

PLAINTIFF'S
EXHIBIT
5
No. 16-282

LAURA
BRANDWATTER
ANDY GALL

(1/2)

JAY ALSTADT

WERNICKI

CAME IN UNIFORM TO PSP
BROUGHT REPORTS & STATEMENTS
? LIED DURING GRAND JURY?

HR ACTIVE
INVESTIGATIONS?
MATT JONES

~~EARL~~ JOHN JOE FRATANGELLI

COUNTY DETECTIVE
TIM STAUD
WRONG APPROACH

FALSIFIED REPORT / AFFIDAVIT

LARRY WICKS

UNSWORN FALSIFICATION
OBSTRUCTION

BULLY - DOES DAVID'S BLANK

CJ SERAFINI
CLEAN

CLEAN ABUSE → KAREN HOPKINS

RUNS INDIVIDUAL FOR DAVID USES "FIBERGLASS TRANSACTION"

NO CRIM HIST

SANCTIONED BY CLEAN

COUNTY TIMES
COUNTY CAR
POLITICS

BORROWING MONEY?

GUN LOCKER INCIDENT

VICTIM / WITNESS INTIMIDATION W/P →

THOMAS
OCHS →

MAZURA WILL GET ME AFFIDAVIT

GIVEN EVERY OPPORTUNITY TO SAVE HIMSELF

KALLA STEPHENSON →

JOSH - JOE OSCHE

⑩ MIKE DRINKING
TIBALTY PROBLEM SGT

WIFE IS MAYOR OF FREEDOM

LIED INITIALLY IN INVESTIGATION

GUN LOCKER INCIDENT

+ LARRICK → HAS TOLD THE TRUTH!

⑪ BROUGHT CLEAN INFO

⑫ GUN LOCKER

⑬ MCGASTAN

WORKED AS A COP IN MICHIGAN & S. CAROLINA

FALSIFICATION (2 G)

RETALIATION AGAINST LARRICK

" " " "

SECRETARIES

TALON

✓ W/DAROUT

⑭ SPAN RUTZKO

ASSESS POSITION

ASHBY ALSTON

④ OSCHKE / SHANE / FISH

PAUL CLARK — SELF SERVING
TESTIFIED AT HICKS HEARING "BULLY"
② DAVID'S TRIAL

~~MIKE HURST~~

MIKE HURST SGT
NOT TRANSPORTING PRISONERS

JAIL BOARD
TROUBLE GETTING RECORDINGS

ALSTADT

CHANGE

MORAL - BACKSTABBERS

SIDES PICKED IN ELECTION / CUTTHROAT

"THIS OFFICE NEEDS A CLEANSING" ^{MEETING} w/ COMMISSIONERS

MINDSET!

NEW / FRESH APPROACH

SURROUND YOURSELF w/ COMMITTED WORKERS

LARRICK -

OCHS -

FRAT -

STEPHENSON - ~~SUBORDINATE~~ WITHOUT PAY - LET IT RIDE?

TALON - RETIRING

PAUL CLARK ->

TANYA COLBERT -> PERSONAL ISSUES

MCGEEHAN - KNOWLEDGEABLE - CONNECTED THROUGHOUT THE COMMONWEALTH - NETWORK LIASON

LUPD - METICULOUS - HARD WORKING - ORGANIZED 110% MEETS OTHERS TO THOSE EXPECTATIONS

HURST - KNOWLEDGE - NOTHING NEGATIVE

YASICK - MAY RELINQUISH POSITION / DOESN'T GET THE WOULDON FIRE

YANLINSKY - SOUND - GOOD TROOP

KUTZKO - RANKS IN POSITION

TIBOLET - HAS DONE HIS JOB / SHOULD HAVE TOLD THE TRUTH

OSCHE - DOES HIS JOB

PLAINTIFF'S
EXHIBIT

6
No. 16-282



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Transcript of Dean Michael

Date: March 8, 2017

Case: Larrick -v- The Sheriff of Beaver County, Pennsylvania, et al.

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Transcript of Dean Michael
 Conducted on March 8, 2017

<p style="text-align: center;">5</p> <p>1 PROCEEDINGS</p> <p>2 VIDEOGRAPHER: Here begins tape number</p> <p>3 one in the videotaped deposition of Dean</p> <p>4 Michael, in the matter of Larrick versus the</p> <p>5 Sheriff of Beaver County, Pennsylvania, et</p> <p>6 al., in the United States District Court for</p> <p>7 the Western District of Pennsylvania, Case</p> <p>8 No. 16-282.</p> <p>9 Today is March 8th, 2017. The time on</p> <p>10 the video monitor is 1:37 p.m. Videographer</p> <p>11 today is Nate LeMaster representing Planet</p> <p>12 Depos.</p> <p>13 This video deposition is taking place</p> <p>14 at 810 Third Street in Beaver, Pennsylvania,</p> <p>15 15009.</p> <p>16 Would counsel, please, voice identify</p> <p>17 themselves and state whom they represent?</p> <p>18 MR. BLACK: Jay Black on behalf of the</p> <p>19 Plaintiff, Curtis Larrick.</p> <p>20 MS. JONES: Marie Milie Jones for all</p> <p>21 Defendants.</p> <p>22 VIDEOGRAPHER: Court reporter today is</p> <p>23 Deb Endler, representing Planet Depos.</p> <p>24 Would the reporter please swear in the</p> <p>25 witness.</p>	<p style="text-align: center;">7</p> <p>1 finish answer any pending question before we</p> <p>2 break.</p> <p>3 A. I understand.</p> <p>4 Q. And just the last thing is I would ask</p> <p>5 that you allow me to finish my question before</p> <p>6 you answer, and I'll try to make sure that I let</p> <p>7 you answer before I start the next question.</p> <p>8 A. Yes, sir.</p> <p>9 Q. Sir, could you state your educational</p> <p>10 background, please?</p> <p>11 A. Yes, I have a Bachelor of Science</p> <p>12 Degree in public administration from Point Park</p> <p>13 College in Pittsburgh. I'm currently enrolled in</p> <p>14 a graduate program with the University of</p> <p>15 Cincinnati in a criminal justice program.</p> <p>16 Q. And currently what is your position</p> <p>17 with the Beaver County Sheriff's Office?</p> <p>18 A. I am the Chief Deputy Sheriff.</p> <p>19 Q. And how long have you been the Chief</p> <p>20 Deputy Sheriff?</p> <p>21 A. A little over a year, since January 4th</p> <p>22 of 2016.</p> <p>23 Q. And in that position, what are your job</p> <p>24 duties?</p> <p>25 A. I serve as the second in command for</p>
<p style="text-align: center;">6</p> <p>1 (Witness first duly sworn.)</p> <p>2 Whereupon,</p> <p>3 DEAN MICHAEL</p> <p>4 being first duly sworn or affirmed to testify to</p> <p>5 the truth, the whole truth, and nothing but the</p> <p>6 truth, was examined and testified as follows:</p> <p>7 EXAMINATION BY COUNSEL FOR THE PLAINTIFF</p> <p>8 BY MR. BLACK:</p> <p>9 Q. Chief, we met earlier. My name is Jay</p> <p>10 Black and I represent Curt Larrick. Have you had</p> <p>11 your deposition taken before?</p> <p>12 A. On this matter, sir.</p> <p>13 Q. No, on any matter.</p> <p>14 A. I don't recall having a deposition.</p> <p>15 Q. Okay. Just a couple ground rules for</p> <p>16 today.</p> <p>17 A. Sure.</p> <p>18 Q. If at any point in time you can't hear</p> <p>19 me, will you let me know that?</p> <p>20 A. Yes, I will.</p> <p>21 Q. Will you also let me know if you don't</p> <p>22 understand a question I'm asking you?</p> <p>23 A. Yes, sir.</p> <p>24 Q. If at any time you need a break, please</p> <p>25 let me know that. I would just ask that you</p>	<p style="text-align: center;">8</p> <p>1 the office, answer to the Sheriff, the elected</p> <p>2 Sheriff. I assist in running the day-to-day</p> <p>3 operations, whether it be with the courts, the</p> <p>4 prison transportation, the service of process,</p> <p>5 any other duties that I'm assigned.</p> <p>6 Q. And do you have employees that are</p> <p>7 direct reports to you?</p> <p>8 A. Yes, I do.</p> <p>9 Q. And how many employees report directly</p> <p>10 to you?</p> <p>11 A. We have, I have two additional command</p> <p>12 staff personnel, a captain and a lieutenant that</p> <p>13 are beneath me, and then we have five sergeants,</p> <p>14 and we have approximately 32 deputies, some</p> <p>15 full-time and some part-time.</p> <p>16 Q. What was your last employment prior to</p> <p>17 being employed by the Beaver County Sheriff's</p> <p>18 Office?</p> <p>19 A. I worked for the U.S. Marshal's</p> <p>20 service.</p> <p>21 Q. And during what period of time did you</p> <p>22 work for the U.S. Marshal's service?</p> <p>23 A. November 12th of 1985 through January</p> <p>24 11th, 2014.</p> <p>25 Q. And between the period of time your</p>

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<p style="text-align: right;">9</p> <p>1 service ended with the Marshal's Service and when 2 you started with the Beaver County Sheriff's 3 Office, were you working at all? 4 A. Yes. I worked the summer before I 5 began here I worked for the Township of Chippewa. 6 I worked with their road department. My 7 assignment there was to take care of the parks in 8 Chippewa Township. 9 Q. Can you tell me the process that you 10 went through to be hired as the Chief Deputy? 11 A. Well, initially I had planned to run 12 for Sheriff myself, and it was at one of those 13 early meetings with the Republican party that I 14 met Sheriff Guy. Shortly after that I had 15 changed my mind and decided not to pursue that 16 endeavor, and I had very little contact from that 17 point on with the Beaver County Sheriff's Office 18 until Sheriff Guy contacted me sometime shortly 19 after the election. 20 Q. And prior to that meeting you 21 referenced, did you know Tony Guy at all? 22 A. I did not. 23 Q. Did you have any involvement in Tony 24 Guy's campaign for Sheriff? 25 A. I did not, other than I did come to one</p>	<p style="text-align: right;">11</p> <p>1 know Sergeant Hurst at all? 2 A. Yes. 3 Q. Okay. And how did you know Sergeant 4 Hurst? 5 A. I actually worked, back in the early 6 '80s, for a brief period of time at the Beaver 7 County Sheriff's Office, and Sergeant Hurst had 8 been in Beaver County law enforcement for many, 9 many years. So in the course of my employment 10 prior to the Marshal's Service I was acquainted 11 with Mike. 12 Q. And when you started as Chief, were 13 there any other employees there that you knew 14 from your previous time in the Sheriff's 15 Department? 16 A. Yes. I previously worked under the 17 command of Ralph Ramanna who served as the Chief 18 Deputy back in the early 1980s. I was also 19 familiar with Lieutenant James McGeehan. 20 And I had occasion also to deal with 21 some of the warrant team here at the Sheriff's 22 Office. My last 10 years with the U.S. Marshal's 23 Service I ran the Northern Ohio Violent Fugitive 24 Task Force, and since Youngstown, Ohio is where I 25 was assigned is not far from here, we often times</p>
<p style="text-align: right;">10</p> <p>1 luncheon that he had and I believe I may have 2 sold some tickets for him for that. But other 3 than that, I played no part in his campaign. 4 Q. Do you recall where that luncheon was? 5 A. That was in Hopewell. I don't know 6 exactly -- I don't recall, it might have been a 7 church somewhere up there. 8 Q. Do you recall a time frame of when that 9 was? 10 A. That would have been probably the 11 summer or late summer, early fall of 2015. 12 Q. Would have that been during the general 13 election? 14 A. Well, it was prior to the election. 15 Q. But the campaign for the general 16 election I guess would be more accurate as 17 opposed to the primary? 18 A. I believe it was the general election. 19 Q. At that luncheon were there any 20 employees there from the Sheriff's Department 21 that you're aware of? 22 A. The only one I recall seeing was 23 Sergeant Hurst, Michael Hurst. I really didn't 24 know many people there, so. 25 Q. And prior to that luncheon, did you</p>	<p style="text-align: right;">12</p> <p>1 shared the same criminal element. So I would 2 contact them for assistance and they would 3 contact me as well. 4 Q. And from that warrant team, who did you 5 work with that you recall? 6 A. Anthony Buccilli and Thomas Shane. 7 Q. Prior to, prior to you becoming Chief, 8 did you have any role in the transition to Tony 9 Guy becoming Sheriff? 10 A. I'm not sure I understand. Are you 11 talking about after he became Sheriff? 12 Q. After he was elected, but before he was 13 sworn in, that kind of transition period. 14 A. Yes, I did. 15 Q. Okay. And what was the role you had 16 during that period? 17 A. I was contacted I think late November 18 2015 and asked by Sheriff Guy if I would assist 19 him in conducting interviews of the employees 20 that were at that time in the Sheriff's Office. 21 Q. And prior to being contacted about 22 asking to help with these interviews, had you 23 discussed at all with Mr. Guy about having a 24 position in his office? 25 A. I sent him a resume sometime after his</p>

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<p style="text-align: right;">13</p> <p>1 election, and other than that we really didn't 2 discuss it. As a matter of fact, when he called 3 me to conduct these interviews, he had not 4 offered me a job at that point. 5 Q. And did you conduct the interviews? 6 A. Yes. The majority of them. There were 7 a few that were conducted prior to me assisting 8 him. 9 Q. And do you have any recollection of who 10 was interviewed prior to you assisting with him? 11 A. Yes, Lieutenant Fratangelli. Let's 12 see, Lieutenant Dave McGeehan, Captain Jay 13 Alstadt. Those were the three that I'm aware of. 14 Oh, I'm not sure of his title, but Thomas Ochs. 15 Now, when I came to help him, I did 16 talk to two of those at a later time. I talked 17 to McGeehan and Alstadt. But I did that 18 one-on-one with them. But the other two I had 19 not spoken to. 20 Q. And did you interview Curtis Larrick? 21 A. Yes. 22 Q. And had you met Larrick at any time 23 prior to the interview? 24 A. I had not. 25 Q. Had you heard of Curtis Larrick in any</p>	<p style="text-align: right;">15</p> <p>1 Q. I've handed you what we have marked as 2 Exhibit 1 of the deposition. Are these your 3 notes? 4 A. They are not. 5 Q. Okay. Do you recognize the handwriting 6 of these? 7 A. This appears to be written by Sheriff 8 Guy. 9 Q. And have you seen Sheriff Guy's 10 handwriting in other contexts? 11 A. Yes. 12 Q. With respect to Deputy Larrick's 13 interview, can you tell me what you recall you 14 said in that interview? 15 A. Well, the interview itself was rather 16 unremarkable. The only thing that stuck out in 17 my mind when we spoke to Mr. Larrick was he 18 commented he was concerned about some interaction 19 that Sergeant Hurst had with his spouse. Other 20 than that, he was pleasant, really nothing else 21 stood out. 22 Q. Do you recall if Larrick had any 23 documents with him? 24 A. I believe he did have some documents. 25 He was referencing some phone calls or text</p>
<p style="text-align: right;">14</p> <p>1 context prior to that? 2 A. No, I did not. 3 Q. And with respect to the interview of 4 Larrick, where did that take place? 5 A. That was in this room here. 6 Q. Okay. And who was all present for that 7 interview? 8 A. Sheriff Guy and myself. 9 Q. Did you take any notes in that 10 interview? 11 A. Very few. 12 Q. Okay. Did you retain those notes? 13 A. Those were turned over, I believe. 14 Q. Okay. I'm trying to figure out whose 15 notes are whose. So I'm going to -- 16 A. Generally my notes were very limited. 17 I did a lot of the interviewing and I may have 18 wrote down a shift that the Deputy was working or 19 some minor comment, but I did not take detailed 20 notes on the interview. 21 (THEREUPON, Michael Deposition Exhibit 22 I was marked for identification.) 23 MS. JONES: You can keep that in front 24 of you. If he wants to ask you about it. 25 THE WITNESS: Sure.</p>	<p style="text-align: right;">16</p> <p>1 messages that may have been sent to his wife from 2 Sergeant Hurst. 3 Q. And in your notes did you record that 4 at all? 5 A. I did not. 6 Q. Okay. In the interview, do you recall 7 what you said to Larrick? 8 A. The only thing I recall asking him, we 9 had interviewed several people prior to 10 interviewing him and it was a common theme that 11 arose concerning Mr. Larrick. And that theme was 12 his inability to be truthful when questioned. So 13 I asked him about that, and he of course denied 14 that he had a problem with being truthful. 15 Q. Do you recall who had told you that 16 Larrick had a problem being truthful? 17 A. I do not. 18 Q. Is it fair to say based on what you 19 said earlier, you never met with Ochs? 20 A. I did not. 21 Q. Okay. 22 A. I knew him from years back, just from 23 my living my entire life in this county, I was 24 aware that he was in law enforcement. So I knew 25 of him. But I did not interview him in reference</p>

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5 (17 to 20)

<p style="text-align: right;">17</p> <p>1 to this matter.</p> <p>2 Q. And with respect to Fratangelli, did</p> <p>3 you also not have any contact at all with</p> <p>4 Fratangelli?</p> <p>5 A. I did not know who he was. I had no</p> <p>6 contact.</p> <p>7 Q. And is it fair to say that you had no</p> <p>8 idea what Fratangelli's opinion was as to</p> <p>9 Larrick?</p> <p>10 A. I have no idea.</p> <p>11 Q. And the same could be said for Ochs as</p> <p>12 well?</p> <p>13 A. That's correct.</p> <p>14 Q. Okay. Did you discuss at any point in</p> <p>15 time with Jay Alstadt, Larrick?</p> <p>16 A. Yes, when I interviewed him,</p> <p>17 one-on-one, we did discuss personnel in the</p> <p>18 office. That was one of the questions that the</p> <p>19 Sheriff and I had devised we wanted to try to</p> <p>20 identify any problems or any individuals that</p> <p>21 were problem individuals, and I do remember</p> <p>22 discussing that with Captain Alstadt.</p> <p>23 Q. And do you recall what Captain Alstadt</p> <p>24 said with respect to Larrick?</p> <p>25 A. Not in specific terms, but as I</p>	<p style="text-align: right;">19</p> <p>1 by the Sheriff?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. And do you recall if you had</p> <p>4 discussed with McGeehan, Larrick?</p> <p>5 A. Yes.</p> <p>6 Q. And do you recall what McGeehan said</p> <p>7 with respect to Larrick?</p> <p>8 A. Again, not in specific terms, but he</p> <p>9 related that he had difficulty telling the truth.</p> <p>10 Q. And in all of these interviews, did</p> <p>11 anybody give you any example of what Larrick had</p> <p>12 done where he was not telling the truth?</p> <p>13 A. I do remember a couple examples, and I</p> <p>14 don't recall who actually presented them, but one</p> <p>15 spoke of the fact that Mr. Larrick had called off</p> <p>16 on a couple different occasions for the death of</p> <p>17 a family member, and, grandfather possibly or a</p> <p>18 grandmother, and then he used the same excuse at</p> <p>19 some point later for the same relative.</p> <p>20 Q. Any other examples given to you of</p> <p>21 Mr. Larrick not telling the truth?</p> <p>22 A. The only other comment I recall from</p> <p>23 one of the deputies was that he believed that</p> <p>24 Mr. Larrick would probably tell the truth at</p> <p>25 least once this year.</p>
<p style="text-align: right;">18</p> <p>1 mentioned earlier the general theme was that he</p> <p>2 had difficulty with the truth.</p> <p>3 Q. And that came from Alstadt?</p> <p>4 A. Yes.</p> <p>5 Q. I want to get back to Larrick's</p> <p>6 interview. Do you remember anything that Tony</p> <p>7 Guy said during that interview?</p> <p>8 A. No. We had a list of question</p> <p>9 objectives and we pretty much went down that</p> <p>10 list. If you have that list, that's what we</p> <p>11 would ask them.</p> <p>12 (THEREUPON, Michael Deposition Exhibit</p> <p>13 2 was marked for identification.)</p> <p>14 Q. Is this the list you were referring to?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And were all the interviewees</p> <p>17 asked these questions at the interviews you were</p> <p>18 present for?</p> <p>19 A. Yes.</p> <p>20 Q. And you mentioned that you did at some</p> <p>21 point have a follow-up with McGeehan; is that</p> <p>22 accurate? At some point you met?</p> <p>23 A. It wasn't a follow-up. It was an</p> <p>24 initial interview.</p> <p>25 Q. Because he had already been interviewed</p>	<p style="text-align: right;">20</p> <p>1 Q. Do you recall what deputy that was?</p> <p>2 A. I do not.</p> <p>3 Q. Did you discuss Larrick with Hurst?</p> <p>4 A. No, not that I recall.</p> <p>5 Q. Okay. And did you have any discussions</p> <p>6 with Assistant Chief Tallon regarding Larrick?</p> <p>7 A. No, and as a matter of fact he is</p> <p>8 another one I did not interview. I think he was</p> <p>9 off or he was in the process of retirement, so I</p> <p>10 don't believe we spoke to him at that time.</p> <p>11 Q. Other than what you've told me so far,</p> <p>12 do you remember anything else regarding any other</p> <p>13 individual talking to you about Larrick not</p> <p>14 telling the truth?</p> <p>15 A. No.</p> <p>16 Q. And how many people do you think</p> <p>17 brought that up with you?</p> <p>18 A. I would say that at least 60 to 70</p> <p>19 percent of the deputies all had the same opinion.</p> <p>20 Q. And at any point in time were you made</p> <p>21 aware that Larrick had been out on a medical</p> <p>22 leave for a period of time?</p> <p>23 A. Yes.</p> <p>24 Q. And do you know who made you aware of</p> <p>25 that?</p>

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<p style="text-align: right;">21</p> <p>1 A. That may have been Captain Alstadt.</p> <p>2 Q. And did Captain Alstadt say anything to</p> <p>3 you related to the medical leave causing a</p> <p>4 problem within the department?</p> <p>5 A. I do not recall that, no.</p> <p>6 Q. Did Captain Alstadt ever tell you that</p> <p>7 employees were angry that Larrick was not at work</p> <p>8 very often?</p> <p>9 A. I do not recall that.</p> <p>10 Q. And with respect to Captain Alstadt,</p> <p>11 did you ever have a meeting with him and Tony Guy</p> <p>12 to discuss personnel?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Where did that take place?</p> <p>15 A. It took place at Sheriff Guy's</p> <p>16 residence.</p> <p>17 Q. And was Larrick discussed in that</p> <p>18 meeting?</p> <p>19 A. Yes.</p> <p>20 Q. And do you recall what was discussed</p> <p>21 with respect to Larrick in that meeting?</p> <p>22 A. Not in specific terms, but the theme,</p> <p>23 that he had difficulty with the truth was</p> <p>24 discussed. We discussed that we believed this</p> <p>25 was a character issue and he was identified as</p>	<p style="text-align: right;">23</p> <p>1 pending?</p> <p>2 A. I don't recall the status, whether they</p> <p>3 were completed or whether they were pending. I</p> <p>4 don't know.</p> <p>5 Q. And with respect to Fratangelli, what</p> <p>6 was discussed with reasons that he might not be</p> <p>7 retained?</p> <p>8 A. There were a couple issues with him.</p> <p>9 There was an issue where he was in uniform at a</p> <p>10 club under the influence of alcohol. There was</p> <p>11 also an incident at Friendship Ridge where he was</p> <p>12 involved in an investigation of an individual up</p> <p>13 there and had potentially made false statements</p> <p>14 within the affidavit of arrest.</p> <p>15 Q. And with respect to Clark, what was</p> <p>16 discussed with Clark as somebody that might not</p> <p>17 be retained?</p> <p>18 A. The theme with Mr. Clark was he was the</p> <p>19 type of person who, he had a lengthy career with</p> <p>20 the Pittsburgh Police Department. I got the</p> <p>21 feeling from speaking to deputies that he felt at</p> <p>22 times he was above the duties of a Deputy</p> <p>23 Sheriff, and quite often he would be given</p> <p>24 assignments and he would not fulfill those</p> <p>25 assignments, and he would generally go to the</p>
<p style="text-align: right;">22</p> <p>1 one of the employees that would probably not be</p> <p>2 retained because of that.</p> <p>3 Q. Okay. And in that meeting were there</p> <p>4 any other employees that were identified as</p> <p>5 people that might not be retained?</p> <p>6 A. Yes.</p> <p>7 Q. And who was identified in that meeting?</p> <p>8 A. Tom Ochs, Frat, Fratangelli. Let's</p> <p>9 see, Paul Clark, Mr. Tibolet. I don't recall his</p> <p>10 first name. Tanya Kuhlber. And there was</p> <p>11 another deputy that was off on leave, Stevenson,</p> <p>12 due to legal issues. That should have been at</p> <p>13 least 7.</p> <p>14 MS. JONES: You listed six.</p> <p>15 Q. And we're going to look at that list.</p> <p>16 A. Well, the other one would have been, of</p> <p>17 course, Larrick.</p> <p>18 Q. Larrick is seven. And with respect to</p> <p>19 that meeting at Tony Guy's house, what was</p> <p>20 discussed with respect to why Ochs might be</p> <p>21 somebody that's not retained?</p> <p>22 A. Mr. Ochs had been arrested by the</p> <p>23 Pennsylvania State Police and that was the</p> <p>24 primary reason that he was not being retained.</p> <p>25 Q. And did he have criminal charges</p>	<p style="text-align: right;">24</p> <p>1 former Sheriff and then the Sheriff would</p> <p>2 override whoever had given him the assignment and</p> <p>3 he did not have to work that assignment.</p> <p>4 Q. Do you remember who it was that had</p> <p>5 complaints regarding Clark?</p> <p>6 A. Not specifically, but a large number of</p> <p>7 the deputies spoke about him.</p> <p>8 Q. And did Alstadt express an opinion as</p> <p>9 to whether Clark should be retained or not?</p> <p>10 A. Yes, he had expressed similar opinion</p> <p>11 that quite often he was not fulfilling his</p> <p>12 duties.</p> <p>13 Q. Did Alstadt say if he agreed that Clark</p> <p>14 should be let go?</p> <p>15 A. I don't recall whether he agreed, but I</p> <p>16 don't recall him dissenting.</p> <p>17 Q. With respect to Tibolet, what was</p> <p>18 discussed at that meeting regarding him</p> <p>19 potentially not being retained?</p> <p>20 A. Sergeant Tibolet had also provided an</p> <p>21 initial false statement to the Pennsylvania State</p> <p>22 Police during their investigation of former</p> <p>23 Sheriff David, and it was also made known to a</p> <p>24 number of the deputies that he had an alcohol</p> <p>25 problem and we believed that he would come to</p>

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 Conducted on March 8, 2017

7 (25 to 28)

<p style="text-align: right;">25</p> <p>1 work under the influence of alcohol. 2 Q. Do you remember if Tibolet ever had 3 charges pending against him? 4 A. That I'm not sure. 5 Q. And with respect Tanya Kuhlber, what 6 was discussed with Kuhlber? 7 A. She had, she had issues with a couple 8 of deputies. At one point there was, she had 9 turned some uniforms back in, and I don't recall 10 the reason she did that, but she had filled all 11 the pockets full of glitter, pretty much 12 rendering the uniform very difficult to be reused 13 by other deputies. She also had some domestic 14 issues with a boyfriend or a husband, my 15 recollection, and that was the issue with her. 16 Q. And with respect to Stevenson, was she 17 out on leave because she had criminal charges 18 pending against her? 19 A. Yes. 20 Q. And with Kuhlber, did Alstadt express 21 any opinion whether she should be retained or 22 not? 23 A. I do not recall him speaking about her. 24 Q. I just want to kind of get back to 25 Larrick for a second. In this meeting was there</p>	<p style="text-align: right;">27</p> <p>1 Marshal's Service was like a large Sheriff's 2 office, so I was very familiar with the duties of 3 the Sheriff's Office, and I put this list 4 together and sent it to Sheriff Guy as a 5 potential guide for him upon taking office. 6 Q. And when were you actually offered the 7 Chief position? 8 A. I believe the last interview we did was 9 on December 10th or shortly thereafter. It was 10 sometime, I'd say, within a week or 10 days after 11 that. 12 Q. And did you personally make 13 recommendations to the Sheriff as to who should 14 be retained and not retained? 15 A. Yes. 16 Q. Okay. Who did you recommend not be 17 retained? 18 A. All of the ones that were mentioned 19 with the exception of Kuhlber. I identified the 20 other six. 21 Q. And why did you not recommend Kuhlber? 22 A. Well, I viewed what she had done as 23 more of a prank. But when I discussed the issue 24 with Sheriff Guy, he did remind me of the 25 domestic issues and so I did agree at that point.</p>
<p style="text-align: right;">26</p> <p>1 any discussion about Larrick having domestic 2 issues? 3 A. The only time I recall that the spouse 4 was mentioned is when it was the issues he 5 identified between his spouse and Sergeant Hurst. 6 Q. And that was when Larrick raised it 7 with you in his interview? 8 A. Yes. 9 Q. And prior to Larrick raising it to you, 10 were you aware of any domestic issues involving 11 Larrick? 12 A. No. 13 Q. And other, and I'm just trying to be 14 clear on this, other than what Larrick raised 15 with you, had you heard anything about domestic 16 issues affecting Larrick? 17 A. I did not. 18 (THEREUPON, Michael Deposition Exhibit 19 3 was marked for identification.) 20 Q. I hand you Exhibit 3 of your 21 deposition. This is a document produced to us in 22 discovery. What is this document? 23 A. After I was offered employment by 24 Sheriff Guy, I put this list together as a guide 25 for him, where I used to work, the U. S.</p>	<p style="text-align: right;">28</p> <p>1 But for the glitter and the clothing, I wasn't 2 sure that that had risen to that level. 3 Q. With respect to Kuhlber and the 4 domestic issues, do you recall what they were? 5 A. I recall one of the deputies telling me 6 that her and her spouse or boyfriend got into 7 some type of altercation and she attempted to run 8 him over with her vehicle. 9 Q. Do you recall who it was that told you 10 that? 11 A. I believe that was Deputy Bredemeir. 12 Q. And just so I'm clear on this, was 13 there anybody that you recommended not be 14 retained that was retained anyways? 15 A. No. 16 Q. And with respect to your recommendation 17 as to who should not be retained, when did you 18 make that actual recommendation? 19 A. Well, following each interview, the 20 Sheriff and I would discuss the actual interview 21 itself, and I would say probably the final 22 decision was not made until the meeting in his 23 home. 24 Q. And that would have been the meeting 25 with Tony Guy, Captain Alstadt and yourself?</p>

Transcript of Dean Michael
 Conducted on March 8, 2017

<p style="text-align: right;">29</p> <p>1 A. That's correct.</p> <p>2 Q. Did you speak to anyone outside the</p> <p>3 Sheriff's Department regarding Larrick?</p> <p>4 A. I don't recall doing that.</p> <p>5 Q. And did you review any personnel</p> <p>6 records for any of the deputies in the Sheriff's</p> <p>7 Department before your recommendation?</p> <p>8 A. I did not.</p> <p>9 Q. And with respect to Larrick, did you</p> <p>10 review any documents related to Larrick before</p> <p>11 you made your recommendation?</p> <p>12 A. I did not.</p> <p>13 Q. Other than employees telling you about</p> <p>14 Larrick not telling the truth, was there anything</p> <p>15 else that helped you make a decision not to</p> <p>16 recommend retaining him?</p> <p>17 A. No.</p> <p>18 (THEREUPON, Michael Deposition Exhibit</p> <p>19 4 was marked for identification.)</p> <p>20 Q. Hand you what we have marked Exhibit 4</p> <p>21 of your deposition. Have you seen this document</p> <p>22 before?</p> <p>23 A. No.</p> <p>24 Q. Do you recognize the handwriting on</p> <p>25 this document?</p>	<p style="text-align: right;">31</p> <p>1 some of the individuals on the list and what you</p> <p>2 know of them.</p> <p>3 With respect to Ochs, do you know who</p> <p>4 Ochs supported in the general election for</p> <p>5 Sheriff?</p> <p>6 A. No.</p> <p>7 Q. Looking at this list, and maybe we can</p> <p>8 go through line by line, but if you look through</p> <p>9 this list, are you able to tell me if you know if</p> <p>10 any of these individuals supported Tony Guy in</p> <p>11 the election?</p> <p>12 A. I have no knowledge who any of them</p> <p>13 supported.</p> <p>14 Q. Did you believe Hurst supported Guy?</p> <p>15 A. I didn't know that, no.</p> <p>16 Q. But you saw him at an event for Guy?</p> <p>17 A. I did see him at an event, yes.</p> <p>18 Q. Okay. Did, were you aware if any of</p> <p>19 these individuals had signs for Guy?</p> <p>20 A. I did not know that. Just so I got the</p> <p>21 time frame right, you're speaking of just before</p> <p>22 the election or is this after?</p> <p>23 Q. During the election season, during the</p> <p>24 campaign.</p> <p>25 A. Okay.</p>
<p style="text-align: right;">30</p> <p>1 A. Yes.</p> <p>2 Q. And whose handwriting do you believe it</p> <p>3 is?</p> <p>4 A. Sheriff Guy.</p> <p>5 Q. Okay. With respect to Larrick, were</p> <p>6 you involved in any discussions with Tony Guy</p> <p>7 regarding Larrick having testified against former</p> <p>8 Sheriff David?</p> <p>9 A. No.</p> <p>10 Q. Were you aware at all that Larrick had</p> <p>11 testified against David?</p> <p>12 A. Yes.</p> <p>13 Q. And how were you aware of that?</p> <p>14 A. I may have read that on the Beaver</p> <p>15 Countian blog.</p> <p>16 Q. And did you have any opinion as to</p> <p>17 whether Larrick had testified truthfully or</p> <p>18 untruthfully in that matter?</p> <p>19 A. I did not.</p> <p>20 (THEREUPON, Michael Deposition Exhibit</p> <p>21 5 was marked for identification.)</p> <p>22 Q. Hand you what we have marked as Exhibit</p> <p>23 5. Have you seen this document before?</p> <p>24 A. No.</p> <p>25 Q. Okay. I just want to ask you about</p>	<p style="text-align: right;">32</p> <p>1 Q. During the campaign season, did you</p> <p>2 know what individuals were supporting Guy in the</p> <p>3 election?</p> <p>4 A. I did not.</p> <p>5 MR. BLACK: I think I'm pretty close to</p> <p>6 being done if we can just go off the record</p> <p>7 for a second.</p> <p>8 MS. JONES: Sure.</p> <p>9 VIDEOGRAPHER: We are going off the</p> <p>10 record. The time is 2:17 p.m.</p> <p>11 (Recess taken.)</p> <p>12 VIDEOGRAPHER: We are back on the</p> <p>13 record. The time is 2:22 p.m. Please</p> <p>14 proceed.</p> <p>15 Q. I just wanted to go briefly back to</p> <p>16 Mr. Larrick's interview. In his interview, did</p> <p>17 Larrick raise with you any concerns he had</p> <p>18 related to how Tallon was treating him?</p> <p>19 A. I don't recall that.</p> <p>20 Q. Okay. In his interview did Larrick ask</p> <p>21 you to speak with Rick Darbut at all regarding</p> <p>22 issues he was having with his co-workers?</p> <p>23 A. No.</p> <p>24 Q. And in his interview did Larrick ask if</p> <p>25 you would talk to the State Police regarding</p>

PLAINTIFF'S
EXHIBIT
7
No. 16-282

LARRICK

COORDINATE SECURITY / COUNTY SAFETY ISSUES

ASSESSMENT OF COURTHOUSE - A COMMISSIONERS SHOT IT DOWN

MAGNETOMETERS NEED INSPECTED / TRAINING LOGS /

GPS /

"SOMETIMES I CARE TOO MUCH"

PLAINTIFF'S
EXHIBIT
8
No. 16-282

JOHN FRANTANGELI

COMMAND STAFF - 20+ YEARS - NO RESPECT FOR
COMMAND STAFF | DEPUTIES BYPASS CHAIN OF COMM
NO CHAIN OF COMMAND !

SURROUND YOURSELF WITH LOYAL PEOPLE | TRUST | INTIMIDATE
I'LL BE 100% LOYAL TO YOU AND THE OFFICE

I WOULD DEMOTE SOME SGTS.

I NEVER THREW MY WEIGHT AROUND

CARLY QUINN
INCIDENT
THREW MY WEIGHT
AROUND

ALSTADT - GOOD - KNOWS WHAT HE'S DOING | NEEDS TO BE
A LITTLE NARDER ON SOME PEOPLE

MCGEEHAN - DOESN'T DO ANYTHING - NOT STRAIGHT - ~~NOT~~
~~FEARS~~ BOB

OCHS - I'D GET RID OF HIM

LUPD - NEEDS HIS WINGS CLIPPED -> DEATH
KNOWS HIS JOB

HURST - KNOWS HIS JOB | PLAYS BOTH SIDES

TALBOT - ALL RIGHT | BEEN HERE FOR YEARS

VASICK - GOOD | STAYS OUT OF LIGHT

NONUSKY - REALLY GOOD

KUTZKO - REAL GOOD

TALBOT - NOT GOOD | LYING

OSCHKE - KNOWS HIS STUFF | PLAYS BOTH SIDES

CLARK - NO FUCKING GOOD | INITIALLY HIT IT OFF | SUPPORTED ^{WHEN} ~~ME~~ ~~ME~~

MANGEBIS - 15 YRS PART-TIME - WHY? | LAZY

LARRICK - NO FUCKING GOOD | UNTRUSTWORTHY | ^{GEESSE MADE HIM A SGT} ~~WHEN~~ ~~HE~~ ~~COMES~~ ~~TO~~ ~~WORK~~ ^{DEMOTES} ~~HIM~~

STENSON - I LIKE HIM | SHE WASN'T TRYING TO MAKE HIM | IF IT'S TRUE FUK
HER | I DON'T THINK IT'S TRUE

MATELLO - GREAT

DEWIZONIA - KNOWS WHAT HE'S DOING / A LITTLE HOT HEAD

COSTANZA - WORKS / IMPRESSED

BUCCILLI - GOOD AT THE WARRANT STUFF

SHANE - KNOWS HIS SHIT / BESIDES POLITICAL STUFF

MOST OF THE PART TIMES PRETTY GOOD

WHITEHEAD - WORKS / ALL RIGHT / STAY OUT OF POLITICAL

REDFIELD - IN SCHOOLS

HUNTER - EXCELLENT

CHAMPES - GOOD

PALOMAS - ?

GEORGIE GETS A CALL FROM HEAD OF SECURITY

AT F.R. " SEND SOMEONE'S UP TO SEE IF HE HAS A GUN

ON HIM " LARRY NICKS IS UP HERE AGAIN. PRIOR INCIDENT

KNOW HE HAD HIS GUN PERMIT REMOVED. TOOK GUN .28

OFF OF HIM. ARRESTED HIM. TOLD GUY IN SECURITY OFFICE

TO GET ME STATEMENTS. COME BACK START TYPING

THINGS UP. I PUT DOWN I SPOKE TO A NURSE. I SAID Y.

SAW I HAD MADE MISTAKES. SHOWED JAY. I WOULD

AMEND IT.

ASK MELISSA & COSTANZA ABOUT LARRY NICKS

THIS FAG IS DOING ALL THIS.

THOMAS OCHS

ATMOSPHERE - SHAKY AT BEST

23 YEARS

- MORALE LOW

SOME GUYS SHOULDN'T BE WORKING IN CERTAIN AREAS

FLAT RUDE - POWER TRIP

INTERPERSONAL SKILLS

CONSISTENT IN SUPERVISION → CHAIN OF COMMAND

LET YOUR PEOPLE DO THEIR JOB / LET SUPERVISORS SUPERVISOR

GUY ARE SELECTIVELY TAKEN CARE OF

MICROMANAGEMENT

RELAND WIRING PROCEDURES →

PERSONAL CONDUCT

SHERIFF DAVID VS NANCY WELMS → THING WENT OFF
THE TRACKS

ALBERT - I WOULD FOLLOW JIM ANYWHERE

GOOD SUPERVISOR - EVEN BETTER PERSON

BEEN HOLDING THE DEPARTMENT TOGETHER

MCGRETTAN - GOOD GUY - VERY KNOWLEDGABLE - GOOD HEAD

KNOW HIS JOB & GRUFF W/ PUBLIC

FRATANGSI - NOTHING GOOD TO SAY - RELATIONSHIP W/ DAVID

IGNORANT / LAZY - SHOULDN'T BE PART OF A

MANAGEMENT TEAM "DO AS I AM NOT AS I DO"

ALWAYS TRYING TO GET SOMETHING OVER

LUND - GOOD GUY - KNOWS HIS JOB WILL DO IT TO THE BEST OF

HIS ABILITIES - MOODY BUT AN ASSET

HESST - GOOD RELATIONSHIP / KNOWLEDGABLE / INVOLUNT

DOES WELL W/ PUBLIC SPEAKS HIS MIND OFFERS FEEDBACK

ASSET

TALLON - GOOD FRIEND - IN WEEDING - KNOWLEDGE / EXPERIENCE
KNOWS THE RIGHT THING TO DO ↓ GOOD TEMPER
GETS THE BETTER OF HIM

YASICK - ANY DEPARTMENT WOULD BE LUCKY TO HAVE HIM
SMART / RESPONSIBLE / RELIABLE ↓ TEMPER ~

YONUSKY - GOOD GUY TOP NOTCH / SETS GOOD EXAMPLES
CAN TALK TO YOU OR ADDRESS THINGS OTHER WAYS
GOOD DRG HANDLER

KUTZKO - A LOT LIKE YOU - NOTHING BAD TO SAY
ASSET ANYWHERE

TROOLET - DON'T LIKE HIM / OVERCLAIMING / GREASY
NO PRIOR EXPERIENCE IN L.S. / UNPROFESSIONAL
NO FORMAL EDUCATION - SHOULDN'T BE IN L.S.
DRINKING PROBLEM / SENT HOME AT LEAST ONCE FOR CON
OF ALCOHOL

OSCHS - WENT THROUGH IZU TOGETHER / SMART / DEDICATED
HARD WORKER / GOOD PERSON / ^{HE} TOOKS HIS OWN MORN

LARRICK - LIES CONSISTENTLY / ABUSER OF HIS TIME
DIDN'T WANT TO WORK / SHOULDN'T BE HERE

HUNTER - STELLAR / STAYING CALM / CLEAR THINKER / DEDICATED

CHAPPEL - BEST / SMART / FEARLESS

MATSIK - INTELLIGENT / DEDICATED / HAS ALL THE TOOLS

WHITENHEAD - EXTENSIVE MILITARY BACKGROUND / POTENTIAL ANYWHERE

CUMBERWELLS - " " " " " / DEDICATED

BERIZOVICH - GOOD GUY BUT A LITTLE REGRESSIVE

JIM MCGEEHAN

① CHAIN OF COMMAND — NEEDS ADDRESS

② POLICY MANUAL — NEEDS ADDRESS

BRISTINGS — WEEKLY? DAILY?

SECRETARIES — CAUSING PROBLEMS — PHONES / SOCIAL MEDIA

BACKGROUND CHECKS

RAPPORT. w/ CHIEFS & LOCAL AIDS

MIDLAND STRIKERS

EQUIPMENT

ALSTADT — BOTTEN/DOWN — NEEDS NEW LEADERSHIP

OCHS — WEAK DROPPED THE BALL — GRANTS ETC.

FRAAT — TOO MUCH AIDS IN HIM

LUPD — SMART MAN / GOOD MAN

HURST — KNOWLEDGABLE — GOOD PEOPLE

YASICK — WORKER GO-GETTER

MONLISKY — GOOD — DOESN'T COME OUT

LARRICK — NO GOOD

PARLAMO —

TALDON — RETIRING

KUTZKO — INTELLIGENT

TIBOLET — THINKING PROBLEM / COMES IN SHAKING / SMOKING OF POPE

OSCHE — BULLSHITTER

CLARK — CIRCUMVENTS CHAIN OF COMMAND

BRZEMBEK — POLITICAL

KAYLA STEPHENSON

TONY GUY
BEAVER COUNTY SHERIFF
Beaver County Courthouse
Beaver, Pa 15009

January 4, 2015

Bernard J. Rabik, Esquire
Chief County Solicitor
Beaver County Courthouse
Beaver, PA 15009

RE: Notice of Intent to Invoke Act 1620 Rights

Dear Mr. Rabik:

This is in follow-up to my December 30, 2015 letter to you. As stated in that letter, as Sheriff of Beaver County, I am immediately invoking the rights to hire, discharge, fire and maintain all the supervising rights and obligations with respect to any and all employees of the office of Beaver County Sheriff granted to the Sheriff and guaranteed under Section 1620 of the County Code, 16 P.S. § 1620.

Pursuant to that authority vested in me by 16 P.S. 1620, effective January 4, 2016, the following employees are discharged from their duties and positions with the Office of Sheriff for the County of Beaver and their commissions for their positions shall be revoked:

- Lieutenant Thomas Ochs
- Lieutenant John J. Frantangeli
- Deputy Paul Clark
- Deputy Tanya A. Kuhlber
- Deputy Curt Larrick
- Sergeant Michael Tibolet
- Deputy Kayla D. Stevenson

My plan is to meet with each of these individuals, if they are available, during the early morning hours of January 4, 2016, to orally carry out the exercise of my rights under 1620.

Further, I am this day revoking the previous appointment and commission of Jay Alstadt as Chief Deputy and I hereby appoint and commission Dean Michael as Chief Deputy Sheriff. Deputy Alstadt will remain on the force at rank of Captain. Both of the actions referenced in this paragraph are taken pursuant to the 1620 rights mentioned above and pursuant to authority granted to the Sheriff of Beaver County in 16 P.S. § 1203.

Bernard J. Rabik, Esquire
January 4, 2016
Page Two

The next action is to revoke the appointment of Deputy James McGeehan from the rank of Captain and to appoint him at the rank of Lieutenant.

A copy of this letter shall also be served on each person impacted by these changes so that appropriate arrangements can be made to return all County equipment and property to this office. Further, by copy of this letter, each impacted individual is being directed to the Human Resources Department of Beaver County so that all other post-employment issues can be handled through that office.

Finally, please advise if the Office of the County Solicitor will follow through with the documents that must be recorded to revoke any prior commissions of the discharged employees or whether that is an action that you require to be completed by the Solicitor for the Sheriff who I am this day appointing, Mitchell Shahan.

Thank you for your consideration and I look forward to working with you.

Very truly yours,

Tony Guy
Beaver County Sheriff

MPS/mlm

- cc: Richard Darbut, Human Resource Director
- Beaver County Deputy Sheriffs Association
- Chief Deputy Jay Alstadt
- Captain James McGeehan
- Lieutenant Thomas Ochs
- Lieutenant John J. Frantangeli
- Sergeant Michael Tibolet
- Deputy Paul Clark
- Deputy Tanya A. Kuhlber
- Deputy Curt Larrick
- Deputy Kayla D. Stevenson

PLAINTIFF'S
EXHIBIT
12
No. 16-282

COUNTY OF BEAVER

TERMINATION NOTICE

DATE: 01/04/16

EMPLOYEE NAME: CURTIS LARRICK

MAILING ADDRESS: 712 17TH STREET
Street (or) Route No.

AMBROGE PA 15003
City (or) Town State Zip Code

PHONE NO. (724) 601-2571

POSITION TITLE: DEPUTY SHERIFF

DEPARTMENT/POSITION NOS.: 2450-579

TERMINATION EFFECTIVE DATE: 01/04/16

LAST DAY WORKED: 01/04/16

REASON FOR SEPARATION: Resignation Discharge Other

EXPLAIN: DEPARTMENT RESTRUCTURE - COUNTY CODE 1620

ELIGIBLE FOR REHIRE: Yes No

APPROVED BY

Sandra Coley
COMMISSIONER CHAIRMAN

[Signature]
COUNTY COMMISSIONER

COUNTY COMMISSIONER

[Signature]
Department Head/Elected Official

PLAINTIFF'S
EXHIBIT
13
No. 16-282

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

CURTIS LARRICK

Civil Division

Plaintiff,

No. 16-282

v.

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 FIRST INTERROGATORIES AND REQUEST FOR PRODUCTION
OF DOCUMENTS DIRECTED TO DEFENDANTS**

Pursuant to Federal Rules of Civil Procedure 33 and 34, Plaintiff Curtis Larrick (hereinafter "Plaintiff") requests that the Sheriff of Beaver County, Pennsylvania, Beaver County, Pennsylvania, and Anthony Guy (hereinafter "Defendants") answer the following Interrogatories and produce for inspection and copying at the offices of Samuel J. Cordes & Associates, 245 Fort Pitt Boulevard, Pittsburgh, PA 15222, the documents requested herein within thirty (30) days of service of the following Interrogatories and Requests.

DEFINITIONS

1. "Document(s)" means all materials within the full scope of Rule 34 including but not limited to all writings and recordings, which includes but is not limited to:

- (a) the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise (including but not without limitation to email and attachments, correspondence, memoranda, notes, diaries, minutes, statistics, letters, telegrams, contracts, reports, studies, checks, statements, tags, labels, invoices, brochures, periodicals, receipts, returns, summaries, pamphlets, books, interoffice and intraoffice communications, offers, notations of any sort of conversations, working papers, applications, permits, file wrappers, indices, telephone calls, meetings or printouts, teletypes, telefax, worksheets and all drafts, alterations,

INTERROGATORIES

1. Identify each and every fringe benefit Plaintiff was eligible to receive during his employment, its dollar value, and percentage of total salary, including all hospitalization, retirement, pension, disability, medical, dental, life insurance and any other types of fringe benefits of any value to the Plaintiff whatsoever.

ANSWER:

2. Identify every reason why Defendants terminated Plaintiff.

ANSWER:

3. Identify the person(s) who ultimately decided to terminate Plaintiff's employment and every person who participated in the decision or assisted the decision maker(s). With regard to each person so identified:

- a. State the person's name, current address and job title at the time of participation in the termination decision; and
- b. Describe in detail the specific role the person played in making the decision to terminate Plaintiff.

ANSWER:

4. Identify the individual(s) who assumed Plaintiff's job responsibilities and the date he/she assumed them.

ANSWER:

5. Identify the individual(s) who supported Defendant Guy but were terminated by Defendants, as alleged in your Fourth Affirmative Defense.

ANSWER:

6. Identify the individual(s) who supported Wayne Kress for Sheriff but were retained by Defendants, as alleged in your Fourth Affirmative Defense.

ANSWER:

8. Produce all documents which support your contention that Plaintiff failed to mitigate his damages, as alleged in Defendants' Seventh Affirmative Defense.

ANSWER:

Respectfully submitted,

Samuel J. Cordes & Associates

/S/ Megan M. Block

Samuel J. Cordes

Megan M. Block

Pa. I.D. No. 54874 (Cordes)

Pa. I.D. No. 319263 (Block)

245 Fort Pitt Boulevard

Pittsburgh, PA 15222

(412) 281-7991

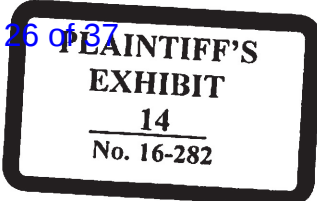
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify on this ___th day of June, 2016, I served a copy of the foregoing *Plaintiff's First Interrogatories and Request for Production of Documents Directed to Defendants* via electronic mail upon the following:

Marie Milie Jones
Jones Passodelis, PLLC
Gulf Tower, Suite 3510
707 Grant Street
Pittsburgh, PA 15219
mjones@jonespassodelis.com

/S/ Megan M. Block
Megan M. Block



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

CURTIS LARRICK,

Plaintiff,

v.

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

Defendants.

Civil Action No. 2:16-cv-282-CRE

MAGISTRATE JUDGE CYNTHIA REED EDDY

JURY TRIAL DEMANDED

**DEFENDANTS' ANSWERS TO PLAINTIFF'S FIRST INTERROGATORIES AND
RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**

AND NOW, come defendants, THE SHERIFF OF BEAVER COUNTY, BEAVER COUNTY OF PENNSYLVANIA, and ANTHONY GUY, by and through their undersigned counsel, JonesPassodelis, PLLC, and serve the within Answers to Plaintiff's First Interrogatories and Responses to Request for Production of Documents as follows:

INTERROGATORIES

1. Identify each and every fringe benefit Plaintiff was eligible to receive during his employment, its dollar value, and percentage of total salary, including all hospitalization, retirement, pension, disability, medical, dental, life insurance and any other types of fringe benefits of any value to the Plaintiff whatsoever.

ANSWER: Objection as to proportionality, on the basis that the burden of the expense to gather the information sought outweighs the benefit and that Plaintiff should have this information. Without waiving said objections and notwithstanding the fact that Plaintiff is in the better position to provide information about his personal finances, see the Collective Bargaining Agreement produced within Defendant' Second Supplemental Disclosures and documents from Plaintiff's personnel file produced in Defendants' Initial Disclosures. See also the attached recent Arbitration decision.

2. Identify every reason why Defendants terminated Plaintiff.

ANSWER: Objection to the extent that this interrogatory calls for information which is already set forth in Defendants' Answer or would be more fully described in testimony of Defendant Guy. Without waiving said objection, 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. By way of further response, see Termination Letter and interview notes produced within Defendants' Initial Disclosures.

3. Identify the person(s) who ultimately decided to terminate Plaintiff's employment and every person who participated in the decision or assisted the decision maker(s). With regard to each person so identified:

- a. State the person's name, current address and job title at the time of participation in the termination decision; and
- b. Describe in detail the specific role the person played in making the decision to terminate Plaintiff.

ANSWER: Objection. This interrogatory is vague to the extent that it assumes that more than one person was responsible for the decision to terminate Plaintiff and conflates the decision-making process for terminating Plaintiff. Without waiving said objection, Sheriff Anthony Guy ultimately 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. By way of further response, see interview notes produced with Defendants' Initial Disclosures.

4. Identify the individual(s) who assumed Plaintiff's job responsibilities and the date he/she assumed them.

ANSWER: Objection. This interrogatory is vague to the extent that it is unclear what is meant by the phrasing assumed Plaintiff's job responsibilities. Without waiving said objection, Plaintiff was not replaced.

7. Produce all documents which support your contention that Plaintiff failed to exhaust his administrative remedies, as alleged in Defendants' Second Affirmative Defense.

RESPONSE: Such affirmative defense was based upon the Union Grievance process set forth in the Collective Bargaining Agreement. At the time of answering Plaintiff's Complaint, Plaintiff had filed a grievance with his union and the proceedings were ongoing. It is believed at this time that the outstanding grievance has gone to arbitration and a decision rendered.

8. Produce all documents which support your contention that Plaintiff failed to mitigate his damages, as alleged in Defendants' Seventh Affirmative Defense.

RESPONSE: Failure to mitigate damages was asserted by the County to indicate the County's position on the issue of damages. At the early stages of discovery, information regarding the mitigation of damages is premature, as it is unknown what specific efforts Plaintiff has undertaken to find work. Therefore, to the extent that the County discovers such information throughout discovery, the County reserves the right to amend its response to this Request to include such information. By way of further response, to the extent that this Request relates to lost wages, see the Collective Bargaining Agreement and personnel records produced in the Defendants' Initial Disclosures.

JONESPASSODELIS, PLLC

By: s/Marie Millie Jones
MARIE MILIE JONES, ESQUIRE
PA I.D. #49711

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707 Grant Street
Pittsburgh, PA 15219
Phone: (412) 315-7272
Fax: (412) 315-7273
E-Mail: mjones@jonespassodelis.com

Counsel for Defendants

LARRICK

VERIFICATION

I, ANTHONY GUY, Sheriff of Beaver County, state that I am authorized to make this verification and have read the foregoing ANSWERS TO PLAINTIFF'S FIRST INTERROGATORIES. The statements therein are true and correct to the best of my personal knowledge, information, and belief.

This statement of verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.



ANTHONY GUY, Sheriff of Beaver County

Date: 08/02/2016

VERIFICATION

I, JOSEPH WEIDNER, CHIEF OF STAFF, state that I am authorized to make this verification and have read the foregoing ANSWERS TO PLAINTIFF'S FIRST INTERROGATORIES. The statements therein are true and correct to the best of my personal knowledge, information, and belief.

This statement of verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.



Joseph Weidner, Chief of Staff

Date: 8/4/2016

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been forwarded to all counsel of record by:

- U.S. First Class Mail, Postage Paid
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Facsimile Transmittal
- UPS Delivery
- Electronic Filing/Service

at the following address:

Samuel J. Cordes, Esquire
Megan M. Block, Esquire
Samuel J. Cordes & Associates
245 Fort Pitt Boulevard, 2nd Floor
Pittsburgh, PA 15222

JONESPASSODELIS, PLLC

Date: August 4, 2016

s/Marie Milie Jones
MARIE MILIE JONES, Esquire

Counsel for Defendants

PLAINTIFF'S
EXHIBIT
15
No. 16-282

**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


DECLARATION OF CURTIS LARRICK

I, Curtis Larrick, make the following declaration:

1. I am the Plaintiff in this case.
2. I never lied to my co-workers about being in a relationship or knowing a news reporter.

I swear under the penalty of perjury the above statements are true and correct.

July 10, 2017
Date


Curtis Larrick

TONY GUY
BEAVER COUNTY SHERIFF
Beaver County Courthouse
Beaver, Pa 15009

January 4, 2015

Bernard J. Rabik, Esquire
Chief County Solicitor
Beaver County Courthouse
Beaver, PA 15009

RE: Notice of Intent to Invoke Act 1620 Rights

Dear Mr. Rabik:

This is in follow-up to my December 30, 2015 letter to you. As stated in that letter, as Sheriff of Beaver County, I am immediately invoking the rights to hire, discharge, fire and maintain all the supervising rights and obligations with respect to any and all employees of the office of Beaver County Sheriff granted to the Sheriff and guaranteed under Section 1620 of the County Code, 16 P.S. § 1620.

Pursuant to that authority vested in me by 16 P.S. 1620, effective January 4, 2016, the following employees are discharged from their duties and positions with the Office of Sheriff for the County of Beaver and their commissions for their positions shall be revoked:

- Lieutenant Thomas Ochs
- Lieutenant John J. Frantangeli
- Deputy Paul Clark
- Deputy Tanya A. Kuhlber
- Deputy Curt Larrick
- Sergeant Michael Tibolet
- Deputy Kayla D. Stevenson

My plan is to meet with each of these individuals, if they are available, during the early morning hours of January 4, 2016, to orally carry out the exercise of my rights under 1620.

Further, I am this day revoking the previous appointment and commission of Jay Alstadt as Chief Deputy and I hereby appoint and commission Dean Michael as Chief Deputy Sheriff. Deputy Alstadt will remain on the force at rank of Captain. Both of the actions referenced in this paragraph are taken pursuant to the 1620 rights mentioned above and pursuant to authority granted to the Sheriff of Beaver County in 16 P.S. § 1203.

Bernard J. Rabik, Esquire
January 4, 2016
Page Two

The next action is to revoke the appointment of Deputy James McGeehan from the rank of Captain and to appoint him at the rank of Lieutenant.

A copy of this letter shall also be served on each person impacted by these changes so that appropriate arrangements can be made to return all County equipment and property to this office. Further, by copy of this letter, each impacted individual is being directed to the Human Resources Department of Beaver County so that all other post-employment issues can be handled through that office.

Finally, please advise if the Office of the County Solicitor will follow through with the documents that must be recorded to revoke any prior commissions of the discharged employees or whether that is an action that you require to be completed by the Solicitor for the Sheriff who I am this day appointing, Mitchell Shahan.

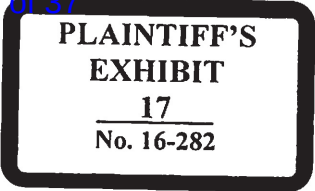
Thank you for your consideration and I look forward to working with you.

Very truly yours,

Tony Guy
Beaver County Sheriff

MPS/mlm

cc: Richard Darbut, Human Resource Director ✓
Beaver County Deputy Sheriffs Association
Chief Deputy Jay Alstadt
Captain James McGeehan
Lieutenant Thomas Ochs
Lieutenant John J. Frantangeli
Sergeant Michael Tibolet
Deputy Paul Clark
Deputy Tanya A. Kuhlber
Deputy Curt Larrick
Deputy Kayla D. Stevenson



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Sheriff of Beaver County in his individual capacity,

Defendants.

JURY TRIAL DEMANDED

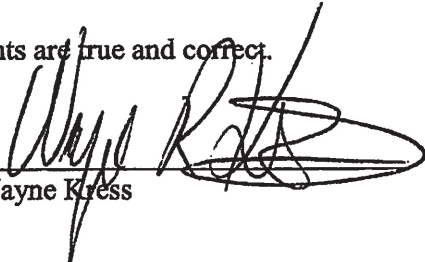
DECLARATION OF WAYNE KRESS

I, Wayne Kress, make the following declaration:

1. I ran as the Democratic candidate for Beaver County Sheriff in 2015.
2. Paul Clark and Curt Larrick actively supported my campaign including putting up signs and attending campaign events.
3. Randy Tallon was a vocal supporter for Anthony Guy for Sheriff.
4. This included posting a Facebook post critical of me and in support of Guy on his Facebook page.
5. Guy's running mate Beaver County Coroner candidate, David Gabauer, shared Tallon's post on his campaign Facebook page.
6. The Facebook post has since been deleted.
7. Tanya Kuhlber supported me in my campaign for Sheriff.

I swear under the penalty of perjury the above statements are true and correct.

07/10/2017
Date


Wayne Kress

CLARK

ATTITUDE - DIDN'T RAN ON BEING A PART-TIMER

THIS LONG. BEEN ON THE TOP OF THE MOUNTAIN

POKORNY INVESTIGATION - "WE HIT THE HOUSE"

NO ACCOUNTABILITY

TREATED THE SAME ACCROSS THE BOARD

NO CHAIN OF COMMAND

MOORALE

WHEN I HAD AN ISSUE I WOULD GO TO JAY

NOT TRUE

LEAD BY EXAMPLE / CIVIL SERVICE TESTING /

CHANGE THE CULTURE

TRAINING -

I DON'T BRAG -> BECAUSE I DON'T HAVE TO

MOAN MESSING