was Corey prior to that.

1 Q. Okay. All right, let's go to the year 2009. Who do you  
 2 recall working under materials in 2009?  
 3 A. John, Bill, I think JR, I think JR was still there - I  
 4 don't know when, exactly when JR was terminated - umm,  
 5 Lindsey, and myself.  
 6 Q. Okay.  
 7 A. And Elliot, then Bill and Elliot, with their flip-flop.  
 8 Q. Was anyone else brought in to work in materials or in the  
 9 warehouse in 2009?  
 10 A. Jeanine was brought in as the supervisor.  
 11 Q. When did that happen?  
 12 A. Umm, this is a ballpark, but about five months ago.  
 13 Q. Is she still there?  
 14 A. No, she's not.  
 15 Q. When she was a supervisor, as you said, was she a  
 16 temporary agency employee?  
 17 A. Yes.  
 18 Q. Did she have the title of supervisor?  
 19 A. Yes.  
 20 Q. So is there some document that indicates that she was a  
 21 supervisor?  
 22 A. I couldn't tell you.  
 23 Q. How long did she work there?  
 24 A. Ninety days.  
 25 Q. What happened after ninety days?

1 A. She, she had put in an application with the Kellogg  
 2 company, and they offered her a position, so she left to  
 3 take that position.  
 4 Q. What did she do for the company, Isringhausen, when she  
 5 worked there?  
 6 A. She was the warehouse supervisor.  
 7 Q. Well, what were her duties?  
 8 A. Her duties?  
 9 Q. Yes.  
 10 A. Her duties were to make sure that things were properly  
 11 received, brought in, supervised the receiving person,  
 12 take care of the sub con's, make sure that orders got  
 13 picked, make sure that the spreadsheet was kept up to  
 14 date.  
 15 Q. Did she drive a forklift?  
 16 A. Yes, she did.  
 17 Q. How often did she drive a forklift?  
 18 A. Every day.  
 19 Q. Who else drove a forklift during her tenure?  
 20 A. Elliot drove a forklift. Within the warehouse  
 21 department, I drive a forklift on occasion.  
 22 Q. Well, who else was driving a forklift when Jeanine was  
 23 there, other than her and Elliot?  
 24 A. Within the whole plant, or within the department?  
 25 Q. Within the materials department.

1 A. Those two.  
 2 Q. Did any other people come in from other departments and  
 3 drive the forklifts?  
 4 A. There were other people that used forklifts but weren't  
 5 necessarily in the materials department. Are you looking  
 6 for who drove forklifts, or are you looking for --  
 7 Q. Yeah, who came in and took the forklifts?  
 8 A. (Continuing) -- who in the materials department drove  
 9 forklifts?  
 10 Q. Well, I already asked that.  
 11 A. You --  
 12 Q. What I want to know is who came in --  
 13 A. Exactly, and that's my point. Are you looking -- what  
 14 are you looking for? Are you looking for everyone that  
 15 drove a hi-lo at Isringhausen --  
 16 Q. Yes --  
 17 A. (Continuing) -- or are you looking for within the  
 18 materials department? Because your statement said that  
 19 you wanted to know who in the materials department.  
 20 Q. Correct. Now I'm asking you who else drove a forklift  
 21 during Jeanine's tenure who was outside of the materials  
 22 department?  
 23 A. Gary did, Shaffmaster. Geoff Jones would on occasion  
 24 drive hi-lo. Bill King would drive hi-lo.  
 25 Q. Who -- where was -- what was Mr. Shaffmaster assigned to?

1 A. Shipping.  
 2 Q. Is that part of the production department or is that a  
 3 separate department?  
 4 A. It is currently part of the sales department.  
 5 Q. Was that the case in 2008?  
 6 A. No.  
 7 Q. What department was it then?  
 8 A. He reported to the production manager.  
 9 Q. When did that change occur?  
 10 A. It's been this year.  
 11 Q. What was Jeanine paid when she worked at Isringhausen?  
 12 A. I don't know what her rate was.  
 13 Q. Well, I haven't seen any documents that indicate what she  
 14 was paid. Do you know what temporary agency employees  
 15 are generally paid?  
 16 A. No.  
 17 Q. Was she paid more than a typical temporary employee,  
 18 temporary agency employee?  
 19 MS. SETTERINGTON: Just object, calls for  
 20 speculation. If you know.  
 21 THE WITNESS: I, I don't get involved in  
 22 dealing with the employment agencies, that's an HR  
 23 function, and the rates are set by HR. It's nothing I  
 24 get involved in.  
 25

1 BY MR. PIPER:  
 2 Q. After Jeanine left, were other people brought into the  
 3 maintenance department?  
 4 A. Maintenance?  
 5 Q. Not maintenance, materials, I'm sorry.  
 6 A. Mike Sage is currently filling the position that Jeanine  
 7 held.  
 8 Q. Was he a temporary agency employee or not?  
 9 A. Yes, he's a temporary agency employee.  
 10 Q. Is he still a temporary agency employee?  
 11 A. Yes, he is.  
 12 Q. What is he being paid?  
 13 A. Again, I don't know. That is an HR function. They deal  
 14 with the, with the employment agencies. I have no idea.  
 15 Q. Have you ever known, since you've been employed by  
 16 Isringhausen, any other temporary agency employee that's  
 17 ever held a supervisory or management position?  
 18 MS. SETTERINGTON: You mean since the beginning  
 19 of his employment in '08?  
 20 MR. PIPER: That's what I asked.  
 21 MS. SETTERINGTON: Okay. Sorry.  
 22 THE WITNESS: Can you say it again?  
 23 BY MR. PIPER:  
 24 Q. Yes. Since you've been employed by Isringhausen, have  
 25 you ever known any other individual who's a temporary

1 THE WITNESS: I am not aware of any MIOSHA  
 2 complaints. I'm aware that MIOSHA came in to investigate  
 3 the accident.  
 4 BY MR. PIPER:  
 5 Q. Okay. So you're claiming you had no idea that a  
 6 complaint was made?  
 7 A. No, I did not.  
 8 Q. And you're saying you never reviewed any documents that  
 9 reference any complaints?  
 10 A. No.  
 11 Q. Let me ask you this: If a complaint came in to the  
 12 company, who would have knowledge of that?  
 13 MS. SETTERINGTON: Just object to the  
 14 hypothetical form of the question, calls for speculation.  
 15 But go ahead, if you can.  
 16 THE WITNESS: Probably whoever opened up the  
 17 mail. I mean, I, I have no --  
 18 BY MR. PIPER:  
 19 Q. So you're claiming --  
 20 A. How would you --  
 21 Q. You had no knowledge that any individual had ever made a  
 22 MIOSHA complaint relating to the accident Tonya Colburn  
 23 was involved in despite the fact that MIOSHA  
 24 investigators came in; is that correct?  
 25 A. MIOSHA investigators came in. I don't have any idea

1 about a complaint. I do understand that when MIOSHA  
 2 comes in, somebody has probably filed a complaint. But  
 3 until MIOSHA came to the door, I had no knowledge of  
 4 anything that was going on with that.  
 5 Q. Did you ever talk to Gary Slater about that?  
 6 A. After MIOSHA was there.  
 7 Q. Well, did you talk to him about what his knowledge was of  
 8 the complaint?  
 9 A. We didn't talk about a complaint. We talked about the  
 10 situation, the accident, what happened, what the results  
 11 were.  
 12 Q. Okay. So you guys didn't speculate regarding who might  
 13 have made the complaint or anything of that nature?  
 14 A. No.  
 15 Q. Did you ever talk to Geoff Jones about the complaint?  
 16 A. What complaint?  
 17 Q. Well --  
 18 A. You keep telling me there's a complaint. Was there a  
 19 complaint made? Can you tell me that?  
 20 Q. Yes, absolutely there was.  
 21 A. Okay.  
 22 Q. So, you know, let's not dispense with logic here just  
 23 because we're in a deposition.  
 24 MS. SETTERINGTON: I just want to place an  
 25 objection to the argumentative line of questioning here.

1 I think we all need to settle down a little bit. Do you  
 2 need a break?  
 3 THE WITNESS: Yes, please.  
 4 MS. SETTERINGTON: Okay. Let's take a break.  
 5 (At about 10:50 a.m. break, resuming at about  
 6 11:01 a.m.)  
 7 BY MR. PIPER:  
 8 Q. All right, back on the record. What does a line feeder  
 9 do?  
 10 A. Takes the components to the production areas from the  
 11 warehouse.  
 12 Q. They do that by way of a forklift, correct?  
 13 A. Mostly.  
 14 Q. Well, necessarily have to because the components would be  
 15 in large containers, correct?  
 16 A. Some are in large and some are in small, so they don't  
 17 necessarily use a forklift. There's some small ones that  
 18 they just take over and fill up, you know, nuts, bolts,  
 19 washers, that sort of thing.  
 20 Q. But would you agree mostly the work is done by use of a  
 21 forklift?  
 22 A. Some of it is.  
 23 Q. And Elliot Brewer was a line feeder?  
 24 A. He was at one time, yeah.  
 25 Q. And you're saying he did that as part of production?

1 A. Yes.  
 2 Q. He did not have a forklift license; is that correct?  
 3 A. Umm, to my knowledge, he had one.  
 4 Q. When did he get one?  
 5 A. I couldn't tell you that.  
 6 Q. If Mr. Carruthers has indicated based on his knowledge  
 7 and conversation at the workplace that Mr. Brewer did not  
 8 have a forklift license, are you saying you disagree with  
 9 that?  
 10 A. I'm saying I have no knowledge that he didn't have one.  
 11 I believe Elliot Brewer started prior to me being there.  
 12 Q. I have not seen a forklift license in his file. Do you  
 13 know if licensing issues, if a person does have a  
 14 license, would be in their file?  
 15 A. I would assume so.  
 16 Q. Mr. Brewer currently works under your supervision,  
 17 correct?  
 18 A. No, he does not.  
 19 Q. He does not?  
 20 A. No, he does not. He's indefinitely laid off.  
 21 Q. When did that happen?  
 22 A. Umm, within the last thirty days.  
 23 Q. What was the reason for that?  
 24 A. Sales projections don't look very good.  
 25 Q. Who made that decision?

1 A. To lay off?  
 2 Q. Yes.  
 3 A. That comes from the general manager.  
 4 Q. So you did not make the decision; is that correct?  
 5 A. The general manager indicates the personnel levels that  
 6 we need to be at.  
 7 Q. Okay, well, that may be true, but does that mean that he  
 8 is the one who makes the decisions on who to lay off, or  
 9 does he delegate that decision to someone else?  
 10 A. Particularly with -- in this particular instance, we had  
 11 discussed it, that Elliot would be the one to be laid  
 12 off.  
 13 Q. You and Mr. Slater?  
 14 A. Myself, Mr. Slater, and Geoff Jones.  
 15 Q. And why did you select Elliot as being the person to lay  
 16 off?  
 17 A. Umm, he had the -- he was limited in his capabilities.  
 18 Q. At any rate, up to thirty days ago he was working under  
 19 your supervision; is that correct?  
 20 A. Correct.  
 21 Q. And he was driving a forklift?  
 22 A. Correct.  
 23 Q. Do you know whether in that situation, where he was  
 24 driving a forklift under your supervision, if he had a  
 25 forklift license?

1 A. I've never seen his forklift license.  
 2 Q. So you don't know one way or the other; is that correct?  
 3 A. I have no idea.  
 4 Q. Has anyone else been moved into the materials department  
 5 since he was laid off?  
 6 A. No.  
 7 Q. When Mr. Brewer started, did he start as a temp, or don't  
 8 you know?  
 9 A. I don't know for sure. It is practice that people work  
 10 as a temp and then into hire.  
 11 Q. I'm gonna show you a document, and I don't think I want  
 12 to mark it, but with respect to Mr. Brewer on this  
 13 document it says involuntary termination of employment.  
 14 Would you consider a layoff to be an involuntary  
 15 termination of employment?  
 16 MS. SETTERINGTON: I'd just object. To the  
 17 extent you're asking him what this reference to  
 18 involuntary termination of employment meant on this form,  
 19 I'm not sure he can answer that if he didn't draft it.  
 20 BY MR. PIPER:  
 21 Q. My question is do you consider a layoff to be an  
 22 involuntary termination of employment?  
 23 A. My personal opinion?  
 24 Q. Yes, sure.  
 25 A. I would say so. I have seen instances where they're

1 voluntary, where people have been asked if they want to  
 2 be laid off. But this wasn't that case. In the union  
 3 shops that I worked in we would ask for volunteers on  
 4 occasion.  
 5 Q. At Isringhausen since you've become employed by it, is  
 6 there a management group?  
 7 A. There are departmental managers, yes.  
 8 Q. Well, is there a management group that meets to decide  
 9 various issues that occur at Isringhausen?  
 10 A. We have a, we have a biweekly management meeting.  
 11 Q. And who participates in the management meeting biweekly?  
 12 A. The managers.  
 13 Q. Since you've become employed who have those people been  
 14 that have participated in those meetings?  
 15 A. The HR manager, sales manager, materials manager, which  
 16 would be myself, engineering manager, general manager,  
 17 quality manager.  
 18 Q. Are minutes taken of those management meetings?  
 19 A. I sometimes get copies of minutes.  
 20 Q. Do you know who maintains custody of the minutes?  
 21 A. There hasn't been one person that maintains custody of  
 22 minutes.  
 23 Q. Do you know where the minutes are maintained?  
 24 A. Not really.  
 25 Q. Do you recall the decision to lay off Mr. Carruthers

1 being discussed at the management meeting?  
 2 A. Not specifically Mr. Carruthers, no. We often discuss  
 3 manpower issues in management meetings, and where our  
 4 manpower is in relationship to our sales and where we  
 5 should be. We have a goal of \$50,000 in sales per  
 6 employee.  
 7 Q. Well, in late January of 2009 there were some layoffs; is  
 8 that correct?  
 9 A. Yes, I believe so, I believe that's the time frame.  
 10 Q. And did you participate in the discussions regarding who  
 11 would be laid off?  
 12 A. Who would be laid off?  
 13 Q. Yes.  
 14 A. No.  
 15 Q. So you were not involved in the decision as to who to lay  
 16 off at that time?  
 17 A. No.  
 18 Q. That's correct?  
 19 A. I was not involved.  
 20 Q. Do you know who was involved?  
 21 A. The two people that I know who were involved were Barb  
 22 Vroman and Gary Slater.  
 23 Q. How do you know that they were the ones involved?  
 24 A. I was told that.  
 25 Q. Did either Ms. Vroman or Mr. Slater ask you for advice

1 A. No.

2 Q. Okay. Do you know if the -- strike that. I understand

3 that there are movies that people watch from time to time

4 at Isringhausen maybe during the lunch break or whatever?

5 A. Yes.

6 Q. Was that one of the movies that was being shown during

7 the lunch break?

8 A. I couldn't tell you for sure. The ones that I've usually

9 seen are, like, martial arts movies and stuff.

10 Q. Okay, all right. Did you ever hear from any source that

11 Tonya Colburn had made any comments about her belief that

12 prostitution should be legalized?

13 A. No.

14 Q. Didn't hear about that?

15 A. Uh-uh. That's a no, sorry.

16 Q. Did you ever have any conversations with Geoff Jones in

17 which he indicated he had had some interpersonal problems

18 with Mr. Carruthers?

19 A. Yes.

20 Q. When did you have those conversations?

21 A. Probably -- probably -- boy. Probably not too long after

22 I took over the warehouse position, the responsibilities

23 for the warehouse.

24 Q. Was it your understanding that the information that was

25 coming to you related to prior problems that had occurred

1 between Mr. Carruthers and Mr. Jones?

2 A. Excuse me?

3 Q. Was it your understanding that the information that was

4 coming to you related to previous problems that had

5 existed between Mr. Jones and Mr. Carruthers?

6 A. Yes, previous, yes.

7 Q. It wasn't your understanding that there were ongoing or

8 still existing problems; is that correct?

9 A. Correct.

10 Q. After you took over the warehouse when you were hired,

11 did you ever hear from any source that Mr. Carruthers was

12 having ongoing interpersonal problems with anyone at the

13 workplace?

14 A. Yes.

15 Q. Who -- what did you hear?

16 A. Well, I didn't hear. I mean, he had ongoing problems

17 dealing with people.

18 Q. With who?

19 A. Numerous people.

20 Q. Well, anyone in particular?

21 A. When you're told that, by Mr. Carruthers that you hate

22 people, you don't get along with very many. That was his

23 comment, he hates people.

24 Q. When did he tell you that he hates people?

25 A. Uh, more than once.

1 Q. Do you recall the context in which he told you that he

2 hates people?

3 A. Normally when I'd go up to John and ask him what was

4 bothering him, he just hates people.

5 Q. Do you recall the context in which the comment occurred?

6 Any specific incident that was going on or work

7 frustration that was occurring?

8 A. I don't know that you'd call it work frustration, but he

9 would be frustrated at work. Umm, you could, you can

10 tell, you could tell when John was down. Trying to find

11 out what was bothering him.

12 Q. Do you recall anyone specifically that complained about

13 Mr. Carruthers after you joined Isringhausen?

14 A. A person coming to me complaining about him?

15 Q. Yes, any specific individual.

16 A. No.

17 Q. Did you ever hear anyone say that Barb Vroman was

18 favoring or biased in favor of Geoff Jones?

19 A. I've heard people say that, yes.

20 Q. Who do you recall saying that?

21 MS. SETTERINGTON: I just want to place an

22 objection to the form of the question. Go ahead and

23 answer.

24 THE WITNESS: Pardon me?

25 MS. SETTERINGTON: I'm just placing an

1 objection for the record. Go ahead and answer the

2 question.

3 THE WITNESS: I, I'd heard it from out on the

4 shop floor. I -- specific people, I'm not -- can't

5 answer that.

6 BY MR. PIPER:

7 Q. Did you feel that she was showing favoritism or bias in

8 favor of Mr. Jones at any time?

9 A. No. I felt that Barb Vroman was working very hard with

10 Mr. Jones to help him with HR issues, and it was viewed

11 as favoritism toward Mr. Jones.

12 Q. Did you believe that Mr. Jones had problems with HR

13 issues?

14 A. I believe that Mr. Jones was in a learning curve on how

15 to deal with, deal with personnel issues, yes.

16 Q. Did you ever hear from any source that Tonya Colburn was

17 doing some sort of background investigation on you?

18 A. No.

19 Q. Did you ever hear from any source that she was doing a

20 background investigation on Mr. Slater?

21 A. No.

22 Q. Did you ever hear that Barb Vroman was doing a background

23 investigation on Mr. Slater, also specifically relating

24 to the embezzlement allegations that you heard of?

25 A. No.

1 A. Mm-hmm. It's an e-mail that I sent to Barb.  
 2 Q. In the e-mail, beginning about halfway down, you  
 3 reference Mr. Carruthers talking about favoritism, that  
 4 other people should have been written up for the hi-lo  
 5 safety violations but weren't because of favoritism. And  
 6 that Randy should have been gone a long time ago but was  
 7 treated with favoritism. And then you indicated, "I  
 8 could not comment on his claim." Do you see that?  
 9 A. Yes, I do.  
 10 Q. Why did you -- strike that. Did you in fact tell  
 11 Mr. Carruthers you could not comment on his claim?  
 12 A. Sure, yeah.  
 13 Q. Why did you tell him that?  
 14 A. It's not up to me to give him information on what  
 15 disciplinary actions were taken on other people or not  
 16 taken on other people.  
 17 Q. Did you even know why disciplinary actions were taken  
 18 against some people and not others?  
 19 A. I don't know that they were or were not. I couldn't  
 20 comment on it one way or the other. And even if I did  
 21 know, I wouldn't be able to comment to Mr. Carruthers.  
 22 (Deposition Exhibit 10 marked)  
 23 Q. I'm showing you now what's been marked as Exhibit 10 and  
 24 ask if you can identify that.  
 25 A. Yes. It's another e-mail that I sent to Barb.

1 Q. In the e-mail you indicate, "He seemed," referring to  
 2 John Carruthers, "eager to be suspended for some reason."  
 3 Do you see that?  
 4 A. Yes, I do.  
 5 Q. What caused you to write that?  
 6 A. Because John said, Good, I get three days off.  
 7 Q. Did he make any other comments other than that?  
 8 A. Not that I remember, no. That one stuck in my mind.  
 9 Q. Was it a paid suspension or unpaid suspension?  
 10 A. It would be unpaid.  
 11 Q. Did he indicate what he would be doing on his days off?  
 12 A. Oh -- I -- this may have been the time that we spoke  
 13 about earlier where he told me that he would be looking  
 14 for another job.  
 15 Q. Did you believe he was sarcastic in any way when he said,  
 16 Good, I get three days off? Or do you think he literally  
 17 meant that he was looking forward to three days off?  
 18 A. John's a hard read sometimes, so I, I couldn't tell you.  
 19 May I be excused for a moment?  
 20 Q. Yes, absolutely.  
 21 (At about 2:32 p.m. break, resuming at about  
 22 2:38 p.m.)  
 23 BY MR. PIPER:  
 24 Q. I can't remember, Mr. Reinheimer, if I ever asked you  
 25 this: Did you ever meet with any of the MIOSHA

1 investigators that came in?  
 2 A. No, I did not.  
 3 Q. Did you ever see any of the documents that were generated  
 4 as a result of the complaint and the response to the  
 5 complaint by MIOSHA involving the accident involving  
 6 Tonya Colburn?  
 7 A. I don't -- I don't recall seeing any documents associated  
 8 with it. I do know what they -- how we responded, what  
 9 they were concerned about.  
 10 Q. How did you know that?  
 11 A. Through discussions with Peter VanNierkerk.  
 12 Q. What did Mr. VanNierkerk inform you about?  
 13 A. Well, that the -- MIOSHA found that the floor wasn't a  
 14 factor, that it was probably operator error. And some of  
 15 the training records they wanted us to keep up better.  
 16 Q. Did Mr. VanNierkerk indicate to you that MIOSHA found any  
 17 violations?  
 18 A. I don't believe there were any violations; there were  
 19 just improvements.  
 20 Q. Is that what Mr. VanNierkerk told you?  
 21 A. I don't know that he told me one way or another. I was  
 22 not told of violations.  
 23 Q. Did anyone from Isringhausen inform you that MIOSHA found  
 24 a violation because Ms. Colburn did not have a forklift  
 25 license?

1 MS. SETTERINGTON: Just object. Asked and  
 2 answered.  
 3 THE WITNESS: I wasn't informed of any  
 4 violations.  
 5 BY MR. PIPER:  
 6 Q. Did anyone question you regarding why Ms. Colburn did not  
 7 have a forklift license in conjunction with the MIOSHA  
 8 investigation?  
 9 A. No.  
 10 (Deposition Exhibit 11 marked)  
 11 Q. This is Exhibit 11. Have you seen that before?  
 12 A. It's an e-mail from myself to Barb Vroman, responding to  
 13 an e-mail from Barb to myself.  
 14 Q. You were telling her you would like Barb Vroman to  
 15 attend; is that correct?  
 16 A. No -- oh. Yes, I did.  
 17 Q. What did you want her to attend?  
 18 A. She had told me that I needed to give John a written  
 19 warning for his attendance. I asked her to attend.  
 20 (Deposition Exhibit 12 marked)  
 21 Q. Now I'm showing you what's been marked as Exhibit 12 and  
 22 ask if you've seen that.  
 23 A. Yes, I have.  
 24 Q. Did you draft any part of that?  
 25 A. Yes, I did.

1 Q. What part of it did you draft?  
 2 A. Umm, actually I'd asked John to give me his input on it,  
 3 I did the same thing with Bill King, and I didn't get any  
 4 response from them, so I went ahead and drafted this, the  
 5 whole thing.  
 6 Q. When you refer at number one under where it says action  
 7 plan for improvement to in-house training, quote,  
 8 "dealing with difficult people," end quote, to be  
 9 completed by 2-13, what are you referring to?  
 10 A. It's a -- it's a DVD video from -- that HR has about  
 11 dealing with difficult people.  
 12 Q. Who were the difficult people you were referring to  
 13 specifically?  
 14 A. That's the name of the -- that's the name of the --  
 15 Q. Oh, okay.  
 16 A. (Continuing) -- video.  
 17 Q. Then you indicate, "Look for a seminar for the last half  
 18 of February on communication and interpersonal skills.  
 19 HR will advise of availability of seminar." Did you --  
 20 were you thinking of something specific?  
 21 A. No, I was hoping for some help from HR on that that would  
 22 -- no, I don't have a background to know of anything  
 23 specific. That was something that I thought either John  
 24 might know something that would help or HR.  
 25 Q. Between the time of his last performance evaluation,

1 which instance I believe was in July that we had marked  
 2 earlier, and the date of this document are you aware of  
 3 any specific interpersonal problems that Mr. Carruthers  
 4 had with any other employee?  
 5 A. There were, there were always things going on, I mean --  
 6 Q. Well, do you recall any specific incidents?  
 7 A. I know Randy Wicks and him would get at it all the time.  
 8 Umm, Anthony Hickey and John had problems on and off.  
 9 Q. Do you recall any specific incidents involving either of  
 10 those people or other people?  
 11 A. JR was coming complaining about John all the time about  
 12 getting picked on, not getting help when he needed it.  
 13 Q. Are you saying that John Carruthers is the only person  
 14 who people ever complained about or bitched about, if I  
 15 can call it that --  
 16 A. No --  
 17 Q. (Continuing) -- at the workplace?  
 18 A. (Continuing) -- I'm not saying that at all. I didn't  
 19 indicate that at all.  
 20 Q. Did you ever give Tonya Colburn a personnel development  
 21 action plan regarding her interpersonal communication  
 22 skills?  
 23 A. No, that --  
 24 MS. SETTERINGTON: I just want place an  
 25 objection, lack of foundation. She wasn't an

1 Isringhausen employee. Go ahead.  
 2 THE WITNESS: Exactly. She had not had an  
 3 evaluation by Isringhausen.  
 4 MR. PIPER: Counsel, I request that you not  
 5 give suggestive objections and basically hint-hint as to  
 6 how you want him to testify.  
 7 MS. SETTERINGTON: And I'm not trying to do  
 8 that. I'm just trying to help --  
 9 MR. PIPER: Well, that's exactly --  
 10 THE WITNESS: This --  
 11 MR. PIPER: (Continuing) -- what's happened  
 12 here.  
 13 THE WITNESS: This diagram, this is a result --  
 14 MR. PIPER: Exactly what happened here.  
 15 THE WITNESS: This document is a result of an  
 16 evaluation that is given by Isringhausen in a  
 17 below-average evaluation. So you have to have a personal  
 18 development action plan to improve the next evaluation.  
 19 She would not have had an evaluation because she was not  
 20 an Isringhausen employee until after she was hired in.  
 21 BY MR. PIPER:  
 22 Q. So, is this a situation of where temporary employees are  
 23 treated more favorably than actual Isringhausen  
 24 employees?  
 25 A. I don't know how you could deduce that.

1 Q. Why can't I? Apparently there have been complaints about  
 2 Ms. Colburn's interpersonal skills and her speech in  
 3 front of other people, and yet, there was no personal  
 4 development action plan developed, apparently no  
 5 write-ups or anything, and yet, you're using one for  
 6 Mr. Carruthers here when you have not identified to me  
 7 any specific incidents that you can recall where there  
 8 were interpersonal problems.  
 9 MS. SETTERINGTON: I just want to object to the  
 10 extent you're mischaracterizing the witness' testimony.  
 11 BY MR. PIPER:  
 12 Q. Well, can you give me a specific incident that occurred  
 13 between July of 2008 and the date of this document on  
 14 January 22nd of 2008 where Mr. Carruthers had an  
 15 interpersonal problem with another employee?  
 16 MS. SETTERINGTON: You mean other than those he  
 17 already identified?  
 18 BY MR. PIPER:  
 19 Q. What have you identified? I have not heard anything.  
 20 Can you give me a specific incident where Mr. Carruthers  
 21 had an interpersonal problem with another employee  
 22 between July of 2008 and January of 2009?  
 23 A. I'm sorry, could you say that again?  
 24 MR. PIPER: Could you read the question?  
 25 (Reporter read back: "Can you give me a

1 specific incident where Mr. Carruthers had an  
 2 interpersonal problem with another employee  
 3 between July of 2008 and January of 2009?")  
 4 **A.** I'd have to go back and search the records.  
 5 **Q.** So at this point as we sit here, you can't think of  
 6 anything specifically; is that correct?  
 7 **MS. SETTERINGTON:** Again, other than he's  
 8 already testified to.  
 9 **BY MR. PIPER:**  
 10 **Q.** What have you testified to?  
 11 **A.** I said that there were incidences that did go on. You're  
 12 asking for something specific. I can't supply you with  
 13 specific information unless I go back to my records.  
 14 **Q.** What records are you referring to? Because the purpose  
 15 of my asking for records relating to litigation is so  
 16 that I can be prepared to ask questions during  
 17 depositions about the records.  
 18 **A.** Unfortunately, I don't have that same luxury so that I  
 19 can be prepared to give you answers. I wish I could. If  
 20 I knew what questions you were asking ahead of time, I  
 21 would be prepared, sir.  
 22 **Q.** What records are you referring to?  
 23 **A.** My e-mails.  
 24 **Q.** Your e-mails?  
 25 **A.** I could look in my e-mails and see if I could find

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1 something.  
 2 **Q.** And do you believe you sent e-mails regarding  
 3 interpersonal problems that Mr. Carruthers was having  
 4 with other employees?  
 5 **A.** Or put them in my calendar.  
 6 **Q.** They could be in your e-mails or they could be in your  
 7 calendar; is that correct?  
 8 **A.** Yes, sir.  
 9 **Q.** Did you check either your e-mails or your calendar in  
 10 preparation for the deposition today?  
 11 **A.** No, I did not.  
 12 **Q.** And do you think your e-mails and your calendar could  
 13 contain information about interpersonal problems among  
 14 other employees?  
 15 **A.** Probably not.  
 16 **Q.** Okay. Do you recall during the course of your employment  
 17 at Isringhausen preparing a personal -- personnel  
 18 development action plan for any employee other than  
 19 Mr. Carruthers?  
 20 **A.** Bill King.  
 21 **Q.** You did one like this for Bill King when?  
 22 **A.** Same time period.  
 23 **Q.** Same time?  
 24 **A.** Again, based on the performance evaluation, poor  
 25 performance evaluation.

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1 **Q.** Now, both Mr. Carruthers and Mr. King had a good  
 2 performance evaluation before they made complaints about  
 3 Tonya Colburn, we've identified that; is that correct?  
 4 **A.** Their first evaluation for me was a better evaluation.  
 5 They were new to -- they were newly -- new members in the  
 6 materials department, they were new under my umbrella,  
 7 and yes, I gave them a good performance to pump them up  
 8 so that we could pull a team together and make things  
 9 happen. Didn't work.  
 10 **Q.** So you're saying that the performance evaluation you did  
 11 on Mr. King and Mr. Carruthers in July of 2008 or  
 12 whenever it was was not a truthful evaluation; it was  
 13 done simply to pump them up?  
 14 **A.** I'm saying -- I'm saying that it was to pump them up,  
 15 yes.  
 16 **Q.** So it was not a truthful evaluation; the only purpose of  
 17 the evaluation, to give them a good evaluation, was to  
 18 pump them up; is that correct?  
 19 **A.** We still hit on points that needed to be improved.  
 20 **Q.** Okay.  
 21 **A.** But rather than being a good, it may have been a very  
 22 good. Rather than being a fair, it might have been a  
 23 good. Yes.  
 24 **Q.** So what you're saying is that the evaluation you did on  
 25 Mr. Carruthers and Mr. King in July of 2008 or whatever

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1 was actually not an accurate evaluation.  
 2 **A.** I guess you could say that. The objective of that  
 3 evaluation was to bring the people together and form a  
 4 team that had not happened in that department in the  
 5 warehouse, to try and resolve problem situations.  
 6 **Q.** Do you ever recall making false evaluations on other  
 7 employees?  
 8 **A.** No.  
 9 **Q.** Did you ever do a performance -- strike that. What do  
 10 you recall putting on Mr. King's personnel development  
 11 action plan?  
 12 **A.** It was similar to this. Umm, I know item -- I know item  
 13 one and three were the same. Number two was not the  
 14 same. I don't recall what it was.  
 15 **Q.** I didn't ask you about number three. You state, "Have  
 16 initiated weekly meetings with all forklift drivers to,"  
 17 and then it might be that the black line blots out what  
 18 you put down there. Do you recall what you put down  
 19 there?  
 20 **A.** It was to develop teamwork.  
 21 **Q.** Okay.  
 22 **A.** I can't tell what it says, either, but that's what I  
 23 recall.  
 24 **Q.** Okay. You don't recall a black line being on the  
 25 document at the time you wrote that?

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1 A. I would say that has something to do with the copy.  
 2 Q. Okay. When did you initiate the weekly meetings?  
 3 A. Oh, my recollection is it would have been within a couple  
 4 weeks of the 29th.  
 5 Q. And how long did you continue the weekly meetings?  
 6 A. I believe we continued them until neither John nor Bill  
 7 were in the department, but I, I'm not positive of that.  
 8 Q. Did you ever have any weekly meetings with your  
 9 department employees prior to the first part of 2009?  
 10 A. No, not on a regular basis.  
 11 Q. What do you recall discussing during the weekly meetings?  
 12 A. We discussed issues, things that weren't working, things  
 13 that were working, try and look for ways to improve and  
 14 work more effectively together.  
 15 (Deposition Exhibit 13 marked)  
 16 Q. Now I'm showing you what's been marked as Exhibit 13 and  
 17 ask if you've seen that before.  
 18 A. No, I have not.  
 19 (Deposition Exhibit 14 marked)  
 20 Q. Now I'm showing you what's been marked as Exhibit 14 and  
 21 ask if you've seen that.  
 22 A. Yes. This is after John's layoff, just a recap of what  
 23 went on, to Barb.  
 24 Q. You indicate in response to the information that you were  
 25 telling John that he was being indefinitely laid off,

1 that he said "good," quote/unquote. Do you see that?  
 2 A. Mm-hmm.  
 3 Q. Yes?  
 4 A. Yes, I do.  
 5 Q. Did you think he was being serious about that, or did you  
 6 think he was being sarcastic?  
 7 A. Well, as I said before, John's a difficult person to read  
 8 sometimes.  
 9 Q. So you weren't sure.  
 10 A. I was unsure.  
 11 (Deposition Exhibit 15 marked)  
 12 Q. I'm showing you what's been marked as Exhibit 15 and ask  
 13 if you can identify that.  
 14 A. It's a payroll/status change notice. I've never seen it  
 15 before.  
 16 Q. Well, someone is moved from assembler to line feeder --  
 17 A. Right, that's Elliot Brewer's signature and his name on  
 18 it. That's when -- I'd say that's a document to show  
 19 that he was answering to production now. Geoff Jones'  
 20 signature is on it as production manager. When that  
 21 position went from materials to production as we  
 22 discussed earlier.  
 23 Q. Prior to that would Mr. Brewer have been working in  
 24 materials?  
 25 A. No. He worked as assembly on production, as we discussed

1 earlier. His job title went from assembler to line  
 2 feeder.  
 3 Q. As an assembler, would a person be in any way driving a  
 4 forklift?  
 5 A. Not on a regular basis. He was a backup driver in case  
 6 somebody was off for that day or missing.  
 7 Q. As a line feeder, would the employee regularly be driving  
 8 a forklift?  
 9 A. Yes.  
 10 Q. Would he regularly be appearing or -- to pick things up  
 11 or drop things off in the warehouse?  
 12 A. He would be taking it from the warehouse to the line,  
 13 yes.  
 14 Q. And back and forth, correct?  
 15 A. Yeah.  
 16 Q. Is there any particular rhyme or reason that you can see  
 17 why the line feeder position would be under production as  
 18 opposed to under materials?  
 19 A. Well, as we discussed earlier, umm, again, we had it in  
 20 materials because we thought it was more logical there  
 21 because of the traveler, in keeping it up to date. But  
 22 we decided to give it back to production because it was  
 23 -- because of the down time -- production's responsible  
 24 for their down time, their line feeder can be a big  
 25 factor in down time, so if that person is responsible for

1 production -- to production, we thought we could better  
 2 control the down time.  
 3 Q. Is the line feeder position still under materials?  
 4 A. No, it is not.  
 5 Q. I'm sorry, still under production?  
 6 A. Yes, it is.  
 7 (Deposition Exhibit 16 marked)  
 8 Q. I'm showing you what's been marked as Exhibit 16 and ask  
 9 if you've seen that.  
 10 A. Yes, I have.  
 11 Q. Do you recall when you first saw that?  
 12 A. Umm, January or February.  
 13 Q. Did Isringhausen advertise or post a position  
 14 availability in the materials department prior to  
 15 January 30th of 2009?  
 16 A. I'm sorry, could you repeat that?  
 17 Q. Did Isringhausen post or advertise a position in the  
 18 materials department prior to January 30th of 2009?  
 19 A. What position?  
 20 Q. Any position.  
 21 A. We did postings from time to time, yeah.  
 22 Q. Do you know when you did a posting for an availability of  
 23 position in the materials department?  
 24 MS. SETTERINGTON: Just object to the form,  
 25 vague.

1 THE WITNESS: Yeah, we post some positions;  
 2 there's others we don't.  
 3 BY MR. PIPER:  
 4 Q. Well, do you have any idea, with respect to the position  
 5 that Ms. Plushnik apparently applied for, when that  
 6 position was posted or advertised?  
 7 A. This position was not posted in Isringhausen. We looked  
 8 outside of Isringhausen.  
 9 Q. Well, okay, did you -- do you recall when you posted or  
 10 advertised the position outside of Isringhausen --  
 11 A. We went to --  
 12 Q. (Continuing) -- that Ms. Plushnik applied for?  
 13 A. HR went to a, went to a temporary service looking for  
 14 somebody with qualifications. No, I don't know what  
 15 time. It was within a -- you know, it was January or  
 16 February.  
 17 Q. Do you know when that -- that was my next question. You  
 18 believe it occurred in January or February that --  
 19 A. Something to that effect.  
 20 Q. (Continuing) -- HR went to the temp service?  
 21 A. Yeah.  
 22 Q. The temp service was Manpower?  
 23 A. I don't know.  
 24 Q. Was it just one temp service, as far as you know?  
 25 A. I don't know.

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1 (Deposition Exhibit 17 marked)  
 2 Q. I'm showing you what's been marked as Exhibit 17 and ask  
 3 if you've seen that before.  
 4 A. No.  
 5 Q. Let me ask you this: Do you recall interviewing  
 6 Ms. Plushnik on or about February 3rd of 2009?  
 7 A. Yes.  
 8 Q. Do you recall interviewing other candidates --  
 9 A. Yes, we --  
 10 Q. (Continuing) -- on or about that day?  
 11 A. We reviewed other candidates in that time period.  
 12 Q. Did you interview any candidates on any days prior to  
 13 your interview with Ms. Plushnik?  
 14 A. I don't know that she was the first one or the last one.  
 15 Q. Whose writing is it on the documents?  
 16 A. I don't know.  
 17 Q. So it's not yours.  
 18 A. It's not mine.  
 19 Q. Did ever do a performance evaluation on Ms. Plushnik?  
 20 A. No, I did not.  
 21 Q. Is that because she was a temporary agency employee?  
 22 A. Yes.  
 23 Q. Did you ever talk with the temporary agency that she was  
 24 employed with to give her a -- give the temporary agency  
 25 a report on her job performance?

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1 A. No. The only time I talked to the temporary agency was  
 2 when her father died and she needed some time off.  
 3 Q. Do you recall doing more than one interview with  
 4 Ms. Plushnik, or just the one?  
 5 A. I think it was just one.  
 6 Q. Did you recommend that she be hired or not?  
 7 A. Yes, I did. Of the candidates that I had. Not hired,  
 8 but assigned.  
 9 Q. Okay. Did you --  
 10 A. As a temporary.  
 11 Q. Did you in fact make the decision to bring her in as  
 12 opposed to some of the other individuals that  
 13 interviewed?  
 14 A. Barb and I usually interviewed together, and we would  
 15 come up with a mutual decision.  
 16 Q. Is that what you believe occurred in this instance?  
 17 A. Yeah. Yes, sir.  
 18 (Deposition Exhibit 18 marked)  
 19 Q. Now I'm showing you what's been marked as Exhibit 18.  
 20 And I'm gonna represent to you that the first page of the  
 21 document has a Bates Stamp number on the bottom of it;  
 22 the second one does not. Notwithstanding this, if you  
 23 can put two documents together, is this, in your  
 24 judgment, the same document, if you put the documents  
 25 together?

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1 A. Well, they're -- there's a front and back to them.  
 2 Q. Okay.  
 3 A. It's a single sheet of paper.  
 4 Q. Did you do this particular performance evaluation?  
 5 A. Yes, I did.  
 6 Q. Did you have any assistance from anyone else in doing the  
 7 performance evaluation?  
 8 A. Umm, I know I had Barb help me on some of them, and I  
 9 don't know whether this was one of them or not. I know  
 10 she did in the July ones because that was my initial one,  
 11 but I'm not positive whether she did in this one or not.  
 12 Q. Do you recall meeting with Mr. Carruthers about this  
 13 performance evaluation?  
 14 A. We did meet, yes.  
 15 Q. Who met with him?  
 16 A. I met with him. I believe Barb was there also.  
 17 Q. Do you recall Mr. Carruthers indicating in the meeting  
 18 that he felt that this evaluation was not fair or  
 19 accurate?  
 20 A. Well, he makes that comment right here. "Most if not all  
 21 my scores are," and then there's some verbiage crossed  
 22 out, "reactions of past treatment or overwhelming work  
 23 loads."  
 24 Q. Do you recall him specifically indicating that the  
 25 criticisms of his interpersonal skills, et cetera,

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1 related to incidents that had occurred in the past and  
 2 did not relate to this evaluation?  
 3 **A. They were on the previous evaluation, too, interpersonal**  
 4 **skill issues, even though it was a good one, that was --**  
 5 **he was marked down on the previous one.**  
 6 Q. Well, do you recall Mr. Carruthers saying that the  
 7 criticisms of his interpersonal skills related to events  
 8 that had occurred in the past and not related to the time  
 9 period of this --  
 10 **A. I don't know --**  
 11 Q. (Continuing) -- evaluation?  
 12 **A. I don't recall him stating that, no.**  
 13 Q. Did you ask him what he meant by "Most if not all of my  
 14 scores are reactions of past treatment"?  
 15 **A. I don't remember asking him specifics.**  
 16 Q. Did you think there was a big workload --  
 17 **A. No.**  
 18 Q. (Continuing) -- during the time period of the evaluation?  
 19 **A. No.**  
 20 Q. So even though Tonya was no longer there, you didn't  
 21 think that the workload on the individuals had increased?  
 22 **A. No.**  
 23 Q. Did you ever hear Mr. Carruthers complain or Mr. King  
 24 complain that after Tonya was no longer there, that the  
 25 workload on them had increased?

1 **A. I had heard complaints, yes.**  
 2 Q. Did you say you disagree with that?  
 3 **A. Yeah, I didn't agree with it, no.**  
 4 Q. **Had you had any discussions prior to this evaluation**  
 5 **about dismissing or laying off Mr. Carruthers with anyone**  
 6 **else?**  
 7 **A. No. I was not part of that decision.**  
 8 Q. **Do you have any idea when the decision was made to select**  
 9 **Mr. Carruthers among others for layoff or termination?**  
 10 **A. My knowledge of it was within an hour or half an hour,**  
 11 **said that it was gonna happen, bring 'em to my office.**  
 12 Q. So as far as what occurred before that among the various  
 13 individuals --  
 14 **A. I don't know.**  
 15 Q. (Continuing) -- you're not sure? Ultimately is the  
 16 decision on layoffs made by the manager, Mr. Slater?  
 17 **A. Between Mr. Slater and HR, yes. I mean, it's a financial**  
 18 **thing, which that's his forte, and then HR is the**  
 19 **personnel forte, and I'm sure there were discussions**  
 20 **there, but I wasn't part of them.**  
 21 Q. You did not have any discussions with Mr. Slater in any  
 22 way about personnel matters; is that correct?  
 23 **A. Not as far as specific people, no.**  
 24 MS. SETTERINGTON: I just want to object to the  
 25 form of the question, vague. Are you speaking with

1 respect to this layoff, Mr. Piper, or generally?  
 2 BY MR. PIPER:  
 3 Q. Well, I -- you didn't discuss with him regarding this  
 4 layoff; is that correct?  
 5 **A. This -- for John Carruthers?**  
 6 Q. Yes.  
 7 **A. No, I did not.**  
 8 Q. Did you ever discuss personnel matters with Mr. Slater at  
 9 any time?  
 10 **A. Yes, I have.**  
 11 Q. With respect to what?  
 12 **A. With respect to Elliot, who was just recently laid off, I**  
 13 **was part of that decision to lay him off.**  
 14 Q. What input did you have in that decision?  
 15 **A. I was -- I needed to be -- to lay somebody off in my**  
 16 **department, and my input was that it would be Elliot.**  
 17 Q. Why did you select him?  
 18 **A. His skill level, as far as being -- he wasn't at the same**  
 19 **level as my other person.**  
 20 Q. Which was whom?  
 21 **A. Mike.**  
 22 Q. Mike Sage?  
 23 **A. Yes.**  
 24 Q. Had you performed evaluations on Mr. Brewer?  
 25 **A. Umm, no, his evaluation would have been coming up at the**

1 end of the year. So I hadn't done an annual evaluation  
 2 on him.  
 3 Q. Did I ask you what your address was? I think I did.  
 4 **A. You did.**  
 5 MR. PIPER: Let's take a short break.  
 6 THE WITNESS: It's the number four.  
 7 MR. PIPER: The four, right, exactly.  
 8 (At about 3:16 p.m. break, resuming at about  
 9 3:17 p.m.)  
 10 CROSS-EXAMINATION  
 11 BY MS. SETTERINGTON:  
 12 Q. Mr. Reinheimer, I have just a few questions hopefully  
 13 that I can get through with you quickly in follow up to  
 14 Mr. Piper's questioning. I just want to try and perhaps  
 15 clarify what the manpower was in your department at  
 16 various points relevant to this lawsuit. Prior, just  
 17 prior to December 18th of this year, when Tonya Colburn's  
 18 assignment was ended, who were the people in your  
 19 department?  
 20 **A. In the materials department there's myself, Lindsey, Bill**  
 21 **King, John Carruthers, Tonya, and JR, Lloyd.**  
 22 Q. Mr. Palar?  
 23 **A. Mr. Palar.**  
 24 Q. Okay. So I'm counting six people; is that correct?  
 25 **A. That's what I counted, yeah.**

1 Q. Okay. Then after December 18th, my understanding is on  
 2 that date Tonya Colburn's assignment ended and Lloyd  
 3 Palar was let go. Correct?  
 4 A. I don't know what day Lloyd was let go.  
 5 Q. Okay. Can you tell me whether Lloyd was let go before  
 6 shutdown?  
 7 A. Umm --  
 8 Q. If you can't, that's fine; I'll show you a document.  
 9 A. No, I can't.  
 10 Q. Okay. Mr. Reinheimer, I'm gonna show you a document that  
 11 was marked previously in yesterday's session as  
 12 Exhibit 23 to Barb Vroman's deposition. And I'm just  
 13 gonna have you take a look at that without separately  
 14 marking it and ask you if that refreshes your  
 15 recollection as to the date that Lloyd --  
 16 A. Yes, this --  
 17 Q. (Continuing) -- Palar was terminated?  
 18 A. (Continuing) -- this states that he was terminated,  
 19 second suspension within rolling year on 12-18.  
 20 Q. Okay. So, then, immediately following December 18th, can  
 21 you tell me who was in your department?  
 22 A. Well, Tonya was gone and Lloyd was gone, so it would have  
 23 been Lindsey, myself, John, and Bill. Four people.  
 24 Q. Now, at the same time that Lloyd Palar was terminated, do  
 25 you have a recollection that that was the time frame in

1 which Bill King was demoted from warehouse supervisor to  
 2 material handler?  
 3 A. Yes, that happened at the same time.  
 4 Q. So at that point you have a vacancy for a warehouse  
 5 supervisor, correct?  
 6 A. Correct.  
 7 MR. PIPER: Objection, foundation.  
 8 BY MS. SETTERINGTON:  
 9 Q. Is that correct?  
 10 A. Yes, that's correct.  
 11 Q. Okay. Now, at the time that -- as of January 30th, just  
 12 before John Carruthers was laid off, were these the  
 13 people that were in your department still: Lindsey,  
 14 yourself, John Carruthers, Bill King, and then you have  
 15 that vacant position for warehouse supervisor?  
 16 A. Yes.  
 17 Q. Okay.  
 18 MR. PIPER: Objection, foundation.  
 19 BY MS. SETTERINGTON:  
 20 Q. And following Mr. Carruthers' layoff, the department then  
 21 consisted of Lindsey, yourself, and Bill King, correct?  
 22 A. Correct.  
 23 Q. And you still had an opening for warehouse supervisor?  
 24 A. Yes.  
 25 Q. Okay. And then when Ms. Plushnik was assigned to

1 Isringhausen, she came in as a warehouse supervisor; am I  
 2 correct about that?  
 3 A. Correct. As my fourth person, yes.  
 4 Q. Okay. And then at some point after that, Bill King  
 5 traded positions with Elliot Brewer, correct?  
 6 A. Correct.  
 7 Q. All right. So Bill goes out of the department, into a  
 8 line feeder production position, and Elliot Brewer comes  
 9 in as a material handler.  
 10 A. Correct.  
 11 Q. Okay. Mr. Piper was asking you for specific instances in  
 12 which you had learned of interpersonal difficulties  
 13 involving Mr. Carruthers. Do you remember that?  
 14 A. Yes.  
 15 Q. While I respect the fact that you may not be able to  
 16 recall particular dates, times, and instances, could you  
 17 identify for me people or examples, as specifically as  
 18 you can, of those types of interpersonal difficulties you  
 19 were aware of in your time as Mr. Carruthers' supervisor  
 20 or his manager?  
 21 A. Well, I know Randy Wicks and John had issues, umm --  
 22 Q. Do you know any -- can you elaborate in any way on the  
 23 issues?  
 24 A. Well, John was always accusing Randy of being treated  
 25 specially, and I don't think Randy liked that too much.

1 Q. Okay.  
 2 A. I know Anthony was another line leader, and they had some  
 3 issues.  
 4 Q. And Anthony's last name is?  
 5 A. Hickey.  
 6 Q. Can you recall anything about the type of issues?  
 7 A. Not really, other than it was probably associated with  
 8 parts and getting parts to the line, I'm not --  
 9 Q. Do you remember how you became aware of issues between  
 10 Mr. Hickey and Mr. Carruthers?  
 11 A. From, probably from Geoff, the production supervisor.  
 12 Q. Geoff Jones?  
 13 A. Yes, Geoff Jones.  
 14 Q. You became aware of these types of issues during the time  
 15 that you were the manager over Mr. Carruthers, correct?  
 16 A. Yes.  
 17 Q. Okay. Anybody else besides Randy and Anthony Hickey?  
 18 A. I know Lindsey had issues dealing with -- difficulties  
 19 dealing with John.  
 20 Q. You're talking about Lindsey formerly known as Sikkema?  
 21 A. Sikkema, yes.  
 22 Q. Okay. Can you recall anything about the context in which  
 23 those difficulties reportedly occurred?  
 24 A. Most of the issues had to do with the supervisor's past  
 25 due log and whether there were or weren't parts and when

1 they came in and that sort of thing.

2 Q. Just because I don't quite understand Lindsey's job or

3 John's job, explain to me, what's the supervisor's past

4 due log?

5 A. Supervisor's past due log, part of John's job was to pick

6 orders for the Isri 6800 line. If there were components

7 that were missing for those orders, he would put it on

8 the supervisor's past due log. Lindsey would look at

9 that and make sure that the parts were coming, or if they

10 were here, you know, notify John that they are here, they

11 just came in. Well, there were conflicts communicating

12 back and forth there.

13 Q. Okay. The supervisor's past due log, does the act of

14 John recording things in there mean that he was a

15 supervisor?

16 A. Hmm?

17 Q. I mean, John recorded -- if parts were missing, he

18 recorded that in something called the supervisor's past

19 due log. Does that mean that John was a supervisor?

20 A. No, I don't know where that --

21 Q. You don't know where the name came from?

22 A. I don't know where the name came from. It was part of

23 the process when I arrived.

24 Q. With respect to issues between Lindsey and John, if you

25 can recall, was the issue arguments concerning these

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1 issues, or someone not following up, or do you not have a

2 specific recollection?

3 A. Oh, there weren't -- I'd get -- I mean, there weren't

4 shouting matches or anything. It think it was just the

5 way, the reaction between the two and how things were

6 communicated that, that it was finger pointing rather

7 than, Hey, we've got a problem here, let's work through

8 it.

9 Q. Okay. Did Lindsey interact with other employees that

10 were in your department aside from John Carruthers?

11 A. She'd interact with Bill some when Bill was doing the

12 receiving.

13 Q. Okay.

14 A. That -- Lindsey now does that, so --.

15 Q. Did Lindsey interact with you in the course of doing her

16 job?

17 A. Yeah, she sits right beside me.

18 Q. Okay. Have you ever heard concerns from anybody in the

19 facility that Lindsey's a difficult person to get along

20 with?

21 A. Oh, Lindsey's a good materials gal, she stands her

22 ground, so --.

23 Q. Okay.

24 A. Difficult to get along with? I think everybody is on

25 occasion, but not all the time, no.

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1 Q. Relative to Lindsey or other employees, did you have a

2 sense that these types of interpersonal issues came to

3 your attention any more frequently with John Carruthers

4 than anybody else?

5 A. Oh, yeah, they definitely did.

6 Q. Okay. You gave some testimony about when you first

7 assumed responsibility for the warehouse employees in

8 conducting performance evaluations, correct?

9 A. Mm-hmm.

10 Q. And you testified regarding your rationale for giving the

11 evaluations that you did?

12 A. Mm-hmm.

13 Q. I think you made a comment that you were trying to get

14 people to work as a team and that hadn't happened in that

15 group yet. Am I -- did I capture that correctly?

16 A. Yes.

17 Q. Can you tell me what you mean by that?

18 A. Well, there was two separate departments, for one thing.

19 One of the things I recall is the warehouse, if there was

20 an issue with parts and stuff, would just hand it to

21 materials, Here you go, here's the problem -- there's a

22 problem here, even though they knew, you know, what

23 caused the problem or had investigated already and

24 wouldn't share that with materials. So I was trying to

25 bring, bring those two together so that we were

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1 functioning as one.

2 Q. Okay. Did you have any -- when you first came into that

3 department, did you have any awareness of Mr. Carruthers

4 expressing discontent about matters related to his work?

5 A. Prior to coming into the department?

6 Q. No, when you came into the department and you first began

7 as his manager, did you, did you ever observe him to

8 raise issues where he was unhappy about things that were

9 happening at work?

10 A. Yeah. He -- he'd been unhappy about offering suggestions

11 in the past and nothing ever happened with them, and he

12 felt like his suggestions were being ignored. He and

13 Bill both expressed that.

14 Q. Was that something that was expressed to you prior to you

15 filling out those evaluations in July of '08?

16 A. Yeah.

17 Q. Okay. And was that part of the relationship issue that

18 you were trying to improve upon by giving the evaluations

19 that you did?

20 A. It was part of the reason that we needed to team build

21 and improve relationships, yeah. You can't have one part

22 of the company fighting with another part of the company,

23 or one person with another within the same company,

24 especially a 35-, 45-person company.

25 Q. Okay. Did Lloyd Palar, or JR, did he ever express

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1 concerns or relate interpersonal difficulties that he had  
 2 involving Mr. Carruthers?  
 3 A. Yes, he did with John and Bill both, about not getting  
 4 help when he needed it, that they would stand around and  
 5 talk and he wouldn't be able to get his job done, they  
 6 wouldn't come in and pick up and help him.  
 7 Q. Okay. So, following the evaluations – and just to be  
 8 clear, I believe you said you gave Mr. Carruthers some  
 9 form of raise with that initial evaluation as well,  
 10 correct?  
 11 A. Yes, I did.  
 12 Q. Okay. Was that something that – did anybody else get a  
 13 raise at that time?  
 14 A. Bill got a raise, and I believe I gave Lloyd a raise also.  
 15 Q. Okay. So this was an effort to motivate this group.  
 16 A. Yeah.  
 17 Q. Did you observe their teamwork or communications to  
 18 improve following giving that evaluation and raise in  
 19 July?  
 20 A. Not to the level that I would have hoped for.  
 21 Q. Okay. So you -- did you continue to receive information  
 22 or be aware of ongoing interpersonal issues involving  
 23 members of the materials department?  
 24 A. Could you say that again?  
 25 Q. Did you continue to be aware of ongoing interpersonal

1 issues involving these warehouse employees?  
 2 A. Yeah.  
 3 Q. Okay, Mr. Carruthers included?  
 4 A. Yes.  
 5 Q. The types of issues that you were describing to me  
 6 concerning Randy Wicks, Anthony Hickey, Lindsey Sikkema,  
 7 and JR?  
 8 A. Yes.  
 9 Q. Can you think of any other employees, sitting here today,  
 10 that you came to learn felt they had interpersonal issues  
 11 with Mr. Carruthers?  
 12 A. Well, I would say Geoff Jones did at -- has at one time  
 13 or another.  
 14 Q. Okay. And these issues that we've just discussed,  
 15 particularly those that you continued to observe during  
 16 the time that you were managing Mr. Carruthers, were  
 17 these what prompted you to give Mr. Carruthers the  
 18 evaluation you gave him in January of 2009?  
 19 A. Yeah.  
 20 Q. Okay. Did you give Mr. Carruthers a bad evaluation  
 21 because he had raised concerns of sexual harassment?  
 22 A. That had nothing to do with it.  
 23 Q. You gave some testimony about a meeting concerning  
 24 attendance discipline or warning that was issued to  
 25 Mr. Carruthers for attendance; do you remember that?

1 A. Yes.  
 2 Q. Okay. Do you remember Barb Vroman saying anything to  
 3 Mr. Carruthers about whether he could use a vacation day  
 4 for the absence that had resulted in him getting a  
 5 warning for attendance?  
 6 A. For that specific absence, whether he could?  
 7 Q. Yes.  
 8 A. I recall Barb saying that we could do that in the future,  
 9 but we couldn't for that specific absence because it was  
 10 in the past.  
 11 Q. Okay. Did you take that to mean that if you're gonna use  
 12 a vacation day for an absence day, you need to elect that  
 13 at the time you're gonna be absent?  
 14 A. At the time you're gonna be absent, or get it elected as  
 15 you come back, when you get back to work.  
 16 Q. Did you have an awareness of gossip or rumors that  
 17 happened among employees in your department?  
 18 A. Well, yeah, there's -- yeah.  
 19 Q. Okay. Were there any employees who were, in your  
 20 judgment, who appeared to engage in that sort of  
 21 communication any more than anybody else?  
 22 A. There were a lot of rumors came out from the floor. I  
 23 mean, we talked about the one about Gary being an  
 24 embezzler at great length, which I don't know whether  
 25 it's true or not. Umm, discussion, you know, things like

1 that.  
 2 Q. Fair to say you can't, you can't ascertain the truth of  
 3 every rumor that might go around on a factory floor,  
 4 correct?  
 5 A. No, not at all.  
 6 MS. SETTERINGTON: Okay. I think that's it.  
 7 Thank you, Mr. Reinheimer.  
 8 REDIRECT EXAMINATION  
 9 BY MR. PIPER:  
 10 Q. I have some follow-up. You indicated that there were  
 11 interpersonal problems between Mr. Carruthers and Lindsey  
 12 Sikkema?  
 13 A. Yes, I did.  
 14 Q. And you indicated that in part, those interpersonal  
 15 problems was one of the reasons why you gave  
 16 Mr. Carruthers a bad review in --  
 17 A. He was marked down on his interpersonal skills.  
 18 Q. And that was one of the reasons you gave him a bad review  
 19 in January of 2009?  
 20 A. That was one of the factors.  
 21 Q. Did you ever specifically document any of these alleged  
 22 interpersonal problems that Mr. Carruthers had with  
 23 Lindsey Sikkema in writing?  
 24 A. I don't know that I have documentation or not.  
 25 Q. You also indicated that Mr. Carruthers had interpersonal