

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CURTIS LARRICK,

Civil Division

Plaintiff,

No.16-282

v.

Magistrate Judge Eddy

THE SHERIFF OF BEAVER COUNTY,
PENNSYLVANIA; BEAVER COUNTY,
PENNSYLVANIA and ANTHONY GUY,
Sheriff of Beaver County in his individual capacity,

Defendants.

JURY TRIAL DEMANDED

**PLAINTIFF'S CONCISE STATEMENT OF MATERIAL FACTS PRECLUDING
SUMMARY JUDGMENT**

Plaintiff, Curtis Larrick ("Larrick"), by undersigned counsel and pursuant to Local Civil Rule 56 (C)(1)(c), files the following material facts precluding summary judgment:

1. Curtis Larrick began his employment with Beaver County in June 1991. (CL 21/lm. 5-7, App. Ex. 1).¹
2. He was hired as a part time deputy sheriff under Sheriff Frank Policaro. (CL 21/lm. 8-13, App. Ex. 1).
3. Larrick became a full time employee in 1993, and his adjusted date is 1993. (CL 21/lm. 16-18, App. Ex. 1).
4. He served as a full time deputy sheriff until 2016. (CL 22/lm. 2-4, App. Ex. 1).

¹The deposition testimony will be referred to by using the first and last initials of the deponent's name followed by the page number and the line where the testimony appears. Thus, testimony of Curtis Larrick will be denoted (CL__) and is in the Appendix as Exhibit 1. Testimony of Rick Darbut will be denoted (RD__) and is in the Appendix as Exhibit 2). Testimony of Jay Alstadt will be denoted (JA__) and is in the Appendix as Exhibit 3. Testimony of Anthony Guy will be denoted (AG__) and is in the Appendix as Exhibit 4. Testimony of Dean Michael will be denoted (DM__) and is in the Appendix as Exhibit 6.

5. In 2008 Larrick was promoted to Sergeant by Sheriff George David. (CL 22/ln. 5-12, App. Ex. 1).

6. In 2012 he was demoted back to deputy sheriff. (CL 22/ln. 9, App. Ex. 1).

7. Sheriff David said this demotion was due to the fact that he thought the divorce Larrick was going through affected his performance. (CL 23/ln. 7-11, App. Ex. 1).

8. Larrick received no counseling or attendance warnings at that time. (CL 23/ln. 12-14, App. Ex. 1).

9. As deputy sheriff, Larrick's duties included transporting people, helping in the courtroom, and working the doors. (CL 157/ln. 2-10, App. Ex. 1).

10. Larrick was told near the end of Sheriff David's tenure that his attendance was an issue, because Sheriff David was having a hard time accepting Larrick being out on FMLA leave. (CL 23/ln. 22-25; 24/ln. 1-5, App. Ex. 1).

11. In 2014 and 2015 Larrick was on medical leave for himself because he was diagnosed with ischemic colitis. (CL 24/ln. 8-11, App. Ex. 1); (RD 20/ln. 8-13, App. Ex. 2).

12. This leave was taken under sick and accident coverage from the County, which was provided to him contractually. (RD 20/ln. 20-25; 21/ln. 1-6, App. Ex. 2).

13. Larrick was on long term leave for his stomach from July of 2015 until the end of the year. (CL 145/ln. 14-21; 146/ln. 10-12, App. Ex. 1).

14. He missed a total of six months of work. (CL 145/ln. 25; 146/ln. 1, App. Ex. 1).

15. He was also on FMLA for his son, due to mental health and anxiety issues. (CL 24/ln. 8-16, App. Ex. 1); (RD 20/ln. 17-19, App. Ex. 2).

16. Larrick was informed about the rules he needed to follow for his FMLA leave by then-HR Director Rick Darbut. (CL 24/ln. 17-24, App. Ex. 1).

17. At no time did then-Sheriff George David indicate to Larrick he had concerns about Larrick's attendance because he did not think he was following Darbut's rules. (CL 25/ln. 12-23, App. Ex. 1).

18. Larrick was later informed by Darbut that Sheriff David wanted him fired because he did not believe his medical needs warranted being on FMLA leave. (CL 26/ln. 5-11, App. Ex. 1).

19. However, Larrick's leave was approved by Darbut and the law department. (CL 26/ln. 14-18, App. Ex. 1).

20. Prior to Guy's election, there was a "stigma" in the Sheriff's Office - specifically, Sheriff David was charged with criminal activity, which led to a great deal of press coverage. (JA 50/ln. 2-11, App. Ex. 3); (CL 130/ln. 18-22, App. Ex. 1).

21. Larrick provided testimony against Sheriff David during trial. (CL 130/ln. 18-22, App. Ex. 1).

22. As a condition of his bond, David was not allowed to be around any firearms. (CL 130/ln. 25; 131/ln. 1-2, App. Ex. 1).

23. Larrick heard a shotgun fire and witnessed David holding a shotgun in the gun locker with John Frantangeli. (CL 131/ln. 12-18, App. Ex. 1).

23. He reported the incident to Thomas Ochs, and was with Michael Tibolet shortly before hearing the shotgun. (CL 131/ln. 7-20, App. Ex. 1).

25. Larrick later told State Trooper Dan Masura and told him what he witnessed, which led to him testifying. (CL 132/ln. 3-5, App. Ex. 1).

26. David was aware Larrick reported this. (CL 132/ln. 20-23, App. Ex. 1).

27. Some in the department had a problem with Larrick testifying against David. (CL 133/ln. 14-18, App. Ex. 1).

28. Specifically, John Fratangeli, Michael Hurst, Randy Tallon, and Kristin Chapes were against it. (CL 133/ln. 22-23, App. Ex. 1).

29. Others voiced disapproval that Larrick would testify against another officer, but said they understood why. (CL 133/ln. 23-25, App. Ex. 1).

30. Then-Chief Deputy Jay Alstadt was aware other employees had an issue with Larrick, specifically Michael Hurst, Dave Yasick, Dave Hunter, Kristen Chapes, Michael Matzie, Kevin Lupo, John Fratangeli, Paul Clark, Michael Tibolet, and Thomas Ochs. (JA 72/ln. 17-25, App. Ex. 3).

LARRICK'S POLITICAL INVOLVEMENT

31. Larrick has a history of political involvement. (CL 33/ln. 21, App. Ex. 1).

32. Indeed, Alstadt was aware that Larrick and his family had “always been” involved with local politics on the Democratic side. (JA 36/ln. 18-25; 37/ln. 1-2, App. Ex. 3).

33. From 2002 to 2004, Larrick served as a councilman for Baden council. (CL 32/ln. 24-25; 33/ln. 1, App. Ex. 1).

34. Larrick served as commissioner, an elected position, in Harmony Township from 2004 until 2012. (CL 31/ln. 24-25; 32/ln. 1-7, App. Ex. 1).

35. Larrick resigned in 2012 because, due to his divorce, he no longer resided in that area. (CL 32/ln. 13-18, App. Ex. 1).

36. He also served as a committee person, an elected position, for the Democratic party of Beaver County from 1996 to 2012. (CL 33/ln. 24-25; 34/ln. 1-10, App. Ex. 1).

37. In this capacity his activities included going to political functions, distributing signs, going door to door, helping at the polls during elections, and getting volunteers to work at the polls as well. (CL 36/ln. 8-12, App. Ex. 1).

38. Larrick also resigned from this role because he no longer resided in the municipality. (CL 34/ln. 11-17, App. Ex. 1).

39. However, he remained extremely active in politics after he ceased being a formal committee person. (CL 36/ln. 5-10, App. Ex. 1).

40. In 2015 an election was held for Sheriff of Beaver County. (AG 11/ln. 1-3, App. Ex. 4).

41. Larrick supported Wayne Kress as the Democratic candidate against George David in the primary. (CL 36/ln. 17-19, App. Ex. 1).

42. Alstadt was aware Larrick supported Kress. (JA 37/ln. 8-10, App. Ex. 3).

43. During the primary stage of the 2016 sheriff's election, Larrick attended functions with the Democratic committee, as well as dinners and picnics, in support of Kress. (CL 36/ln. 11-16, App. Ex. 1).

44. He also put up signs in support of Kress during the primary stage and attended several of Kress's functions. (CL 36/ln. 20-25, App. Ex. 1).

45. Employees of the Sheriff's Office were allowed to be politically active and support whoever they wanted, but were not permitted to display political material while on duty. (CL 37/ln. 22-25; 38/ln. 1-11, App. Ex. 1).

46. Despite this rule, deputy John Frantangeli had signs in his patrol car in support of Sheriff David during the primary stage. (CL 38/ln. 12-25; 39/ln. 1-3, App. Ex. 1).

47. Frantangeli was not subject to any discipline as a result. (CL 40/ln. 5-9, App. Ex. 1).

48. Sheriff David was defeated in the primary by Wayne Kress. (CL 40/ln. 17-20, App. Ex. 1).

49. Kress ran against Republican Anthony "Tony" Guy, in the general election. (CL 40/ln. 21-23, App. Ex. 1).

50. Larrick continued to support Kress. (CL 40/ln. 24-25; 41/ln. 1, App. Ex. 1).

51. Larrick also was aware that deputy Paul Clark supported Kress, and that Union President Dave Mangerie and part-time deputy Jen Bredemeier attended a political function in support of Kress. (CL 41/ln. 5-7, 22-24; 42/ln. 18-23, App. Ex. 1).

52. Larrick was not aware of any other Sheriff's Office employees supporting Kress. (CL 42/ln. 24-25; 43/ln. 1-2, App. Ex. 1).

53. He was aware of a rumor that Joe O'Shea supported Kress, but was not sure if it was true. (CL 43/ln. 7-12, App. Ex. 1).

54. Despite no longer being a committee person for the county's Democratic party, Larrick remained active in supporting the whole slate of Democratic candidates through the committee. (CL 44/ln. 10-14, App. Ex. 1).

55. Larrick met Guy one time previously, in the early 1990s, when Guy joined Larrick and Joseph David at a night club in Moon Township as a friend of David. (CL 44/lm. 22-25; 45/lm. 1-24, App. Ex. 1).

56. Guy was employed with the Pennsylvania State Police at the time. (CL 46/lm. 9-14, App. Ex. 1).

57. This was Larrick's only interaction with Guy until election day. (CL 48/lm. 10-13, App. Ex. 1).

58. Larrick felt Kress was the better candidate for the general election. (CL 47/lm. 14-18, App. Ex. 1).

59. This was due in part to Kress's platform that he would clean up certain aspects of the Sheriff's Office, including potentially making changes with some of the deputies. (CL 50/lm. 1-3; 52/lm. 11-15, App. Ex. 1).

THREATS AGAINST LARRICK

60. The summer prior to the election, Larrick overheard that he would be terminated if Guy was elected. (CL 53/lm. 3-6; 148/lm. 11-15, App. Ex. 1).

61. Larrick heard this was because he supported Kress. (CL 53/lm. 3-6, App. Ex. 1).

62. He heard this specifically from Randy Tallon. (CL 53/lm. 7-8, App. Ex. 1).

63. Larrick also overheard Tallon say that he considered Larrick a rat who could not be trusted because he testified against Sheriff David during David's criminal trial. (CL 53/lm. 10-21, App. Ex. 1).

64. Larrick overheard this shortly after the primary election. (CL 54/lm. 10-14, App. Ex. 1).

65. Larrick reported this incident to Alstadt, who was the Chief at the time. (CL 54/lm. 15-22, App. Ex. 1).

66. Alstadt said he would look into the incident. (CL 54/lm. 19-22, App. Ex. 1).

67. Larrick was later told that Alstadt met with HR Director Rick Darbut and that nothing could be done because David would not take any action against Tallon. (CL 55/lm. 1-4, App. Ex. 1).

68. Larrick understood from Tallon's comment that if Guy was elected, Tallon would be in a position to make suggestions that would harm him negatively. (CL 60/lm. 4-10, App. Ex. 1).

69. Alstadt admits Larrick "probably" told him Hurst and Tallon said he was going to be gone when Guy took office, as it sounded familiar, but he did not recall it. (JA 41/lm. 22-25; 42/lm. 1, App. Ex. 3).

70. Larrick was aware that Frantangeli, Hurst, and Tallon were pushing to get him fired. (CL 137/lm. 3-6, App. Ex. 1).

71. Later, while he was on medical leave, Tallon drove by him while on duty. (CL 150/lm. 10-15, App. Ex. 1).

72. Tallon rolled down his window and stated, "hey asshole, your time is coming." (CL 150/lm. 12-15, App. Ex. 1).

73. Larrick reported the incident to Alstadt. (CL 151/lm. 18-19, App. Ex. 1).

74. Alstadt advised Larrick to stay quiet about it because George would not do anything about it. (CL 152/lm. 2-7, App. Ex. 1).

75. Larrick perceived this as a clear threat that he would be terminated if Guy won the election. (CL 150/lm. 16-25, App. Ex. 1).

76. This understanding was bolstered by a statement made by Tallon before Larrick's leave that if Guy was hired, Larrick would be fired. (CL 151/ln. 2-4, App. Ex. 1).

ELECTION DAY

77. Larrick worked at various polls the day of the general election for sheriff. (CL 43/ln. 24-25; 44/ln. 1-2, App. Ex. 1).

78. At that time he wore a "Wayne Kress for Sheriff" t-shirt. (CL 44/ln. 3-9, App. Ex. 1).

79. His shirt also had stickers from several other candidates from the Democratic party's endorsed slate. (CL 44/ln. 3-9, App. Ex. 1).

80. On election day, Larrick had an interaction with Guy. (CL 137/ln. 20-22, App. Ex. 1).

81. While working at the polls, Larrick was approached by an elderly gentleman who became irate and started cursing at him. (CL 138/ln. 1-5, App. Ex. 1).

82. The man referred to Larrick as Tony, at which Larrick expressed confusion and the man's wife attempted to tell him he had the wrong person. (CL 138/ln. 7-11, App. Ex. 1).

83. After voting, the man came back out and again began to yell at Larrick while indicating he thought him to be Tony Guy. (CL 138/ln. 12-21, App. Ex. 1).

84. Larrick attempted to correct the man, and the man's wife apologized. (CL 138/ln. 22-23, App. Ex. 1).

85. Larrick said he did not understand why the man thought he was Guy, as they look very different. (CL 138/ln. 22-25; 139/ln. 1-2, App. Ex. 1).

86. Larrick was further confused because he was wearing a shirt with Kress's name on it. (CL 139/ln. 7-9, App. Ex. 1).

87. Larrick found the situation funny and laughed about it. (CL 139/ln. 16-17, App. Ex. 1).

88. He then left to go check up on other polls, and at that point encountered Guy. (CL 139/ln. 16-22, App. Ex. 1).

89. Larrick introduced himself. (CL140/ln. 1-7, App. Ex. 1).

90. Larrick then shared the story with Guy about his encounter with the elderly man, and said he wanted to warn him about the situation. (CL 140/ln. 8-18, App. Ex. 1).

91. Larrick said he did not know how anyone could mistake him for Guy, as he even had a Kress shirt on. (CL 140/ln. 19-22, App. Ex. 1).

92. Guy replied that he saw the shirt, and did not appear happy Larrick was wearing it. (CL 140/ln. 19-23, App. Ex. 1).

93. Guy then told Larrick he heard Larrick was telling people Guy was going to fire people. (CL 141/ln. 1-3, App. Ex. 1).

94. Larrick responded he had only told people that he heard he was being fired. (CL 141/ln. 4-6, App. Ex. 1).

95. Guy asked Larrick who told him, and Larrick responded Tallon and Hurst. (CL 141/ln. 6-8, App. Ex. 1).

96. Guy told Larrick he wished Larrick had come to him prior to the election. (CL 141/ln. 9-10, App. Ex. 1).

97. Larrick said it would not have changed who he supported, as he was friends with Kress. (CL 141/ln. 9-13, App. Ex. 1).

98. Larrick further encouraged him to ask the state police about Tallon and Hurst, as their actions against him were documented and Larrick felt there was a history Guy needed to be made aware of. (CL 141/ln. 13-18, App. Ex. 1).

99. Guy told Larrick he did not have close involvement with those people, to which Larrick replied he was only telling Guy what they were telling him. (CL 142/ln. 1-8, App. Ex. 1).

100. Guy then reiterated he wished Larrick had spoken with him. (CL 142/ln. 5-6, App. Ex. 1).

101. Larrick felt during this interaction that Guy was unhappy he was supporting Kress. (CL 141/ln. 19-25, App. Ex. 1).

102. Larrick says that Guy was initially laughing with him about the situation with the elderly man, but that things then became uncomfortable. (CL 141/ln. 20-25, App. Ex. 1).

103. Larrick then left because he saw friends of his ex-wife and excused himself. (CL 142/ln. 9-11, App. Ex. 1).

104. Guy claims that he had heard Larrick had been saying things about him that were not true prior to the election. (AG 42/ln. 2-5, App. Ex. 4).

105. Specifically, Guy claims he heard Larrick had said Guy was going to bring George David and Joe David back to work in the Sheriff's office and would also retain all the people that should be fired. (AG 46/ln. 16-22, App. Ex. 4).

106. However, he admitted he did not know first hand whether Larrick had or had not been saying those things about him. (AG 42/ln. 8-14, App. Ex. 4).

107. Guy says Larrick approached him at a polling place during the election and introduced himself or acknowledged he knew who Guy was. (AG 44/ln. 5-18, App. Ex. 4).

108. Guy confirms that Larrick was wearing a t-shirt that indicated his support for Kress, and may have had a ball cap and some stickers or buttons on the t-shirt in addition to that. (AG 44/ln. 21-25, App. Ex. 4).

109. According to Guy, Larrick then told him he had been working at a different polling place, where he was approached by a man who mistook Larrick for Guy and began yelling at Larrick for “all the things that he had done,” and that after the man was done Larrick told him he was sorry but he was not Tony Guy. (AG 45/ln. 12-25; 46/ln. 1-3, App. Ex. 4).

110. Guy then claims he told Larrick he was glad to meet Larrick, because he heard he had been saying things about him that were not true. (AG 46/ln. 9-13, App. Ex. 4).

111. According to Guy, he told Larrick he wished Larrick had asked him things before he spread “lies” about him, and that Larrick responded that he had heard those things and was therefore going to repeat them. (AG 47/ln.6-13, App. Ex. 4).

112. Guy also recalls that he talked to Larrick about difficulties he had under the current sheriff due to his relationship with him. (AG 47/ln. 21-25, App. Ex. 4).

113. Guy believes this story was discussed briefly during Larrick’s interview, and that Larrick reiterated what took place. (AG 123/ln. 4-14, App. Ex. 4).

114. Alstadt also heard the story about this encounter, but wasn’t sure if he heard it from Larrick. (JA 41/ln. 3-5, App. Ex. 3).

115. He heard that someone at the polls identified Larrick as Guy or was complaining to Larrick thinking he was Guy, and that Larrick recounted this incident to Guy when he later ran into him. (JA 41/ln. 7-14, App. Ex. 3)

116. The day after the election, Larrick came into the office to provide medical documents to Rick Darbut, Defendant's then-HR Director. (CL 147/ln. 2-8, App. Ex. 1).

INTERVIEWS

117. Guy beat Kress in the general election and was elected Sheriff. (CL 143/ln. 13-15, App. Ex. 1).

118. As sheriff, Guy makes the policy for his office. (AG 104/ln. 9-13, App. Ex. 4).

119. Guy agrees that in order for a deputy to do their job effectively, it does not matter who they supported in the sheriff's race. (AG 104/ln. 14-18, App. Ex. 4).

120. He also agrees that at deputy level, there is no requirement that deputies support him for sheriff in order to be qualified to perform their positions. (AG 104/ln. 22-25; 105/ln. 1, App. Ex. 4).

121. At some point before taking office Guy asked Darbut about his ability to access personnel files. (AG 67/ln. 4-10, App. Ex. 4).

122. Guy was told that because he was not yet a county employee, he could not access them. (AG 67/ln. 7-10, App. Ex. 4).

123. According to Guy, the files would have been helpful in "delving into the personnel" in the sheriff's office. (AG 67/ln. 24-25; 68/ln. 1, App. Ex. 4).

124. Guy believes he now has access to these files but claims he has not accessed them. (AG 67/ln. 11-17, App. Ex. 4).

125. After his election, Guy met with two State Troopers who had been involved in the investigation against Sheriff David. (AG 60/ln. 5-6; 61/ln. 10-17, App. Ex. 4).

126. According to Guy, he gave the input of the Troopers the same weight as everyone else's. (AG 103/ln. 19-24, App. Ex. 4).

127. Guy decided talking to the Troopers was a good place to start in addressing personnel issues. (AG 65/ln. 19-25; 66/ln. 1-5, App. Ex. 4).

128. Guy stated he felt this was necessary because the Sheriff's Office was in "turmoil" and had personnel issues. (AG 65/ln. 19-25; 66/ln. 1-5, App. Ex. 4).

129. He also stated he talked to the Troopers because they had conducted investigations into things that went on in the Sheriff's Office. (AG 65/ln. 19-25; 66/ln. 1-5, App. Ex. 4).

130. These Troopers names are Dan Masura and Joe Olayer. (AG 62/ln. 2-8, App. Ex. 4).

131. The meeting was held at the State Police barracks in Brighton Township. (AG 62/ln. 23-25; 63/ln. 1, App. Ex. 4).

132. Guy took notes at this meeting. (AG 61/ln. 20-25; 62/ln. 1-8, App. Ex. 4); (Guy's Notes from Trooper Interviews with Jay Alstadt, App. Ex. 5).

133. The Troopers recommended Guy retain Larrick. (AG 75/ln. 13-19, App. Ex. 4).

134. They told Guy that Larrick had told the truth, and Guy wrote this in his notes. (AG 76/ln. 8-12, App. Ex. 4); (Guy's Notes from Trooper Interviews with Jay Alstadt DEFDISC0052, App. Ex. 5).

135. Specifically, he recalls the Troopers said he told the truth about an incident related to the Department's CLEAN system as well as the gun locker incident, and had provided them with that information. (AG 76/ln. 13-20, App. Ex. 4); (Guy's Notes from Trooper Interviews with JayAlstadt DEFDISC0052, App. Ex. 5).

136. Guy admits that the Troopers had no problem with Larrick's honesty. (AG 134/ln. 16-19, App. Ex. 4).

137. The Troopers also told Guy about negative incidents involving Alstadt, Frantangeli, Ochs, Tibolet, and Jim McGeehan. (AG 64/ln. 13-19; 65/ln. 1-7; 73/ln. 8-15; 74/ln. 24-25; 75/ln. 1-7.; 76/ln. 21-25; 77/ln. 1-3, App. Ex. 4).

138. They further told Guy McGeehan had retaliated against other employees, including Larrick. (AG 103/ln. 6-8, 19-24, App. Ex. 4).

139. After Guy was elected, he contacted Michael and asked him to assist in interviewing Sheriff's Office employees. (DM 12/ln. 17-20, App. Ex. 6).

140. Michael participated in the majority of the interviews, but was not present for the interviews of Frantangeli, McGeehan, Alstadt, Tallon, or Ochs. (DM 13/ln. 5-14; 20/ln. 5-10, App. Ex. 6).

141. In November, after interviewing the Troopers, Guy had an interview with Alstadt about current employees. (AG 83/ln. 9-20, App. Ex. 4); (JA 46/ln. 13-17; 47/ln. 1-2, App. Ex. 3); (Guy's Interview Notes at DEFDISC0054, App. Ex. 5).

142. Guy initially claimed he did not specifically recall anything Alstadt said to him regarding Larrick at that meeting. (AG 84/ln. 1-3, App. Ex. 4).

143. However, when asked what Alstadt said about Larrick during that meeting, Guy recalled that Alstadt said Larrick needed to be gone. (AG 84/ln. 8-12, App. Ex. 4).

144. Guy claims Alstadt told him Larrick had issues with his truthfulness and was high maintenance and unreliable. (AG 84/ln. 13-20, App. Ex. 4).

145. Specifically, Guy claims Alstadt said that Alstadt did not believe Larrick, the other deputies did not believe Larrick, and that he was commonly referred to as “lying Larrick.” (AG 84/ln. 21-25; 85/ln. 1, App. Ex. 4).

146. Guy believes this is the first time he learned of the “lying Larrick” nickname. (AG 85/ln. 1-2, App. Ex. 4).

147. Alstadt denies thinking Larrick was a liar. (JA 30/ln. 5-6, App. Ex. 3).

148. Larrick did not speak to Guy again after their encounter at the polls until his interview. (CL 143/ln. 19-23, App. Ex. 1).

149. Larrick found out he would be interviewed because Alstadt called him. (CL 152/ln. 15-19, App. Ex. 1).

150. Larrick’s interview occurred while he was still out on medical leave. (CL 153/ln. 19-23, App. Ex. 1).

151. Larrick understood that everyone in the department was being interviewed by Guy. (CL 154/ln. 6-10, App. Ex. 1).

152. The interview was held by Guy and Michael. (CL 155/ln. 3-5, App. Ex. 1).

153. It was brief. (CL 156/ln. 7, App. Ex. 1).

154. Guy informed Larrick the purpose of this interview was to try and get to know everyone. (CL 156/ln. 1-3, App. Ex. 1).

155. Larrick first informed Guy and Michael he could not stay past a certain time, as his son had an appointment, at which time they reassured him he would not miss it. (CL 156/ln. 7-15, App. Ex. 1).

156. A question was raised about George David. (CL 156/ln. 16-18, App. Ex. 1).

157. Guy told him he was aware that Larrick had cooperated with the investigation and provided testimony, and that he would brief Michael on the subject. (CL 156/ln. 16-23, App. Ex. 1).

158. Larrick was then asked about his duties and other background information. (CL 157/ln. 2-14, App. Ex. 1).

159. After that Larrick was provided with a list of deputies' names, and was asked to tell him good or bad things about each one. (CL 157/ln. 14-19, App. Ex. 1).

160. At this time, Larrick informed them he had ongoing problems with Randy Tallon and Mike Hurst. (CL 157/ln. 20-24, App. Ex. 1).

161. When asked about this, Larrick explained an incident where Hurst had been contacting his then-wife while on duty, and provided them with the phone records. (CL 157/ln. 24-25; 158/ln. 1-2, App. Ex. 1).

162. Guy said that this was clearly an issue, and that it would hopefully be addressed. (CL 158/ln. 3-6, App. Ex. 1).

163. Guy's notes do not include Larrick's opinion on other personnel. (Guy's Interview Notes re: Curtis Larrick, App. Ex. 7).

164. He also communicated that he had spoken with the state police, and Larrick understood his comments to mean they spoke about both his involvement in the David trial and his issues with Tallon and Hurst. (CL 158/ln. 9-25; 159/ln. 1-3, App. Ex. 1).

165. Michael then told Larrick that others had made comments that Larrick was untrustworthy and a liar, and Larrick was being given the opportunity to defend himself. (CL 159/ln. 8-12, App. Ex. 1).

166. Larrick explained there were bad feelings towards him because he testified against George David. (CL 159/ln. 14-16, App. Ex. 1).

167. He further said David made it clear to the office that Larrick was no good and could not be trusted as a result of the situation. (CL 159/ln. 14-23, App. Ex.).

168. Michael said that Larrick's interview was "rather unremarkable," and that the only thing that stuck out was Larrick's concern about an interaction Hurst had with his spouse. (DM 14/ln. 15-21, App. Ex. 6).

169. Dean recalls Larrick denied having a problem being truthful. (DM 16/ln. 8-14, App. Ex. 6).

170. Michael claims he does not recall who told him Larrick had a problem being truthful. (DM 16/ln. 15-17, App. Ex. 6).

171. Michael does not recall asking anyone outside the Sheriff's Department about Larrick, and did not review any documents or personnel files before recommending his termination. (DM 29/ln. 2-12, App. Ex. 6).

172. Michael admits other than employees telling him Larrick was not truthful, there was nothing else that helped him decide not to recommend retaining Larrick. (DM 29/ln. 13-17, App. Ex. 6).

173. Guy's notes from Larrick's interview do not include any reference to the discussion about Larrick's honesty or any personnel issues. (Guy's Interview Notes re: Curtis Larrick, App. Ex. 7).

174. Other employees reacted with surprise at how short Larrick's interview was. (CL 161/ln. 22-24, App. Ex. 1).

175. Guy also asked other employees about Larrick. (AG 96/ln. 20-25; 97/ln. 1-2, App. Ex. 4).

176. Guy claims that while Frantengelli spoke about Larrick in his interview, he only remembers that it was negative. (AG 96/ln. 20-25; 97/ln. 1-15, App. Ex. 4); (Guy's Interview Notes re: John Frantangeli, App. Ex. 8).

177. Ochs told Guy that Larrick lied consistently, abused his time, and should not be there. (AG 105/ln. 4-12, App. Ex. 4); (Guy's Interview Notes re: Thomas Ochs, App. Ex. 9).

178. McGeehan told Guy that Larrick was "no good." (AG 106/ln. 6-19, App. Ex. 4); (Guy's Interview Notes re: Jim McGeehan, App. Ex. 10).

179. Guy says that he does not know if it crossed his mind to be concerned McGeehan might be biased against Larrick based on what the Troopers had told him about McGeehan retaliating against Larrick. (AG 106/ln. 20-25, App. Ex. 4).

180. Guy does not recall if he asked McGeehan about any issues he had with Larrick. (AG 106/ln. 9-11, App. Ex. 4).

181. Guy also discussed Larrick with Sheriff George, who felt negatively towards Larrick. (AG 110/ln. 4-7, App. Ex. 4).

182. Guy claims he did not place too much weight on George's opinion. (AG 109/ln. 21-25, App. Ex. 4).

183. Guy claims Alstadt told him Larrick was high maintenance, and that Larrick had been on FMLA leave related to both his own medical issue and issues related to caring for his son. (AG 91/ln. 23-25; 92/ln. 1-3, App. Ex. 4).

184. Guy claims he does not recall being told some officers were upset that Larrick was on leave and not at work. (AG 92/ln. 4-9, App. Ex. 4).

185. However, he admits that people did complain to him during their interviews that Larrick had been off of work, and that they depicted him as not being a worker. (AG 92/ln. 10-19, App. Ex. 4).

186. Guy claims he had no issue with Larrick taking FMLA leave, and that it was not part of his consideration of whether or not to retain him. (AG 92/ln. 20-24; 93/ln. 3-6, App. Ex. 4).

187. Shortly after Larrick's interview, rumors began to circulate that there was a list of seven deputies that would be terminated. (CL 161/ln. 24-25; 162/ln. 1-2, App. Ex. 1).

188. Larrick later received a call from another deputy who told him he had heard there was a list and Larrick's name was on it. (CL 162/ln. 16-18, App. Ex. 1).

189. When Larrick called Alstadt to find out if this was true, Alstadt confirmed there was a list of people who would potentially be terminated. (CL 163/ln. 1-4, App. Ex. 1).

190. Alstadt later participated in a second interview with Guy and Michael at Guy's residence to discuss personnel. (DM 21/ln. 10-16, App. Ex. 6).

191. According to Dean Michael, the final decision of who would be terminated was made during the meeting at Guy's home between Guy, himself, and Alstadt. (DM 28/ln. 19-25; 29/ln. 1, App. Ex. 6).

LARRICK IS TERMINATED

192. On December 31, 2015, Larrick received a call from Dave Mangerie telling him he was terminated. (CL 163/ln. 5-8, App. Ex. 1).

193. Larrick had to report to the office on January 4, 2016 and return his gear. (CL 163/ln. 8-9; 164/ln. 23-25, App. Ex. 1).

194. Larrick was copied on a letter to Bernard Rabik, the Chief County Solicitor, on January 4, 2016 (first page incorrectly dated January 4, 2015) which simply states Larrick was being terminated because Guy was exercising his rights under Section 1620 of the County Code which allows him to hire or fire employees. (January 4, 2016 Letter from Guy to Rabik, App. Ex. 11).

195. Larrick's termination notice states his termination is "department restructuring," and again references County Code Section 1620. (Larrick Termination Notice, App. Ex. 12).

196. Defendant was asked in Plaintiff's First Set of Interrogatories to identify every reason Defendants terminated Larrick. (Plt's First Interrogatories and Requests No. 2, App. Ex. 13).

197. In response, Defendant stated: "Sheriff Guy made the decision to terminate Plaintiff for reasons that were learned about Plaintiff while interviewing employees and other persons and gathering information about the operation of the Sheriff's Department. Through the interviews, it was determined that Plaintiff had a reputation for lying and other qualities Sheriff Guy found to be inappropriate. Sheriff Guy terminated Plaintiff through the authority vested in him by 16 P.S. §1620." (Def's Response to Plt's First Interrogatories and Requests No. 2, App. Ex. 14).

198. When asked in his deposition why he decided not to keep Larrick, Guy replied "character issue." (AG 131/ln. 12-15, App. Ex. 4).

199. Specifically, he cited "honesty, integrity, trustworthiness, ability to work well as a member of a team." (AG 131/ln. 19-20, App. Ex. 4).

200. During his deposition, however, Guy also said “the several instances of inappropriate conduct with females” was a factor in deciding to terminate Larrick. (AG 131/ln. 20-25; 132/ln. 1-2, App. Ex. 4).

201. When asked why he did not mention sexual harassment in his answer to Interrogatory No. 2, Guy said he did not know that there was a reason for it, and that he thought “other qualities Sheriff Guy found to be inappropriate” encompassed that. (AG 135/ln. 24-25; 136/ln. 1-4, App. Ex. 4).

202. Guy also said during his deposition that he factored in his personal interaction with Larrick on election day. (AG 132/ln. 16-20, App. Ex. 4).

203. Guy specifically considered the story Larrick told him, and his willingness to repeat information someone else told him. (AG 132/ln. 16-25, App. Ex. 4).

204. Additionally, Guy cited the amount of time management had to spend dealing with Larrick’s issues as another quality he found inappropriate. (AG 136/ln. 5-12, App. Ex. 4).

205. Guy claims he does not recall whether Larrick said anything to him about his hearing he would be fired when Guy took over. (AG 58/ln. 23-25; 59/ln. 1-3, App. Ex. 4).

206. When asked what information he considered in deciding not to retain Larrick, Guy said the information he obtained about Larrick showed he was not a team player, created drama, and was high maintenance and took up management’s time with his issues that were at time personal in nature. (AG 108/ln. 5-12, App. Ex. 4).

207. Guy also stated he valued strong character, honesty, trustworthiness, and reliability, and he found Larrick failed on those counts. (AG 107/ln. 24-25; 108/ln. 1-7, App. Ex. 4).

208. Guy admits he also considered his personal interaction with Larrick and the conversation he had with him at the polls. (AG 108/ln. 19-25, App. Ex. 4).

Sexual Harassment

209. According to Guy, sexual harassment claims against Larrick factored into his decision of whether to retain him. (AG 131/ln. 20-25; 132/ln. 1-2, App. Ex. 4).

210. Deputy Kayla Stevenson accused Larrick of sexual harassment related to events she says took place in July 2014. (RD 74/ln. 14-18, App. Ex. 2).

211. According to her complaint, Stevenson claimed Larrick was calling and texting her at home when it was not work related. (RD 71/ln. 19-23, App. Ex. 2).

212. Larrick found out about the complaint because Stevenson called and told him about it. (CL 125/ln. 15-16, App. Ex. 1).

213. Kayla admitted to Larrick she was coerced into making this complaint and apologized to him. (CL 124/ln. 11-16; 125/ln. 17-22, App. Ex. 1).

214. Kayla further told him she was coached by Tallon to try to “jam him up.” (CL 124/ln. 16-17, App. Ex. 1).

215. After speaking with Stevenson, Larrick contacted the Pennsylvania State Police. (CL 126/ln. 1-6, App. Ex. 1).

216. The state police were already made aware of the situation by Darbut, who had heard about the situation. (CL 126/ln. 1-6, App. Ex. 1).

217. Darbut investigated Deputy Kayla Stevenson’s harassment claim. (RD 24/ln. 10-13, App. Ex. 2).

218. Darbut had been told in advance by other deputies that there was a conspiracy to make these claims against Larrick, and that Stevenson would be coming forward with this complaint. (CL 125/ln. 1-9, App. Ex. 1).

219. Part of the reason for the investigation was the possibility that the claims had been spearheaded by George David. (CL 125/ln. 5-9, App. Ex. 1).

220. Darbut first interviewed Stevenson about the alleged incident. (RD 26/ln. 20-21, App. Ex. 2).

221. When Darbut asked Stevenson whether she had the text messages Larrick allegedly sent her, Stevenson said she did not, and had deleted whatever information she had. (RD 72/ln. 4-6, App. Ex. 2).

222. Darbut did not ask Larrick whether he had called or texted Stevenson while off duty. (RD 72/ln. 7-10, App. Ex. 2).

223. Stevenson's complaint also claimed inappropriate things were said to her in front of others that she was not comfortable with. (RD 72/ln. 11-18, App. Ex. 2).

224. Specifically, Stevenson complained Larrick made a statement about the two of them lying in a bed together in Vegas. (RD 73/ln. 3-7, App. Ex. 2).

225. However, despite Darbut asking what Larrick had said to make her uncomfortable, she did not repeat this statement to Darbut. (RD 73/ln. 8-18, App. Ex. 2).

226. Darbut felt Stevenson was embarrassed to be answering questions regarding the allegations. (RD 73/ln. 19-23, App. Ex. 2).

227. Darbut further says he felt some of the statements Stevenson alleged Larrick made to be farfetched. (RD 76/ln. 14-25; 77/ln. 1-5, App. Ex. 2).

228. At Stevenson's suggestion, Darbut also interviewed Hamilton, Branchetti, and Rapko. (RD 26/ln. 21-25; 27/ln. 1-7, App. Ex. 2).

229. In his interview with Darbut, Branchetti said only that Larrick had talked about going to Las Vegas for vacation. (RD 27/ln. 11-20, App. Ex. 2).

230. Darbut's understanding was Larrick was used to having a good time in Las Vegas and he was looking to find out if anyone else wanted to go to Las Vegas with him. (RD 27/ln. 11-20, App. Ex. 2).

231. Darbut says Hamilton only spoke to him about inappropriate language. (RD 28/ln. 1-3, App. Ex. 2).

232. Darbut did not learn much from these interviews. (RD 28/ln. 6-11; 27/ln. 21-24, App. Ex. 2).

233. Darbut told Mangerie and Clark, the union representatives at the time, and Alstadt, that the matter was over and there was nothing to the allegation. (CL 126/ln. 19-25, App. Ex. 1).

234. Larrick says Darbut also told Larrick that he was being set up. (CL 127/ln. 8, App. Ex. 1).

235. Darbut says he issued a letter to Alstadt and Paul Clark, the Chief Union Steward for the association, letting them know he had investigated her claims and had made no finding. (RD 24/ln. 10-18, App. Ex. 2).

236. The letter stated that in resolution, Darbut told Larrick Stevenson did not want him to reach out to her, and that he considered the matter closed. (RD 76/ln. 3-10, App. Ex. 2).

237. Darbut advised Larrick not to talk to Stevenson to protect himself. (CL 127/ln. 9-14, App. Ex. 1).

238. Darbut claims no one told him David put Stevenson up to making these allegations. (RD 24/ln. 19-23, App. Ex. 2).

239. However, he also says that an office employee named Stephani overheard Sheriff David talking to Paul Clark about Stevenson's allegation about whether it was something they could use against Larrick. (RD 25/ln. 2-21, App. Ex. 2).

240. At the time of the Stevenson matter, Larrick had provided information about Sheriff David to the Pennsylvania State Police. (RD 43/ln. 3-9, App. Ex. 2).

241. Darbut does not recall investigating Larrick for sexual harassment any other time. (RD 28/ln. 25; 29/ln. 1-3, App. Ex. 2).

242. There were no further complaints made by Stevenson against Larrick. (RD 32/ln. 16-20, App. Ex. 2).

243. After Stevenson's complaint, there were no other complaints regarding Larrick's interaction with women. (RD 32/ln. 21-25, App. Ex. 2).

244. Guy also mentioned the accusations that Larrick had been harassing females at the courthouse when asked for examples of times Larrick had lied. (AG 120/ln. 21-25, App. Ex. 4).

245. He claims this was an example of Larrick putting a spin on things that was different than what the "victims" would. (AG 120/ln. 21-25, App. Ex. 4).

246. Guy says Alstadt mentioned to him that there had been harassment claims against Larrick made by some of the females who worked in the courthouse. (AG 86/ln. 7-10, App. Ex. 4).

247. Specifically, he says Alstadt mentioned there had been an issue with a judge's secretary, and that Larrick had allegedly been having contact with deputy Dave Hunter's girlfriend. (AG 86/ln. 13-23, App. Ex. 4).

248. However, Guy said he does not know if he ever asked Alstadt whether Larrick was disciplined for these incidents. (AG 87/ln. 6-8, App. Ex. 4).

249. Hunter's girlfriend was a cleaning person at the courthouse. (CL 112/ln. 25; 113/ln. 1, App. Ex. 1).

250. Hunter thought she and Larrick were getting too close because they were friends and regularly conversed. (CL 113/ln. 6-17, App. Ex. 1).

251. Hunter did not think it was appropriate for Larrick to speak to her at all. (CL 113/ln. 15-23, App. Ex. 1).

252. Larrick attempted to reassure Hunter that their conversations primarily focused on a medical issue that Hunter's girlfriend and Larrick's then-wife were both experiencing. (CL 114/ln. 1-7, App. Ex. 1).

253. Larrick later explained the situation to Alstadt. (CL 115/ln. 8-18, App. Ex. 1).

254. Alstadt agreed this situation was different than the situation between Hurst and Larrick's wife. (CL 115/ln. 21-25, App. Ex. 1).

255. Larrick was ultimately counseled it was best not to communicate while on duty with someone else who was also on duty. (CL 116/ln. 21-23, App. Ex. 1).

256. There was also a complaint against Larrick involving Judge Kwidis's law clerk. (CL 127/ln. 15-20; 128/ln. 9-10, App. Ex. 1).

257. Alstadt inquired into Larrick's relationship with the law clerk and advised the judge wanted him to stay away from her while he was on duty. (CL 127/ln. 18-25; 128/ln. 1-5; 129/ln. 22-23, App. Ex. 1).

258. The judge told Larrick he was not the type of guy for the clerk. (CL 128/ln. 1-5, App. Ex. 1).

259. Larrick maintained that that was not the nature of their relationship. (CL 128/ln. 1-5, App. Ex. 1).

260. Darbut was told by Dave Hunter that Larrick had been “bothering” Judge Kwidis’s judicial secretary. (RD 29/ln. 18-22, App. Ex. 2).

261. Alstadt addressed this issue with Larrick. (RD 29/ln. 23-24, App. Ex. 2).

262. A written disciplinary report with no attached disciplinary action was generated as a result of this incident. (RD 29/ln. 25; 30/ln. 1-4, App. Ex. 2).

263. Guy says that Dave Hunter, Mike Hurst, Jim McGeehan, Kristin Chapes, Jim Brown, and John Frantangeli also told him about the sexual harassment claims against Larrick. (AG 94/ln. 11-20, App. Ex. 4).

264. Despite taking notes in these interviews, Guy does not believe he made any record of those sexual harassment allegations in his notes. (AG 95/ln. 5-7; 121/ln. 14-25, App. Ex. 4).

265. Guy admits his knowledge of whether the harassment actually occurred was based only on the interviews he conducted with deputies and command staff and information he had collected. (AG 132/ln. 3-10, App. Ex. 4).

266. Guy admits he does not know whether Larrick was ever disciplined regarding any sexual harassment allegations. (AG 121/ln. 4-7, App. Ex. 4).

267. He also admits he conducted no investigation into whether Larrick committed such harassment. (AG 121/ln. 8-10, App. Ex. 4).

268. All of the information Guy received regarding Larrick's sexual harassment allegations came from other deputies. (AG 121/lm. 11-13, App. Ex. 4).

269. Guy claims he would have wanted to know what Larrick's opinion was of whether he had sexually harassed anyone. (AG 122/lm. 5-10, App. Ex. 4).

270. However, Guy does not recall whether he asked Larrick about the sexual harassment allegations during his interview. (AG 122/lm. 1-4, App. Ex. 4).

271. Guy also did not speak with any of the individuals that Larrick allegedly sexually harassed. (AG 122/lm. 11-14, App. Ex. 4).

272. Guy did not ever interview Stevenson, because she was suspended from her job at that point. (AG 122/lm. 15-22, App. Ex. 4).

Untruthfulness

273. Guy also names Larrick's alleged untruthfulness as a factor in his termination. (AG 107/lm. 24-25; 108/lm. 1-7, App. Ex. 4).

274. However, when asked if there was anything specific Alstadt told him thought Larrick lied to him about during that meeting, Guy could not think of any examples. (AG 85/lm. 1-25; 86/lm. 1-10, App. Ex. 4).

275. He also admits the Troopers had no problem with Larrick's honesty. (AG 134/lm. 16-19, App. Ex. 4).

276. Guy stated that Alstadt advised him there was a point where Larrick had missed work for "alleged funerals of numerous relatives, and that a deputy had to be sent to a funeral home to see if Larrick was actually there. (AG 85/lm. 10-16, App. Ex. 4).

277. However, Guy admits he was also told that Larrick was indeed at the funeral home. (AG 85/ln. 17-19, App. Ex. 4).

278. Guy also recalled being told by deputies that Larrick had claimed to be in a relationship with a Pittsburgh news reporter, and that when they had called her she denied knowing Larrick. (AG 118/ln. 14-25; 199/ln. 1-3, App. Ex. 4).

279. However, Guy could not recall who the reporter was. (AG 119/ln. 11-12, App. Ex. 4).

280. Larrick denies that he ever lied to his co-workers about being in a relationship with or knowing a news reporter. (Larrick Declaration at ¶ 2, App. Ex. 15).

281. Guy also agreed that was not something Larrick lied about in the context of his job. (AG 119/ln. 13-15, App. Ex. 4).

282. Alstadt agrees that during that meeting he recommended Larrick be let go. (JA 48/ln. 1-3, App. Ex. 3).

283. However, he said he recommended this because of issues related to internal controversy that centered around Larrick, and the fact that his absenteeism had been a burden on the office. (JA 48/ln. 4-13, App. Ex. 3).

284. Alstadt says he had no issues with Larrick's truthfulness pertaining to the job. (JA 29/ln. 12-18; 30/ln. 11-16, App. Ex. 3).

285. He also says he only had minor issues outside of work related to over-exaggerating or overstating something and not being able to follow through. (JA 29/ln. 19-23, App. Ex. 3).

286. Alstadt denies thinking Larrick was a liar. (JA 30/ln. 5-6, App. Ex. 3).

287. Guy and Alstadt had a second meeting after the election which took place at Guy's residence, and was attended by Dean Michael, to discuss personnel. (JA 51/ln. 20-25; 52/ln. 1-9, App. Ex. 3).

288. In that meeting Alstadt again recommended Larrick be terminated, as he did not feel he would be a part of the sheriff's new vision of the office. (JA 52/ln. 12-17, App. Ex. 3).

289. Alstadt says he said this because Larrick was unable to work, and that his attitude towards others and others attitudes towards him was disruptive. (JA 52/ln. 18-23, App. Ex. 3).

290. Alstadt said that Larrick did have the nickname "Lying Larrick," and that the nickname predated Alstadt's employment with Defendant. (JA 30/ln. 20-25, App. Ex. 3).

291. However, despite asking, Alstadt never learned why Larrick had that nickname. (JA 31/ln. 10-16, App. Ex. 3).

292. When asked if other employees had been untruthful with him, Alstadt answered yes. (JA 31/ln. 21-24, App. Ex. 3).

293. Specifically, he said Tallon lied when he was caught with a woman in a county vehicle. (JA 32/ln. 14-15; 21-23, App. Ex. 3).

294. Alstadt also stated that Paul Clark, Don Fratangelli, and Tom Ochs had also lied to him. (JA 32/ln. 16-20, App. Ex. 3).

295. After his interview with Alstadt, Guy interviewed the deputies at the Sheriff's Office. (AG 34/ln.7-21, App. Ex. 4).

296. According to Guy, Larrick was given a chance to respond to accusations that he was a liar during his interview. (AG 117/ln. 6-9, App. Ex. 4).

297. Guy says Dean Michael told Larrick that others had called Larrick untrustworthy, and asked for a response. (AG 117/ln. 12-16, App. Ex. 4).

298. Guy claims Larrick denied that he was a liar, but that he was unable to address specific issues or give a clear defense of himself. (AG 117/ln. 17-22, App. Ex. 4).

299. However, Guy admits he does not recall telling Larrick about any of the specific incidents where he allegedly lied in order to rebut them. (AG 117/ln. 23-25; 118/ln. 1-8, App. Ex. 4).

300. Guy later stated he thinks he asked Larrick if he had lied about the funerals he claimed to have attended, and that Larrick said they were all legitimate. (AG 119/ln. 16-19, App. Ex. 4).

301. Guy was also told by multiple deputies that Larrick had told the truth regarding an automobile crash where he was on duty and not wearing a seat belt. (AG 119/ln. 20-25; 120/ln. 1, App. Ex. 4).

302. Larrick had been on duty in a patrol car that had no seatbelt on his side of the vehicle. (CL 109/ln. 19-25; 110/ln. 1-4, App. Ex. 1).

303. The vehicle was involved in an accident while Larrick was in it. (CL 110/ln. 2-7, App. Ex. 1).

304. Larrick had previously reported to Frantangeli, who was in charge of the vehicles at that time, that the vehicle had no passenger side seatbelts. (CL 112/ln. 3-13, App. Ex. 1).

305. Because he was not wearing a seatbelt, Larrick was suspended for five days. (CL 109/ln. 11-12, App. Ex. 1).

306. Guy admits Larrick told the truth about not wearing his seatbelt. (AG 120/ln. 3-6, App. Ex. 4).

307. Guy claims he thinks he was told Larrick said the one time he told the truth he got in trouble for it. (AG 120/ln. 1-6, App. Ex. 4).

308. Larrick was also involved in an incident in Ocean City where his former spouse called the police and told them that he was abusing their son. (CL 106/ln. 21-25; 107/ln. 1-7, App. Ex. 1).

309. She did she called her son and learned her son and daughter had a fight. (CL 106/ln. 21-24, App. Ex. 1).

310. The Ocean City police investigated and determined that there was no abuse. (CL 107/ln. 8-17, App. Ex. 1).

311. The police also said they were going to refer his former spouse to Children and Youth Services in Pennsylvania for filing a false report, but CYS was not able to do anything because it was out of its jurisdiction. (CL 107/ln. 8-22, App. Ex. 1).

312. Despite the report being false, Larrick called Alstadt and the Sheriff's Office to let them know what had happened. (CL 107/ln. 22-25; 108/ln. 1-3, App. Ex. 1).

313. He also later provided them with a copy of the report from the Ocean City police, and the Sheriff's Office later requested an additional copy from Ocean City. (CL 108/ln. 13-19, App. Ex. 1).

314. Guy claims he was aware of Larrick's medical leave and has no reason to believe Larrick was absent for anything other than a legitimate medical reason. (AG 123/ln. 21-25; 124/ln. 1-6, App. Ex. 4).

315. Darbut also says at no point did he believe Larrick was being dishonest about his sick leave requests. (RD 57/ln. 23-25; 58/ln. 1-2, App. Ex. 2).

316. No one from the Sheriff's Department conveyed to Darbut that they thought Larrick was being dishonest about his leave request. (RD 58/ln. 3-7, App. Ex. 2).

317. Further, no one from the Sheriff's Department told Darbut they believed Larrick was a liar. (RD 58/ln. 8-12, App. Ex. 2).

318. Darbut also said he could not recall ever participating in an investigation related to Larrick being dishonest. (RD 58/ln. 13-16, App. Ex. 2).

High Maintenance

319. Guy also said Larrick was terminated because he was high maintenance. (AG 108/ln. 5-12, App. Ex. 4).

320. When Larrick had concerns, he shared them with Alstadt. (CL 66/ln. 21-25; 67/ln. 1-8, App. Ex. 1).

321. Larrick understood Alstadt to be the type of chief that cared about his employees. (CL 67/ln. 2-4, App. Ex. 1).

322. Larrick also considered Alstadt his friend, and spoke to him about matters as a friend. (CL 67/ln. 2-8, App. Ex. 1).

323. Alstadt never told Larrick he thought he was coming to him too often with issues. (CL 83/ln. 3-5, App. Ex. 1).

324. Alstadt had an open door policy and encouraged people to come to him with problems. (CL 83/ln. 14-16, App. Ex. 1).

325. Alstadt disclosed that he and Larrick had a close relationship for a long time. (JA 30/ln. 3-5, App. Ex. 3).

326. Further, Alstadt states that he and Larrick had a stronger bond because of the issues Larrick went through. (JA 31/ln. 17-20, App. Ex. 3).

327. Alstadt says the time he spent dealing with Larrick's issues was not why he recommended Larrick's termination. (JA 79/ln. 16-21, App. Ex. 3).

328. Instead, he recommended Larrick be let go because of controversy within and burden on the office caused by Larrick's absenteeism. (JA 48/ln. 1-13, App. Ex. 3).

329. Alstadt did not disclose the phone conversations he regularly had with Larrick at that time. (JA 79/ln. 19-24, App. Ex. 3).

330. Alstadt said Larrick began to become a burden near the end of his employment because of his troubled relationship with the sheriff and deputies. (JA 80/ln. 19-23, App. Ex. 3).

331. Some of these issues stemmed from Larrick's being out of the office on medical leave. (JA 80/ln. 19-25; 81/ln. 1-3, App. Ex. 3).

PERSONNEL CHANGES

332. Guy decided to terminate Ochs, Tibolet, Frantangeli, Clark, Kuhlber, Stevenson, and Larrick. (01/04/2017 Notice of Intent to Invoke Act 1620 Rights, App. Ex. 15); (DM 22/ln. 7-18, App. Ex. 6).

Ochs

333. Guy claims he does not know who Ochs supported in the general election. (AG 51/ln. 2-3, App. Ex. 4).

334. Guy was aware that Ochs was involved in the criminal investigation of George David. (AG 24/ln. 13-24; 26/ln. 13-24, App. Ex. 4).

335. In his meeting with the Troopers, Guy was told that Ochs had been interviewed more than once in relation to the David investigation, giving him the opportunity to be honest, and that Ochs had changed his story several times. (AG 73/ln. 10-19, App. Ex. 4).

336. They communicated that Ochs had been “given every opportunity to save himself.”(AG 73/ln. 8-15, App. Ex. 4); (Guy’s Notes from Trooper Interviews with Jay Alstadt DEFDISC0051, App. Ex. 5).

337. In his initial meeting with Guy, Alstadt recommended that Ochs and Tibolet be let go based on their character and lack of honesty. (AG 89/ln. 11-17, App. Ex. 4).

338. Alstadt told Guy he had told Ochs and Tibolet to tell the truth in their reports for the investigation, and that he believed issues with David’s investigation would have been addressed more quickly if they had told the truth. (AG 87/ln. 14-25, App. Ex. 4).

339. Guy says he decided not to retain Ochs based on things he learned from the papers and the Troopers regarding Ochs’s involvement with the David investigation, and that Ochs had a character and honesty issue. (AG 98/ln. 21-25; 99/ln. 1-11, App. Ex. 4).

340. According to Dean Michael, the primary reason for Ochs not being retained was his being arrested by the Pennsylvania State Police. (DM 22/ln. 22-24, App. Ex. 6).

Tibolet

341. Guy claims he does not know who Tibolet supported in the general election. (AG 50/ln. 24-25; 51/ln. 1, App. Ex. 4).

342. When asked about Tibolet, the Troopers informed Guy that Tibolet lied initially during the investigation of Sheriff David. (AG 74/lm. 24-25; 75/lm. 1-7, App. Ex. 4); (Guy's Notes from Trooper Interviews with Jay Alstadt DEFDISC0052, App. Ex. 5).

343. Guy also made a note about the gun locker incident involving Sheriff David, but does not recall what Tibolet's involvement in it was. (AG 75/lm. 8-12, App. Ex. 4); (Guy's Notes from Trooper Interviews with Jay Alstadt DEFDISC0052, App. Ex. 5).

344. Guy claims he eliminated Tibolet for the same reasons as Ochs, in addition to being told Tibolet had a drinking problem that affected him at work. (AG 99/lm. 12-21, App. Ex. 4).

345. According to Dean Michael, Tibolet was not retained because he initially provided a false statement to the state police during the investigation of Sheriff David, and it was believed he had an alcohol problem and would come to work while intoxicated. (DM 24/lm. 20-25; 25/lm. 1, App. Ex. 6).

Frantangeli

346. Frantangeli supported Guy in the general election. (AG 19/lm. 18-20, App. Ex. 4).

347. However, Frantangeli was back and forth for awhile about who to support after the primary. (JA 41/lm. 16-21, App. Ex. 3).

348. Towards the end of the election process, Frantangeli supported Guy. (JA 41/lm. 20-21, App. Ex. 3).

349. Guy is aware Frantangeli's support came fairly late in the election, and was almost certainly within the last month of the election period. (AG 20/lm. 4-9, App. Ex. 4).

350. Both Troopers indicated John Joe Frantangeli should be fired. (AG 65/lm. 1-7, App. Ex. 4).

351. They informed Guy that Frantangeli had falsified a report or affidavit in relation to an individual he arrested at a hospital named Larry Hicks. (AG 69/lm. 11-21, App. Ex. 4); (Guy's Notes from Trooper Interviews with Jay Alstadt DEFDISC0051, App. Ex. 5).

352. They also told Guy Frantangeli was a bully who did Sheriff David's bidding. (AG 70/lm. 2-7, App. Ex. 4).

353. Guy learned that Frantangeli would run criminal history reports on people for Sheriff David without valid cause, and would label them as "firearm transactions" in the system. (AG 71/lm. 11-22, App. Ex. 4); (Guy's Notes from Trooper Interviews with Jay Alstadt DEFDISC0051, App. Ex. 5).

354. Guy believes Frantangeli lost his privilege to use the criminal background system as a result of this practice. (AG 71/lm. 23-25; 72/lm. 1, App. Ex. 4).

355. Guy was also made aware that Frantangeli was connected to an incident where David was in the area of the firearms locker despite it being against the conditions of David's bond, and that he had borrowed money off of several people in the Sheriff's office that he did not repay. (AG 72/lm. 10-21, App. Ex. 4).

356. Guy claims his opinion of Frantangeli's credibility was impacted by what the Troopers had said about Frantangeli, as it bolstered his beliefs about him. (AG 97/lm. 16-25, App. Ex. 4).

357. Alstadt informed Guy of "numerous issues" with Frantangeli, including the borrowing of money and "doing George David's bidding." (AG 88/lm. 5-12, App. Ex. 4).

358. Guy was also told Frantangeli was not a worker and would disappear for hours at a time. (AG 88/lm. 5-12, App. Ex. 4).

359. Alstadt specifically told Guy about an incident involving Frantangeli at Friendship Ridge where Frantengeli arrested an individual and put false information in the police report. (AG 88/lm. 14-17, App. Ex. 4).

360. Guy called the choice not to retain Frantangeli his easiest decision because Frantangeli had such a multitude of issues, some of which related to him not telling the truth. (AG 98/lm. 7-20, App. Ex. 4).

361. According to Dean Michael, Frantangeli was not retained for multiple reasons, including his being intoxicated at a club while in uniform and the fact that he may have made false statements in connection to an affidavit of arrest for an incident at Friendship Ridge. (DM 23/lm. 5-14, App. Ex. 6).

362. The false statement issue relates to an incident where Frantangeli made allegations of criminal conduct that turned out to be false. (CL 50/lm. 11-18, App. Ex. 1).

363. Instead of being disciplined, Frantangeli swore in an affidavit his information was clearly false, and he was allowed to remain an employee at that time. (CL 50/lm. 11-18, App. Ex. 1).

364. There was news coverage about this incident. (CL 50/lm. 19-21, App. Ex. 1).

Clark

365. Guy was aware that Paul Clark supported Kress. (AG 41/lm. 13-14, App. Ex. 4).

366. Guy's notes indicate Clark supported Kress in the general election. (AG 125/lm. 10-20, App. Ex. 4).

367. Kress confirms that Clark and Larrick supported his campaign, including putting up signs and attending campaign events. (Kress Declaration at ¶ 2, App. Ex. 17).

368. Guy does not recall whether he was given the Trooper's recommendation on Paul Clark. (AG 80/ln. 3-9, App. Ex. 4).

369. He does believe, however, that one or both Troopers indicated Clark was a bully. (AG 80/ln. 15-19, App. Ex. 4); (Guy's Notes from Trooper Interviews with Jay Alstadt DEFDISC0053, App. Ex. 5).

370. Guy says he was told by Alstadt that Clark was close to George David, and that David had protected Clark by making sure he did not have to do tasks he did not want to do. (AG 88/ln. 18-25; 89/ln. 1-4, App. Ex. 4).

371. Guy further claims Alstadt offered no opinion about whether Clark should be retained. (AG 89/ln. 5-10, App. Ex. 4).

372. In his notes from Frantangeli's interview, Guy wrote, "No fucking good, initially hit it off, supported Kress wannabe," next to Clark's name. (AG 125/ln. 10-20, App. Ex. 4).

373. Guy says Clark was not retained because he thought of him as a bully, and considered him to not be a team player. (AG 100/ln. 8-19, App. Ex. 4).

374. In his notes from his interview with Clark, Guy noted "mean mugging." (Guy's Interview Notes re: Paul Clark, App. Ex. 18).

375. According to Dean Michael, Clark was not retained in part because it seemed he felt the duties of being a deputy were beneath him and would not fulfill them. (DM 23/ln. 20-25; 24/ln. 1-3, App. Ex. 6).

Kuhlber

376. Kuhlber supported Kress in his campaign for Sheriff. (Kress Declaration at ¶ 7, App. Ex. 17).

377. Guy claims he does not know who Kuhlber supported in the general election. (AG 41/ln. 7-9, App. Ex. 4).

378. In his notes on Tanya Kuhbler, Guy wrote “personal issues.” (AG 89/ln. 18-20, App. Ex. 4).

379. Guy says this refers in part to an incident where Kuhbler filled the pockets of her old uniform with glitter when she left temporarily for another position after asking if a particular female deputy was going to get her uniform. (AG 89/ln 22-25; 90/ln. 1-5, App. Ex. 4); (Guy’s Notes from Trooper Interviews with Jay Alstadt DEFDISC0054, App. Ex. 5).

380. Kuhbler was allowed to return to work after this incident. (AG 90/ln. 5-9, App. Ex. 4).

381. In response to why he had written the “personal issues” note, Guy also responded that Kuhbler had been involved with domestic issues. (AG 90/ln. 10-11, App. Ex. 4).

382. Guy said that Alstadt expressed it may have been a mistake to let her return, because these domestic issues occurred after she was brought back to work. (AG 90/ln. 12-18, App. Ex. 4).

383. Guy claims he learned during interviews with deputies that Kuhbler had been involved with a domestic dispute with her husband or boyfriend and tried to run him over with a car. (AG 90/ln. 21-25, App. Ex. 4).

384. He also stated she was later found walking on roads around her residence without shoes on in the winter. (AG 91/ln. 1-3, App. Ex. 4).

385. Guy said that he thought these issues indicated emotional instability. (AG 101/ln. 5-12, App. Ex. 4).

386. Specifically, he said the emotional issues he mentioned referred to Kuhbler's domestic issues. (AG 101/ln. 18-23, App. Ex. 4).

387. In his interview with Kuhbler, Guy discussed the glitter incident with her. (AG 102/ln. 12-18, App. Ex. 4).

388. Kuhbler told him it was because there was a particular deputy she was not fond of, and she did not want her to have her uniform under good circumstances. (AG 102/ln. 14-18, App. Ex. 4).

389. However, all she said about her domestic issues was that she did not want to address them. (AG 102/ln. 19-21, App. Ex. 4).

390. Michael recalls the issue with Kuhlber being the glitter incident as well as her having domestic issues with her boyfriend or husband. (DM 25/ln. 5-15, App. Ex. 6).

391. Stevenson was on leave during this time because she had criminal charges pending against her. (DM 25/ln. 16-19, App. Ex. 6).

392. Michael initially did not recommend Kuhlber for termination because he viewed the glitter incident as a prank. (DM 28/ln. 22-23, App. Ex. 6).

393. After discussing this with Guy, Guy reminded Michael of the domestic issues Kuhlber had, and Michael agreed with that point. (DM 27/ln. 22-25, App. Ex. 6).

Stevenson

394. Guy claims he does not know who Stevenson supported in the general election. (AG 50/ln. 18-23, App. Ex. 4).

395. Guy's notes from the meeting indicate a negative mark next to Stevenson's name. (AG 73/ln. 20-24, App. Ex. 4).

396. He also made another mark he believes referred to the officers who could have information about charges filed against Stevenson. (AG 74/ln. 2-10, App. Ex. 4).

397. At some point in time, Guy became aware that Stevenson had been charged with harboring a fugitive, as she failed to disclose the location of her brother who was wanted on charges. (AG 27/ln. 8-17, App. Ex. 4).

398. Guy says that Stevenson was eliminated due to her short tenure with the Sheriff's office and problems related to her harboring her brother, which he saw as a character issue. (AG 99/ln. 24-25; 100/ln. 1-5, App. Ex. 4).

McGeehan

399. Guy believes Jim McGeehan supported him based on conversations they had, but he does not recall when they had those conversations. (AG 52/ln. 21-25; 53/ln. 1-5, App. Ex. 4).

400. Olayer recommended terminating McGeehan. (AG 76/ln. 21-25; 77/ln. 1-3, App. Ex. 4).

401. Guy admits that the Troopers told him McGeehan retaliated against other employees, including Larrick. (AG 103/ln. 6-8, 19-24, App. Ex. 4); (Guy's Notes from Trooper Interviews with Jay Alstadt DEFDISC0052, App. Ex. 5).

402. However, he does not recall if he ever addressed this with McGeehan. (AG 103/ln. 9-11, App. Ex. 4).

403. Guy's notes reflect the Troopers may have said McGeehan falsified information at the grand jury. (AG 77/ln. 10-18, App. Ex. 4); (Guy's Interview Notes from Trooper Interviews with Jay Alstadt DEFDISC0052, App. Ex. 5).

404. Guy does not believe they told him specifically what they thought McGeehan falsified, but admits he does not recall. (AG 77/ln. 19-25; 78/ln. 1-3, App. Ex. 4).

405. The Troopers also told Guy that McGeehan had retaliated against the secretaries, but claimed he did not recall who the secretaries were or the nature of the retaliation. (AG 78/ln. 13-21, App. Ex. 4).

406. He also does not believe he asked McGeehan about any retaliation against the secretaries. (AG 103/ln. 12-14, App. Ex. 4).

407. Despite this, McGeehan was retained by Guy, and remained an employee of Defendant until retirement. (AG 53/ln. 8-19, App. Ex. 4).

408. While McGeehan did receive a demotion, it was only done so that Alstadt could fill his position. (AG 56/ln. 10-13, App. Ex. 4).

Alstadt

409. Alstadt was Chief Deputy while Sheriff David was in office. (JA 8/ln. 3-4, App. Ex. 3).

410. Alstadt claims he did not openly support any candidate during the general election. (JA 38/ln. 25; 39/ln. 1-2, App. Ex. 3).

411. He met with both Kress and Guy during the election process. (JA 38/ln. 4-19; 43/ln. 8-24, App. Ex. 3).

412. Alstadt met with Guy to tell him why he needed to keep him. (JA 43/ln. 21-24, App. Ex. 3).

413. Alstadt also called Kress to tell him which events were important for him to attend during the election. (JA 45/ln. 6-12, App. Ex. 3).

414. Guy claims Alstadt contacted him and told him he would like to see Guy win. (AG 19/ln. 1-3, App. Ex. 4).

415. When Guy met with the Troopers, Olayer recommended that Alstadt be terminated. (AG 64/ln. 9-10, App. Ex. 4).

416. He made this recommendation because he believed Alstadt may have lied to the Grand Jury during the criminal proceedings against Sheriff David. (AG 64/ln. 13-16, App. Ex. 4); (Guy's Interview Notes from Trooper Interviews with Jay Alstadt DEFDISC 51, App. Ex. 5).

417. Olayer also relayed that Alstadt had showed up for his interview with the state police in his uniform. (AG 68/ln. 16-20, App. Ex. 4); (Guy's Interview Notes from Trooper Interviews with Jay Alstadt DEFDISC 51, App. Ex. 5).

418. Olayer felt Alstadt did this in an attempt to assert some authority. (AG 68/ln. 23-24, App. Ex. 4).

419. Alstadt was retained. (AG 53/ln. 9-10; 55/ln. 17-21, App. Ex. 4).

420. Guy says he decided to retain Alstadt because he considered him an asset to the office, and held the office together during tumultuous times. (AG 55/ln. 2021; 56/ln. 1-3, App. Ex. 4).

421. However, Alstadt was also demoted to Captain. (AG 53/ln. 9-10, App. Ex. 4).

Tallon

422. Randy Tallon campaigned for Guy. (CL 60/ln. 2-3, App. Ex. 1).

423. Kress confirms that Tallon was a vocal supporter of Guy for Sheriff in 2015. (Kress Declaration at ¶ 3, App. Ex. 17).

424. Tallon's support of Kress included posting a critical Facebook post about Kress and in support of Guy. (Kress Declaration at ¶ 4, App. Ex. 17).

425. The Facebook post was shared by Guy's running mate, Beaver County Coroner candidate David Gabauer, to his campaign Facebook page. (Kress Declaration at ¶ 5, App. Ex. 17).

426. This Facebook post was later deleted. (Kress Declaration at ¶ 6, App. Ex. 17).

427. Tallon made threats in the past against different deputies. (CL 55/ln. 11-12, App. Ex. 1).

428. Larrick was one of the deputies he threatened. (CL 56/ln. 13-14, App. Ex. 1).

429. One day, Tallon showed people a countdown on his phone and said when it got to zero it was "D Day" and he was taking people out. (CL 55/ln. 19-21, App. Ex. 1).

430. Larrick was the first person he made reference to at that time. (CL 55/ln. 19-24, App. Ex. 1).

431. Larrick interpreted this to mean Tallon intended to harm him physically. (CL 56/ln. 2-5, App. Ex. 1).

432. This began right after Sheriff David was acquitted. (CL 56/ln. 9-11, App. Ex. 1).

433. At that time, comments began to be made that David was telling the truth, and Larrick had lied. (CL 56/ln. 11-12, App. Ex. 1).

434. The incident was reported to HR as well as county detectives. (CL 55/ln. 23-24, App. Ex. 1).

435. Tallon also threatened Matt Jones and Richard Woznicki, as well as other county detectives. (CL 57/ln. 16-21, App. Ex. 1).

436. The county detectives were threatened in relation to an incident where Tallon was caught engaged in sexual conduct with a female in his county vehicle. (CL 56/ln. 22-25, App. Ex. 1).

437. This incident occurred during a prostitution sting the county detectives were conducting, and they witnessed his conduct. (CL 57/ln. 1-7, App. Ex. 1).

438. Tallon was demoted from assistant chief to deputy as a result, and blamed the detectives for his demotion. (CL 57/ln. 4-7; 59/ln. 12-13, App. Ex. 1).

439. Tallon accused Woznicki of being a rat and leaking information to outside agencies because his father worked under the attorney general's office. (CL 57/ln. 10-14, App. Ex. 1).

440. At one time, Tallon took Larrick's and Woznicki's name off the office's magnet board, threw them up and said they were both rats and they were done. (CL 57/ln. 16-22, App. Ex. 1).

441. Sheriff David did not discipline Tallon for making these threats. (CL 58/ln. 19-25; 59/ln. 1-3, App. Ex. 1).

442. Guy claims he was told by Tallon after the election but before he took office that he had supported Guy in the general election. (AG 51/ln. 25; 52/ln. 1-11, App. Ex. 4).

443. Tallon was suspended by Sheriff David in relation to allegations he had sexual relations with a female in a county vehicle. (JA 27/ln. 13-22, App. Ex. 3).

444. Guy was aware that Tallon had been disciplined for having a woman in his car with him. (AG 140/ln. 22-25; 141/ln. 1-2, App. Ex. 4).

445. Tallon was retained. (DM 22/ln. 7-18, App. Ex. 6).

446. Guy claims he took no action with respect to that information because it was his understanding Tallon was retiring at the turn of the new year. (AG 141/lm. 6-15, App. Ex. 4).

Cumberledge and Bredemeir

447. Guy promoted Cumberledge and Bredemeir from part time deputy to full time deputy. (AG 35/lm. 10-11, App. Ex. 4).

448. He still does not know who Cumberledge supported in the election. (AG 37/lm. 3-4, App. Ex. 4).

449. Bredemeir supported Kress in the general election. (AG 37/lm. 7-10, App. Ex. 4).

450. However, Guy did not learn this until after he took office, when she told him. (AG 37/lm. 11-18, App. Ex. 4).

451. Guy admits that he is certain he did not find out Bredemeir supported Kress until after January 4th, when he determined which employees would be retained. (AG 37/lm. 19-22, App. Ex. 4).

452. He believes he found out Bredemeir supported Kress after she had been moved from part time to full time. (AG 37/lm. 23-25, App. Ex. 4).

Hurst

453. Guy and Michael were both aware Hurst attended a campaign event for Guy. (AG 22/lm. 21-24, App. Ex. 4); (DM 10/lm. 19-24, App. Ex. 6).

454. Despite seeing Hurst at an event for Guy, Michael denies knowing whether Hurst supported Guy. (DM 32/lm. 14-17, App. Ex. 6).

455. Hurst was involved in an incident in 2009 or 2010 where he began calling and texting Larrick's then-wife while on duty. (CL 61/lm. 6-15, App. Ex. 1).

456. At that time this began, Larrick and his wife were married and living together. (CL 61/ln. 19-22, App. Ex. 1).

457. Larrick learned of this when he saw a text message from Hurst containing suggestive language sent to his wife at two in the morning. (CL 62/ln. 3-11, App. Ex. 1).

458. Hurst initially denied having any relationship with Larrick's wife, and told Alstadt that Larrick was lying about it and could not be trusted. (CL 64/ln. 17-19; 65/ln. 2-8, App. Ex. 1).

459. Hurst admitted he had been talking to Larrick's wife after being shown that Larrick had phone records detailing 117 phone calls between himself and Larrick's wife. (CL 64/ln. 17-25; 65/ln. 1-8, App. Ex. 1).

460. Alstadt says Larrick reported to him that Hurst was involved in a relationship with his wife. (JA 14/ln. 4-11, App. Ex. 3).

461. When Alstadt first addressed this with Hurst, Hurst denied he had any contact with Larrick's wife. (JA 49/ln. 16-19, App. Ex. 3).

462. Alstadt agrees he learned Hurst was lying upon reviewing text messages from Hurst to Larrick's wife, but could not recall Hurst's explanation. (JA 49/ln. 20-25; 50/ln. 1, App. Ex. 3).

463. Guy's notes from his interview with the Troopers has a note stating "not transporting prisoners." (Guy's Interview Notes from Trooper Interviews with Jay Alstadt DEFDISC0053, App. Ex. 5).

464. Guy claims not to know what this refers to. (AG 81/ln. 3-6, App. Ex. 4).

465. Hurst was retained. (DM 22/ln. 7-18, App. Ex. 6).

Chapes

466. Chapes supported Guy in the general election. (JA 68/ln. 1-3, App. Ex. 3).

467. Guy was aware of this. (AG 40/ln. 8-9, App. Ex. 4).

468. Chapes was previously involved in an incident where she relayed information about Larrick's work and actions to his ex-wife while on duty. (CL 77/ln. 1-16, App. Ex. 1).

469. Larrick learned of this from his daughter. (CL 77/ln. 17-25, App. Ex. 1).

470. Larrick reported this to Alstadt, who also expressed concern about the situation. (CL 78/ln. 15-25, App. Ex. 1).

471. Specifically, the concern was that Chapes was doing this while she was on duty, and mixing work issues with personal issues. (CL 78/ln. 21-25; 79/ln. 1-3, App. Ex. 1).

472. Chapes was retained. (DM 22/ln. 7-18, App. Ex. 6).

Michael

473. Dean Michael is the Chief Deputy Sheriff for Defendant. (DM 7/ln. 16-18, App. Ex. 6).

474. Guy hired him into this position in December 2015, after his election. (DM 7/ln. 16-18; 27/ln. 6-11, App. Ex. 6).

475. Michael initially planned to run for sheriff himself as a Republican candidate. (DM 8/ln. 9-14, App. Ex. 6).

476. He met Guy through a meeting with the Republican party. (DM 8/ln. 9-14, App. Ex. 6).

477. Michael later decided not to run for sheriff. (DM 8/ln. 14-16, App. Ex. 6).

478. Michael claims he had no involvement in Guy's campaign, but admits he attended a luncheon Guy had in summer of early fall of 2015 and may have sold tickets for Guy for that luncheon. (DM 9/ln. 23-25; 10/ln. 1-11, App. Ex. 6).

479. Guy said he felt Michael was a “more appropriate” Chief Deputy for his organization. (AG 54/ln. 14-16, App. Ex. 4).

480. After becoming Chief Deputy, allegations of sexual harassment were made against Michael. (AG 138/ln. 6-12, App. Ex. 4).

481. Guy denied that Michael has been accused on inappropriate contact with female employees since he was hired by Defendant. (AG 137/ln. 24-25; 138/ln. 1-5, App. Ex. 4).

482. However, he admits that there was an article in the Beaver Countian saying Dean Michael had allegations of sexual harassment against him. (AG 138/ln. 6-12, App. Ex. 4).

483. Guy further admits he discussed the subject with Michael before the article was published. (AG 138/ln. 13-16, App. Ex. 4).

484. Specifically, Guy claims he was made aware that members of the county government were “encouraging” one of his female employees to make a complaint against Michael, and that the employee never made the complaint. (AG 138/ln. 19-23, App. Ex. 4).

485. An investigation into the allegations against Michael was conducted by Guy and the County’s legal department. (AG 138/ln. 23-25, App. Ex. 4).

486. Guy claims the result of the investigation was that there was no sexual harassment and closed the case. (AG 139/ln. 1-7, App. Ex. 4).

487. According to Guy, his investigation revealed the issue to be unfounded, other than the use of inappropriate language with a clerk in his office named Jackie Springston. (AG 139/ln. 18-23; 140/ln. 4-7, App. Ex. 4).

488. Guy claimed to not recall the comment that was made to Springston, but said it was “maybe” a reference to some sexual innuendo the employee told him she was not offended by. (AG 139/ln. 24-25; 140/ln. 1-3, App. Ex. 4).

489. Despite this, Guy admits he then spoke to Michael and reminded him of the County sexual harassment policy and the appropriate way to interact with employees. (AG 139/ln. 1-7, App. Ex. 4).

490. Guy further admitted that he would not consider it appropriate to discipline Michael for an unfounded sexual harassment allegation. (AG 139/ln. 8-13, App. Ex. 4).

Lupo

491. Sergeant Kevin Lupo supported Guy in the general election. (JA 66/ln. 5-12, App. Ex. 3).

492. Lupo was retained. (DM 22/ln. 7-18, App. Ex. 6).

493. Justin Rapko supported Guy in the general election. (AG 38/ln. 5-7, App. Ex. 4).

494. Guy was aware of this because Rapko told him. (AG 38/ln. 5-7, App. Ex. 4).

495. Prior to Guy taking office, Rapko was involved in an incident in Aliquippa with an Aliquippa policeman while off duty for which he was never disciplined. (JA 71/ln. 15-22, App. Ex. 3).

496. Rapko was retained. (DM 22/ln. 7-18, App. Ex. 6).

497. Steve Montani also supported Guy in the general election. (JA 69/ln. 16-18, App. Ex. 3).

498. Guy was aware of Montani’s support for him, and believes it was expressed to him during the general election. (AG 33/ln. 2-5, App. Ex. 4).

499. Montani was retained. (DM 22/lm. 7-18, App. Ex. 6).

500. Dave Mangerie supported Kress in the general election. (AG 38/lm. 21-25, App. Ex. 4).

501. Guy claims he learned this after the election, but prior to his taking office. (AG 38/lm. 21-25; 39/lm. 1, App. Ex. 4).

502. Guy claims he does not know who Sallis, Branchetti, Ralph Ramana, Matzie, Hunter, John John Kutzko, or Yasick voted for in the general election. (AG 38/lm. 10-15; 40/lm. 2-6, 13-19, App. Ex. 4).

503. Ralph Ramana replaced Jim McGeehan as lieutenant after McGeehan retired. (AG 53/lm. 14-16, App. Ex. 4).

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CERTIFICATE OF SERVICE

I hereby certify on this 13th day of July, 2017, I served a copy of *Plaintiff's Concise Statement of Material Facts Precluding Summary Judgment* via electronic mail upon the following:

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