

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF KANSAS  
3  
4

5 BRENDA WILLMORE,

6 Plaintiff,

7 vs.

Case No. 2:22-cv-02352

8 SAVVAS LEARNING COMPANY, LLC,

9 Defendant.  
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18

19 VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION OF  
20 DEBI F. DEBIAK, a witness, taken on behalf of the  
21 Plaintiff, pursuant to Notice, before the Honorable  
22 Angel D. Mitchell, on December 21, 2023, reported by  
23  
24 Susan J. Muckenthaler, Certified Verbatim Reporter,  
25 Certified in Kansas and Missouri.

## APPEARANCES

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## Also present:

Ms. Neelie Browne  
Ms. Brenda Willmore

## STIPULATIONS

It was stipulated and agreed by and between  
counsel that the deposition officer can administer a  
binding oath to the witness by videoconference.



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18	Reporter's Note: Electronic exhibits provided by	
19	counsel were made OCR searchable (PDF), downsampled	
20	to 600 dpi, digitally labeled if not previously	
21	labeled, flattened, archived as original exhibits,	
22	and provided electronically to all ordering counsel.	
23	Processing electronic exhibits can change the file	
24	size, resolution, and metadata of files originally	
25	provided.	
	(ph) indicates a phonetic spelling.	
	[sic] indicates the text is as stated.	
	Quoted text is as stated by the speaker.	

1 THE VIDEOGRAPHER: We are on the record.  
2 The time now is 1:30 p.m. Today is Thursday,  
3 December 21st, 2023. This is the deposition of Debi  
4 Debiak in the United States District Court for the  
5 District of Kansas in a case captioned Brenda  
6 Willmore, Plaintiff, versus Savvas Learning Company,  
7 LLC, Defendant, Case No. 2:22-cv-02352.

8 Would Counsel please identify themselves  
9 for the record and state their agreement to the  
10 remote administration of the oath.

11 MR. REAVEY: Patrick Reavey on behalf of  
12 Plaintiff Brenda Willmore, and I agree to the remote  
13 oath.

14 MR. RUPE: Alan Rupe and Alex DeMasi for  
15 Savvas, and we agree to the remote.

16 THE VIDEOGRAPHER: And would the court  
17 reporter please administer the oath.

18 DEBI F. DEBIAK,  
19 a witness, being first duly sworn, testified under  
20 oath as follows:

21 EXAMINATION

22 BY MR. REAVEY:

23 Q. Good afternoon, Ms. Debiak. As you know,  
24 I'm Patrick Reavey. I represent Brenda Willmore in  
25 a case against Savvas.

1 First question -- where do you reside? I  
2 believe you just answered that earlier but ...

3 A. I reside in Montclair, New Jersey.

4 Q. Okay. Do you work out of your home?

5 A. I work out of my home and out of the  
6 Paramus, New Jersey, office.

7 Q. Okay. And are you still employed by  
8 Savvas?

9 A. I am.

10 Q. And what is your title?

11 A. Employment and compliance counsel.

12 Q. And the compliance counsel is -- do you  
13 agree that part of your role at Savvas is to ensure  
14 that employees and managers at Savvas are complying  
15 with company policies and rules?

16 A. Can you repeat that? Is it my job, or is  
17 it ...

18 Q. What -- how would you define the part of  
19 your title -- compliance? What are you ensuring is  
20 being complied with?

21 A. The compliance part of my position is  
22 working on the employee code of conduct with the  
23 general counsel that is reviewed and revised every  
24 year. In addition, there is a very specific  
25 compliant aspect of my job dealing with sales

1 employees, marketing employees who go to various  
2 school districts or entertain or meet with teachers.  
3 Each state has very different rules on how much can  
4 be spent as far as gifts and ethics. So that is  
5 another compliance portion of my job.

6 Q. And as part of that compliance role you  
7 have, assisting or ensuring that managers or  
8 supervisors are complying with the rules that the  
9 company has as part of its employee handbook.

10 A. So that's more the manager's job. My job  
11 is to write -- to work with HR to write the  
12 policies, to write the procedures to ensure that  
13 training is being given to the employees.

14 Q. Are you always involved any time an  
15 employee is being fired?

16 A. Not always.

17 Q. What would differentiate which employees  
18 you would be involved in, which ones you wouldn't?

19 A. That would be up to HR to determine  
20 whether or not they wanted to meet with me to get my  
21 legal guidance on a termination or a discipline.

22 Q. We'll look at specific records, but do you  
23 agree that part of your function and activities in  
24 relationship to Brenda Willmore was you -- being  
25 part of determining whether the company's policies

1 were complied with?

2 A. I'm not sure what policies you're  
3 referring to that would be complied with relating to  
4 her termination.

5 Q. Well, let's take a look -- if you can pull  
6 up Exhibit 126 ...

7 A. Okay. Hold on. Give me -- I'm not very  
8 good with Zoom. So it's the second one. I'm sorry.  
9 Did you say 126?

10 Q. Correct.

11 A. Okay.

12 Q. Do you have that pulled up?

13 A. Yes.

14 Q. All right. You -- you're familiar with  
15 this policy; correct?

16 A. I have not read it in a long time.

17 Q. Do you agree the title of it is  
18 "Performance Improvement Guidelines" --

19 A. Right.

20 Q. -- "Date Issued: January 2020"; correct?

21 A. Right.

22 Q. In looking through this policy, do you  
23 agree that there are performance improvement  
24 guidelines that are set out as part of this policy  
25 for when employees are viewed as not performing as

1 expected?

2 A. Yes. There are -- something seems strange  
3 with this policy. There seems to be some letters  
4 missing --

5 Q. Yeah.

6 A. But ...

7 Q. That's how it was produced to me.

8 A. Was it? Okay.

9 Q. So in -- do you agree throughout this  
10 policy the term "manager" is referred to?

11 A. Yes.

12 Q. So, for example, "initial warning" -- it  
13 indicates the manager discusses the performance  
14 problem with the employee; correct?

15 A. Correct.

16 Q. And then if we turn the page, again, at  
17 the top of the page with regard to performance  
18 improvement plans, it again references "The plan or  
19 warning should be written by the employee's  
20 manager"?

21 A. Correct.

22 Q. And Item 3 -- you agree the title is  
23 "Termination"; correct?

24 A. Yes.

25 Q. Okay. And in that section, it indicates





1 "Requires consultation between the manager and the  
2 human resources business partner before any action  
3 will be taken." Did I read that --

4 A. Yeah.

5 Q. -- correctly?

6 A. You did.

7 Q. And you agree the terminology of "manager"  
8 in this policy in -- with respect to Brenda  
9 Willmore -- that would be referring to Mica Lesser,  
10 her boss; correct?

11 A. Yes.

12 Q. All right. You agree, in the policy --  
13 there's nothing in the policy indicating that  
14 someone other than Mica Lesser or the manager makes  
15 termination decisions?

16 A. Yes. Well, it requires consultation.

17 Q. Well, what do you mean by that?

18 A. This says that before termination the  
19 manager needs to discuss with HR.

20 Q. Correct. My quest- -- and you understand  
21 Mica Lesser is the manager, and then James Lippe  
22 occupies the position of senior vice president of  
23 sales; correct?

24 A. Yes.

25 Q. All right. And so you agree the policy



1 doesn't contain anything about James Lippe is the  
2 person who meet -- needs to make the decision to  
3 terminate someone?

4 A. I don't know if it says that in here.  
5 You're asking me if the manager needs to consult  
6 with their manager before terminating an employee?

7 Q. No. I'm asking -- the -- part of the  
8 policy, when it speaks of termination -- it speaks  
9 of "Requires consultation between the manager and  
10 the human resources business partner." No one else;  
11 correct?

12 A. Yes. It says you need to consult with the  
13 human resource business partner.

14 Q. And with respect to Brenda Willmore, that  
15 would be Sheri Jolcover; correct?

16 A. At the time, yes.

17 Q. All right. Is it your understanding,  
18 factually speaking, that Savvas, in the case of  
19 Brenda Willmore, is indicating that James Lippe is  
20 the person who decided to fire Brenda Willmore?

21 A. I don't believe that to be the case.

22 Q. You believe it -- it was Mica Lesser?

23 A. Mica Lesser with consultation with James  
24 Lippe.

25 Q. Okay. So who made the decision to fire

1 Brenda Willmore?

2 MR. RUPE: Objection.

3 A. They both did.

4 Q. (By Mr. Reavey) All right. Are you  
5 familiar with testimony in this case indicating that  
6 Mica Lesser or -- or -- I'm sorry -- that James  
7 Lippe is the only person who has the authority to  
8 fire Brenda Willmore?

9 A. Can you repeat that. I'm -- I'm having  
10 trouble because the document is still in front of  
11 me, and I don't know how to get out of it.

12 Q. Oh --

13 A. Oh, wait.

14 Q. -- hey --

15 A. I'm sorry. I found it.

16 Q. Okay. Great.

17 A. I found you.

18 MR. REAVEY: Reporter, do you mind reading  
19 back the question?

20 THE REPORTER: One minute.

21 (The following question was read by the  
22 reporter:

23 QUESTION: "Are you familiar with  
24 testimony in this case indicating that Mica Lesser  
25 or" -- "or" -- "I'm sorry" -- "that James Lippe is

1 the only person who had the authority to fire Brenda  
2 Willmore?")

3 A. No. I'm not familiar with that testimony.

4 Q. (By Mr. Reavey) So if you can, please  
5 pull up -- before we move from that -- so is it your  
6 testimony that you don't play a role in ensuring  
7 that -- or giving guidance on this policy titled  
8 "Performance Improvement Guidelines"?

9 MR. RUPE: Objection. Compound.

10 A. Right. It's -- it's a guideline that  
11 should be used for managers when thinking about  
12 disciplining employees. It's not a policy or a  
13 requirement that they follow the guidelines.

14 Q. (By Mr. Reavey) Okay. My question is is  
15 it your testimony that you play no role in advising  
16 employees or managers such that they are in  
17 compliance with company policies, particularly the  
18 one we're talking about right now -- performance  
19 improvement guidelines?

20 A. I don't play a role in performance  
21 improvement guidelines. I do play a role in  
22 providing legal advice to managers who want to  
23 discipline or terminate employees.

24 Q. And my question to you is -- is part of  
25 that role that you just mentioned -- is part of that

1 you giving advice to managers? Not whether  
2 something is legal or not but advice as to whether  
3 they are in compliance with company policy?

4 MR. RUPE: Objection. Compound.

5 A. Well, I'm not sure what you mean by  
6 "company policy." Like, all company policy? A  
7 specific company policy? My job is to provide legal  
8 advice to determine whether or not the termination  
9 is something that may be questioned, may lead to a  
10 lawsuit. It's to probe, ask questions so that the  
11 manager is comfortable with the decision that  
12 they've made. And -- and, of course, in the hopes  
13 of avoiding any type of litigation.

14 Q. Are you aware of Savvas's testimony,  
15 through Sheri Jolcover, that you would give advice  
16 regarding whether someone should be put on a  
17 performance improvement plan or whether someone  
18 should be disciplined?

19 A. No. I wouldn't give advice on whether  
20 someone should be disciplined, but I would ask  
21 questions. Is this something that a performance  
22 improvement plan would turn their performance  
23 around? Is this something that a performance  
24 improvement plan would not turn their -- their  
25 behavior around?

1 Q. And in you serving in that role, it's  
2 true, isn't it, you are asking those questions  
3 because you understand that the general practice at  
4 Savvas is that employees who are not performing  
5 adequately -- that they are subject to this  
6 performance improvement guideline that we've been  
7 looking at?

8 A. It's not the gen- --

9 MR. RUPE: Objection. Compound.

10 A. It's not the general practice to provide a  
11 performance improvement plan.

12 Q. (By Mr. Reavey) Okay. I'm just simply  
13 asking -- and we'll move on. But, Ms. Debiak, is it  
14 your testimony that you give no advice to managers  
15 or HR people at the company regarding whether or not  
16 someone is complying with company policies or  
17 practices?

18 A. I don't -- and I don't understand your  
19 question. I -- maybe an example would help. But  
20 they're not complying with company policy? They  
21 might -- may have violated company policy?

22 Q. Well, let me just give you an example.  
23 Maybe this will help. If you have a manager or an  
24 employee come to you and say, "Look, I just" -- "I  
25 want to fire this employee, and I don't have

1 anything" -- "I haven't given them a initial  
2 warning; I haven't given them a action plan; I  
3 haven't given them a performance improvement plan.  
4 Is it within company policy for me to fire this  
5 person," you agree you would -- you would give  
6 feedback to that employee on that question; correct?

7 A. I would -- I would give legal advice on --  
8 that they're at-will employees, they're not subject  
9 to any union agreement, and you don't need to follow  
10 any progressive discipline policy.

11 Q. Okay. But we're talking about the -- so I  
12 guess we're back to where I was a few minutes ago.  
13 You -- it doesn't sound like you're prepared to  
14 testify that you serve no role in making sure  
15 company policy is complied with?

16 A. Well, I do serve a role. I review the  
17 policies; I update the policies. I ensure that  
18 employees receive the training that's appropriate  
19 and required by law. I -- I work with HR and  
20 provide them legal advice, legal guidance, and legal  
21 training. And that all goes and funnels into making  
22 sure that the company policies are followed by all  
23 involved at the company.

24 Q. But you understand company policies are  
25 not the law; correct?

1 A. Right.

2 Q. And, in fact, the policies we've been  
3 looking at, at the end, they, in fact, say that --  
4 that this is not -- not a contract between the  
5 employee; correct?

6 A. Correct.

7 Q. All right. And so what I'm trying to get  
8 at is we're -- I'm just focusing on company  
9 policies, not whether a termination is legal or not.  
10 But it's true, isn't it, that you serve a role in  
11 assisting the company in making sure its  
12 employees -- whether that's a manager, a supervisor,  
13 or a line worker -- that they comply with the rules  
14 and policies that the company has distributed to  
15 them?

16 A. Yes, I do serve a role in my capacity as  
17 employment counsel.

18 Q. Okay. So is it your testimony that any  
19 activities that you undertake, even if they are  
20 solely limited to company policy -- that you -- you  
21 view that as being legal advice or you serving in  
22 the capacity of a legal advisor?

23 A. Yes.

24 MR. RUPE: Objection. Compound.

25 Q. (By Mr. Reavey) So if you would, turn to



1 Exhibit 127. You see this is another Savvas --

2 A. One --

3 Q. -- policy?

4 A. -- second, please. It took a second to  
5 load.

6 Q. Okay. Sorry.

7 A. Yes.

8 Q. All right. And this policy -- different  
9 than the performance guidelines, this policy is  
10 titled "Workplace Conduct," issued January 2020;  
11 correct?

12 A. No.

13 Q. Okay. And sorry I didn't ask at the  
14 beginning. When did you start working for Savvas?

15 A. In August of 2019.

16 Q. Okay. And where did you work prior to  
17 Savvas?

18 A. I was a consultant at Con Edison in New  
19 York and a consultant at the Hertz Corporation. But  
20 prior to Savvas, I was an in-house attorney at the  
21 Hertz Corporation.

22 Q. Okay. So the other positions you  
23 mentioned -- were you an HR consultant?

24 A. No. I was a legal consultant for Hertz,  
25 and I was in the office of diversity and inclusion



1 at Con Edison.

2 Q. So back to Exhibit 127. Are you familiar  
3 with this policy, "Workplace Conduct"?

4 A. I have seen this policy. It's been quite  
5 some time. I did not draft this policy.

6 Q. But you agree in the -- the first  
7 paragraph of this policy, it indicates towards the  
8 bottom of that paragraph, "The Company is not  
9 required to engage in progressive disciplinary  
10 measures when addressing employee misconduct." Did  
11 I read that correctly?

12 A. You did.

13 Q. And towards the bottom of the page,  
14 there's several things that are listed as being  
15 things that are examples of misconduct that may  
16 result in immediate discharge; correct?

17 A. That's right.

18 Q. All right. And if you turn to the second  
19 page of this exhibit, Item 10 at the top of the page  
20 lists out "Insubordination, including refusal or  
21 failure to follow managerial instructions, unless  
22 carrying out the instruction would be unsafe or  
23 violate the law."

24 A. That's correct.

25 Q. Did I read that correctly?

1 A. You did.

2 Q. All right. Okay. And you were familiar  
3 with that policy, I take it, at Savvas that if  
4 someone engages in insubordination, there is no need  
5 for progressive discipline, that they can be  
6 immediately fired?

7 A. Yes.

8 Q. Okay. And you were aware of that prior to  
9 you being involved with Brenda Willmore; correct?

10 A. Was I aware of this policy prior to being  
11 involved with Brenda Willmore? I don't think so.

12 Q. Yeah. No. I'm talking about -- you were  
13 aware that when it comes to insubordination, that is  
14 something the company views as someone can be  
15 immediately fired for that without following any  
16 progressive discipline?

17 A. Yes.

18 Q. All right. And Item 11, appearing just  
19 below insubordination -- 11 says "Misrepresentation  
20 or falsification of records, reports, or company  
21 documents." Did I read that correctly?

22 A. Yes.

23 Q. Okay. And, again, prior to you dealing or  
24 being involved with Brenda Willmore, you were aware  
25 that someone, namely, an employee engaging in



1 misrepresentation or falsification of records --  
2 that would result in immediate termination?

3 A. It could result in immediate termination.

4 Q. Okay. So no progressive discipline  
5 required; correct?

6 A. Correct.

7 Q. Now, let's go back to -- if you'll pull up  
8 Exhibit 119 ...

9 A. Yes.

10 Q. Okay. You agree this policy is titled  
11 "Equal Employment Opportunity and Affirmative  
12 Action"; correct?

13 A. Correct.

14 Q. Issue date January 2020?

15 A. Yes.

16 Q. All right. And if we turn to page 2, you  
17 agree that one of the bullet points, as to what  
18 comes within this policy, states "Ensure that all  
19 personnel actions relating to compensation,  
20 benefits, transfers, terminations, et cetera, are  
21 administered in a nondiscriminatory manner";  
22 correct?

23 A. Correct.

24 Q. And you agree, in the middle of the page,  
25 this policy states that you are the affirmative

1 action officer at Savvas; correct?

2 A. Yes.

3 Q. All right. And how long have you had that  
4 position?

5 A. Since I was hired.

6 Q. And what is your understanding as to what  
7 you do as the company's affirmative action officer?

8 A. Well, one of my roles is to work with an  
9 outside vendor to file our EEO-1 and affirm- --  
10 EEO-1 statements and our affirmative action plans to  
11 work with them to gather the information to analyze  
12 it and to assist them in filing that with the  
13 federal government.

14 In addition to that, it's my  
15 responsibility to ensure that every other year all  
16 of our employees conduct appropriate training on  
17 sexual harassment and related areas.

18 Q. And this policy, you agree, also states  
19 that -- that you, as the affirmative action officer  
20 do -- among other things, establish and maintain an  
21 internal audit and reporting system to allow for  
22 effective measurement of the company's personnel  
23 procedures and programs?

24 A. Yes.

25 Q. Agree?

1 All right.

2 A. Yes.

3 Q. All right. And so what internal audits  
4 have you established and maintained at Savvas?

5 A. Annually, we review the documentation or  
6 the numbers on veterans, disabled, male and female  
7 hires.

8 Q. Do you agree that your activities as the  
9 affirmative action officer at Savvas -- that, in  
10 that capacity, you're not serving in the role of a  
11 lawyer?

12 A. Well, I am because I'm part of the legal  
13 department.

14 Q. Well, I understand but -- but I'm talking  
15 about your activities. For example, what's stated  
16 here -- an internal audit, a reporting system,  
17 ensuring terminations are administered in a  
18 nondiscriminatory manner. All those activities are  
19 not you serving in a legal capacity; correct?

20 A. Well, it is. I don't -- it is as legal.  
21 That's why I'm here.

22 Q. So it's your opinion that any and all  
23 activities that you perform as the company's  
24 affirmative action officer -- those would all fall  
25 into the basket of being attorney -- meaning being

1 privileged things that you're doing as an attorney?

2 MR. RUPE: Objection. Compound.

3 A. In my capacity as in-house attorney, yes.  
4 I work with a third-party vendor to gather so that  
5 we can file our affirmative action plans.

6 Q. (By Mr. Reavey) So is it your  
7 understanding that anything you do -- any documents  
8 you produce or audits you perform -- that all of  
9 that would be attorney-client privilege or attorney  
10 work product?

11 A. Well, no, not the information that I'm  
12 providing to the outside vendor. Those are the  
13 facts regarding the number of employees we have,  
14 whether or not they're veterans or not, whether or  
15 not they have identified as disabled, and the number  
16 of employees who are male and female.

17 Q. How about what we read earlier: Ensuring  
18 all personnel actions, including terminations, are  
19 administered in a nondiscriminatory manner? Do you  
20 believe that anything you do in -- in that  
21 function -- that that would all be privileged  
22 information and work product?

23 A. I'm not sure what you mean by "all." But,  
24 yes, if -- if HR or a business leader is conferring  
25 with me on an issue and they're seeking my legal



1 advice, yes. If they're reaching out to me to  
2 discuss something else that is not related to, say,  
3 a protected category, discipline, then no. If it's  
4 just to --

5 Q. So would you --

6 A. -- to organize something or, you know,  
7 "Debi, can you come and" -- "come speak to our group  
8 about overtime law?" That, obviously, would not be.

9 Q. So is it you are -- is it your  
10 understanding that if someone who is in a protected  
11 class is terminated, then that makes your activities  
12 in reviewing that termination privileged?

13 A. No. Anytime I'm reviewing a  
14 termination -- I don't approve terminations. I am  
15 just brought in to review the termination with the  
16 manager to ensure that we are complying with the law  
17 and that the manager is fully aware of any potential  
18 issues. I bring more of an objective lens to that  
19 situation.

20 Q. Okay. But regarding your role as  
21 affirmative action officer, you understand that part  
22 of that role is you investigating as to whether  
23 something could be discriminatory or could be  
24 improper; true?

25 A. Yes.



1 Q. Okay. And in that role, you gather  
2 information from people that you believe are  
3 important to you getting to the bottom of whether  
4 you need to do something as the affirmative action  
5 officer?

6 A. Yes.

7 Q. So you don't simply sit back and task  
8 employees to -- you know, "Bring me what you think  
9 is important. And then once I have that  
10 information, I will give my legal advice as to you  
11 should do X or Y or you cannot do this"; true?

12 A. I don't understand your question.

13 Q. I guess my question -- just confirming  
14 that you see your role as a affirmative action  
15 officer for Savvas as you engage in investigative  
16 work; correct?

17 A. I do do some investigative work, yes.

18 Q. And you don't regard all of that  
19 investigation work that you do as affirmative action  
20 officer as being privileged and attorney work  
21 product?

22 A. It depends on what it is. Yes.

23 Q. Well, what --

24 A. If I'm just gathering information about,  
25 you know, what's the percentage of employees who are



1 female to male, that's obviously not privileged.

2 Q. So what would make something privileged --

3 A. If we --

4 Q. -- compared to not privileged?

5 A. Sure. If we had a imbalance in that and  
6 we were working on trying to improve that, that may  
7 be privileged.

8 Q. So have you ever done any audits to  
9 determine -- prior to being involved with Brenda  
10 Willmore, did you -- since you've been at the  
11 company, did you ever do any analysis to determine,  
12 for example, what the ratio was between male and  
13 female?

14 A. Yeah. I would -- I would do that for the  
15 affirmative action plans and the EEO-1 filings --

16 Q. Okay.

17 A. -- so that I could report up that number.

18 Q. Okay. So where do those documents reside?  
19 Are they in your office or someone else's office?

20 A. Well -- "office" -- it's not really an  
21 office, but we have our EEO-1 reports that are filed  
22 with the government.

23 Q. So other than filing things with the  
24 government, have you done anything to determine if  
25 things need to be done, for example, to encourage



1 older applicants or encourage more female applicants  
2 or encourage more African American applicants?

3 A. Well, I -- I can share --

4 MR. RUPE: Hang on. Hang on.

5 Counsel, I'm going to object to that  
6 question. You're getting really close to asking  
7 privileged information. And I would object at this  
8 point on the basis of attorney-client communication.

9 MR. REAVEY: Okay.

10 Q. (By Mr. Reavey) Let me just clarify,  
11 Ms. Debiak. I'm simply asking have you undertaken  
12 any efforts of -- other than filing with the federal  
13 government -- but figuring out, for example, how  
14 many female versus male applicants are there; and  
15 out of that pool, how many males were hired as  
16 compared to females? Have you done any of that  
17 work?

18 A. I've not had to because the company is  
19 approx- -- over 60 percent female, and about  
20 75 percent of our employees are over the age of 40.

21 Q. Okay. Well, how about, for example,  
22 African American employees? Have you done anything  
23 in connection with that?

24 A. I have not had to as well.

25 Q. So what -- how do you -- what do you view



1 your role as affirmative action officer to -- to be  
2 doing on behalf of Savvas?

3 A. Like I said earlier, gathering the  
4 information so that we can do our affirmative action  
5 plan and our EEO-1 filings. And if an issue arises  
6 where there needs to be focus, then conferring and  
7 counseling with talent acquisition.

8 Q. All right. If you would, pull up  
9 Exhibit 121, please. And I'm going to try to  
10 quickly go through these pages. I'll let you know  
11 the -- they're all -- I put handwritten numbers at  
12 the -- page numbers at the bottom. So I may have  
13 you jump around a little bit. But if you would,  
14 just pay attention to the number -- the handwritten  
15 number at the bottom of the page.

16 A. Not the exhibit tab? Just the number  
17 you --

18 Q. Correct.

19 A. -- wrote?

20 Okay.

21 Q. Yeah. So -- well, the exhibit is 121  
22 here. You see that --

23 A. Correct.

24 Q. -- lab- -- but we're looking at page 1 of  
25 Exhibit 121; correct?

1 A. Yes.

2 Q. All right. And you see here, there's  
3 an -- there's an email exchange between Mica Lesser  
4 and James Lippe on April 26 and 27; correct?

5 A. Yes.

6 Q. All right. And there's a link to  
7 Salesforce records. Do you see that?

8 A. I do see the link.

9 Q. Okay. When I took Savvas's  
10 representative's deposition, there was testimony  
11 given that you gave direction that Brenda Willmore's  
12 Salesforce records should be audited. And my  
13 question to you is do you dispute that?

14 A. I don't recall saying that her Salesforce  
15 should be audited. My understanding is that her  
16 Salesforce records were already reviewed by James  
17 Lippe and Mica Lesser.

18 Q. Okay. So it's your testimony that you  
19 yourself never undertook any auditing, investigative  
20 work in connection with the Brenda Willmore  
21 Salesforce records?

22 A. What time period are you talking about?  
23 After the lawsuit was filed or before the lawsuit  
24 was filed?

25 Q. Before. And -- and, actually, I'm

1 talking -- well, do you see -- page 1 of Exhibit 121  
2 is dated at the top April 27, 2021; correct?

3 A. Yes.

4 Q. All right. And so we'll start there with  
5 the start date. And my question to you is after  
6 April 20 -- on April 27, 2021, or anytime within  
7 the -- the following months, did you ever undertake  
8 any auditing or investigative activities with regard  
9 to Brenda Willmore's Salesforce records?

10 A. I wouldn't say "auditing." I reviewed  
11 them in order to prepare the position statement.

12 Q. Okay. But that was after you knew of  
13 litigation; correct?

14 A. No. That would have been before  
15 litigation, after the EEOC charge was filed.

16 Q. Okay. Well -- so is that the first time  
17 you looked at any of the Salesforce records  
18 connected with Brenda Willmore?

19 A. I believe I may have looked at the -- a  
20 copy of the Salesforce record during the time of her  
21 termination.

22 Q. Okay. And where did you get that  
23 Salesforce record? Did you look at it in Salesforce  
24 database or ...

25 A. No. I don't have access to Salesforce.

1 Q. Was it on paper that you looked at?

2 A. It was probably an -- in an email sent to  
3 me.

4 Q. Do you know who sent you that email?

5 A. No.

6 Q. You just generally remember -- you believe  
7 you saw a Salesforce record in connection with  
8 Brenda Willmore; correct?

9 A. Right.

10 Q. All right. So when you saw that,  
11 factually speaking, did you make any observations  
12 about it?

13 A. I don't know what observations you're  
14 talking about.

15 Q. Like, did you reach any factual  
16 conclusions from looking at the Salesforce record as  
17 to whether or not Brenda Willmore had done something  
18 wrong or -- or hadn't?

19 A. Well, that would be based on review of the  
20 Salesforce record and conversation with either Mica  
21 Lesser or James Lippe.

22 Q. And do you recall when you had those  
23 conversations with Mica Lesser or James Lippe?

24 A. It would have been in early May of 2021.

25 Q. And so did you reach any factual



1 conclusions from -- after speaking with James Lippe  
2 and/or Mica Lesser regarding Brenda Willmore's  
3 Salesforce records?

4 A. Yes.

5 Q. Okay. And what -- what was that?

6 A. That they believed that she had falsified  
7 Salesforce by putting in entries that she was  
8 speaking to employees at the Derby School District  
9 when, in fact, she was not.

10 Q. Okay. So looking at page 1 of  
11 Exhibit 121, this email exchange, you -- you see  
12 here where Mica Lesser tells James Lippe, "I think  
13 this should be enough. Look at the message below,  
14 and here are her logged meetings." Did I read that  
15 correctly?

16 A. What page are you on?

17 Q. Page 1.

18 A. Oh, I need to scroll down a little  
19 further. I do see that.

20 Q. Okay. Have you seen this document before?

21 A. I don't think I have.

22 Q. Where it -- where Mica Lesser says, "I  
23 think this should be enough," you agree he was  
24 speaking of terminating Brenda Willmore?

25 MR. RUPE: Object to the form of the



1 question. Speculation.

2 A. I don't recall seeing the -- the top of  
3 that page all the way down to where it says  
4 "Forwarded message," I saw after that. So I'm not  
5 familiar with the top part. I am familiar with --  
6 where it says "Forwarded message" from Allie Tatrow.  
7 But the top part, I don't believe I have seen.

8 Q. (By Mr. Reavey) Do you agree that the  
9 message from Allie Tatrow -- you know her to be the  
10 representative for Derby School Districts; correct?

11 A. Yeah. It says here she was district  
12 instructional coordinator.

13 Q. And you see the message that Mica pasted  
14 into his forwarded email to James Lippe -- Allie  
15 Tatrow tells Mica, "There were no phone calls after  
16 this visit"; correct?

17 A. (Reading document.) Yes.

18 Q. Okay. And -- and this was something --  
19 you say you saw this part of the email; correct?

20 A. Yes.

21 Q. All right. And then you agree going up  
22 the page where Mica Lesser mentions, "I think this  
23 should be enough" -- "should be enough. Look at the  
24 message below, and here are her logged meetings."  
25 Did I read that correctly?



1 A. Yes.

2 Q. Okay. And you agree Mica Lesser mentions  
3 "meetings" whereas Allie Tatrow mentions "phone  
4 calls"; correct?

5 A. Let me read it. "I think this should be  
6 enough. And here are her logged meetings" and  
7 "There were no phone calls after this visit." Yes,  
8 that's what it says.

9 Q. Okay. You -- and do you understand, from  
10 being involved in this case, that the -- the entry  
11 in Salesforce that is at issue is listed as a  
12 virtual meeting; correct?

13 A. I'm not sure. I don't have the Salesforce  
14 document in front of me, but it would make sense  
15 because this was during COVID.

16 Q. So take a minute, still in Exhibit -21 --  
17 go to page -- I'm sorry -- 121 -- go to page 13.

18 A. Okay.

19 Q. And just for context, you agree -- this  
20 email is from Sheri Jolcover to you dated May 3,  
21 2021; correct?

22 A. Yes. Yes, it is.

23 Q. So -- and -- and Sheri Jolcover is  
24 forwarding to you a request to terminate that Sheri  
25 Jolcover received from Mica Lesser; correct?



1           A.    Yes.  I don't see the re- -- I don't see  
2   the request to terminate there.

3           Q.    Okay.  We'll get there.  So --

4           A.    Okay.

5           Q.    So then turn back to page 8 of  
6   Exhibit 121.

7           A.    Yes.

8           Q.    You agree page 8 is this recommendation  
9   for dismissal that Mica Lesser sent to Sheri  
10   Jolcover, which Sheri then forwarded to you;  
11   correct?

12          A.    I don't know if she forwarded me the email  
13   that said, "Let me know what you think."  But this,  
14   I -- this, yes, I am confirming that Mica Lesser  
15   sent this to Sheri.

16          Q.    And, actually, if you turn to page 11 of  
17   Exhibit 121, you agree now we see what appears to be  
18   a Word document with the subject "Recommend --  
19   "Recommendation for Dismissal - Brenda Willmore";  
20   correct?

21          A.    Yes.

22          Q.    All right.  And you received this  
23   document; correct?

24          A.    No.  This one seems to be redacted with  
25   changes, and I don't believe I ever saw this one.



1 Q. Well, do you recall -- okay. Turn to  
2 page 14 briefly, middle of the page. You see an  
3 email from Sheri Jolcover to Mica saying, "I  
4 reviewed and made a few minor changes. I've now  
5 shared this with Debi Debiak. The next step will be  
6 Q&A with Debi, and I will advise as to when." Did I  
7 read that correctly?

8 A. Yes.

9 Q. Does this refresh your recollection that  
10 the recommendation for dismissal that you received  
11 from Sheri Jolcover -- she had made some edits to  
12 that; correct?

13 A. Yes.

14 Q. Okay.

15 A. That must be the one where she made the  
16 edits.

17 Q. All right. Okay. And you agree in this  
18 document prepared by Mica Lesser that, ultimately,  
19 was forwarded to you after Sherry's edits -- you  
20 agree he lists out four separate items that he  
21 believes justifies Brenda Willmore being fired;  
22 correct?

23 A. Can you point me to the -- the document  
24 that were --

25 Q. Page 11.

1 A. -- sent to me.

2 Q. Page 11 through 12.

3 THE REPORTER: Excuse me. You guys need  
4 to stop talking over each other.

5 MR. REAVEY: Okay. Sorry.

6 Q. (By Mr. Reavey) Looking at page 11 and 12  
7 of Exhibit 121.

8 A. Okay. This page 11 and 12 is not the one  
9 that I received.

10 Q. Well, are you talking about the -- where  
11 it shows what changes were made?

12 A. Yeah. So I don't know if those -- if that  
13 was -- if those changes were accepted and became the  
14 final request to terminate.

15 Q. Well, purp- -- for purposes of the  
16 deposition, you can assume that they were be- --  
17 Sheri Jolcover gave testimony that, yes, these are  
18 the edits that she made and this red line -- or  
19 where it shows the changes -- that -- those were the  
20 changes she made. Do you understand that?

21 A. Okay.

22 Q. All right. So, regardless, though,  
23 looking at the document, we see four numbered items  
24 going down the left side of the page; correct?

25 A. Yes.

1           Q.    All right.  And let's just briefly go  
2   through each item.  Item 1 talks about "Brenda has  
3   had a number of issues working with specialists on  
4   her team."  Do you agree that's how that sentence  
5   starts?

6           A.    That's what it says.

7           Q.    All right.  And you agree that -- well,  
8   let me back up for just a minute.  I assume that  
9   when you received this recommendation for term- --  
10   or for dismissal from Sheri Jolcover, you read it?

11          A.    Yes.

12          Q.    Okay.  And in reading it, I take it you  
13   were aware that -- regarding the subject matter of  
14   Item 1, you were aware that Brenda Willmore had not  
15   been subject to any performance guidelines or  
16   performance improvement as to the item listed in  
17   Item 1?

18          A.    At the time I read it, I did not.  I -- I  
19   did not know who Brenda Willmore was.

20          Q.    Okay.  And then the second item -- you  
21   agree that has to do with sales goals -- meeting  
22   sales goals; correct?

23          A.    Correct.

24          Q.    Okay.  And Item 3 talked about the Blue  
25   Valley School District?

1 A. Yes.

2 Q. All right. And do you see there where it  
3 says, "In 20-" -- Mica says, "In 2019 Ms. Willmore  
4 was asked to be removed from the Blue Valley School  
5 District." You agree that should state "in 2018"?

6 A. I don't know if that was 2018 or 2019.  
7 I'd have to look at another document to confirm  
8 that.

9 Q. And then if we move on to -- well, let me  
10 back up. So if I'm correct that -- and it's  
11 undisputed in the case it was August 2018 -- this  
12 reference by Mica to this -- Brenda Willmore's  
13 removal from the Blue Valley School District -- we  
14 would be talking about three years after Mica says  
15 she was removed from that account; correct?

16 A. Can you ask that again.

17 Q. If I'm correct that the -- the appropriate  
18 date of when Mica Lesser decided that he would be  
19 the point person for Blue Valley, particularly  
20 dealing with Jennifer Luzenske -- if that occurred  
21 in August of 2018, this writing that Mica Lesser  
22 made on April -- or I'm sorry -- May 2nd that he  
23 sent to Sheri Jolcover, which was then provided to  
24 you -- Item 3 would be talking about an event that  
25 had occurred three years prior or almost three years



1 prior?

2 A. Are you just asking me if 2018 to 2021 is  
3 three years? Yes.

4 Q. Well, when you read this, assuming you  
5 did, and saw that this was sort of, like, old news,  
6 at least two years, did you have any conclusions in  
7 your mind that, well, that's -- that's not something  
8 we really can act on? Did you have any thoughts  
9 like that?

10 A. No.

11 Q. Then Item 4 on page 12 -- this is talking  
12 about Derby School District; correct?

13 A. Yes.

14 Q. Okay. And this is pertaining to  
15 discussions that Mica Lesser and James Lippe had  
16 with the Derby School District on April 20, 2021;  
17 correct?

18 A. Yes.

19 Q. Okay. And, Ms. Debiak, do you have any --  
20 regardless of when you learned it, but you  
21 understand and acknowledge that these items --  
22 Items 1 through 4 as to Brenda Willmore at --  
23 through the lens of Mica Lesser not performing  
24 properly, Brenda Willmore had no performance  
25 improvement counselings, initial warnings,





1 discipline?

2 A. I do know that she did not have a -- if  
3 one of your questions was a performance improvement  
4 plan.

5 Q. Okay.

6 A. I don't know if there were any verbal  
7 warnings or verbal discussions between Brenda  
8 Willmore and Mica Lesser.

9 Q. Okay. Well, I'm talking about -- you  
10 understand that, generally speaking, performance  
11 improvement documents or discipline, as referenced  
12 by the policy we looked at earlier -- those would be  
13 placed in one's personnel file; correct?

14 A. Yes.

15 Q. Okay. And you're not aware of anything  
16 like that that is in Brenda Willmore's personnel  
17 file; correct?

18 A. I'm not -- I'm not aware of any.

19 Q. Then Item 4 on page 12 -- you agree, in  
20 writing this recommendation for dismissal, Mica  
21 Lesser writes, "Finally, it was shared from Allie  
22 Tatrow, the district's instructional coordinator,  
23 that Brenda had no communication with Brenda since  
24 March 3rd, 2021. However, if you look at Brenda's  
25 logged meetings in Salesforce.com, she noted meeting

1 virtually with her on April 12th, 2021. This is a  
2 very clear violation of Savvas's code of conduct  
3 policy." Did I read that correctly?

4 A. You did.

5 Q. Okay. And you agree, at least when Mica  
6 Lesser is speaking to Sheri Jolcover, he indicates  
7 that Brenda's logged meetings in Salesforce noted  
8 she met virtually on April 12th, 2021, with Derby;  
9 correct?

10 A. That's what it says.

11 Q. All right. You remember earlier when we  
12 looked -- well, disregard that.

13 Now, if you would, turn to page 16.

14 A. 16. I'm there.

15 Q. Okay. And -- and, actually, this was an  
16 email forwarded to you by Mica Lesser on May 4,  
17 2021; correct?

18 A. Yes.

19 Q. All right. And -- and what he forwarded  
20 to you was the message we saw earlier that he had  
21 sent to James Lippe from Allie Tatrow where Allie  
22 said, "She did a drop-in visit on March 3rd since  
23 she was in the area just to introduce herself and  
24 touch base, about 15 minutes. There were no phone  
25 calls after this visit." Did I read that correctly?



1 A. Yes.

2 Q. Okay. And you agree this message from  
3 Allie -- she speaks of phone calls, but she doesn't  
4 say anything about meetings; correct?

5 A. Yes.

6 Q. Okay. And we were squared away on the --  
7 the -- this -- as you know from part of this case,  
8 this alleged fabrication pertaining to Brenda  
9 Willmore supposedly putting in Salesforce that she  
10 had a virtual meeting on April 12, 2021; correct?

11 A. Yes.

12 Q. All right. And Mica's message to you --  
13 when he forwarded this message from Allie, he  
14 indicates "FYI"; correct?

15 A. Yes.

16 Q. And then take a quick look at page 18.  
17 You agree this is part of the email communication  
18 that Mica Lesser forwarded to you with the "FYI" of  
19 communications he had with Allie Tatrow; correct?

20 A. On page 18?

21 Q. Yeah. And if you need to look at the  
22 pages prior, you can see all these emails. This is  
23 one email string that was forwarded to you by Mica  
24 Lesser.

25 A. I do recall seeing this.

1 Q. Okay. And do you recall seeing page 18 of  
2 this exhibit where Allie Tatrow told Mica Lesser --  
3 Item 3, quote, "Brenda did communicate with us  
4 between March 8th and now, just very  
5 intermittently," period, closed quotes. Did I read  
6 that correctly?

7 A. You did.

8 Q. Okay. And if you look at page 17, you see  
9 Allie Tatrow is writing this on April 26th, 2021, to  
10 Mica Lesser; correct?

11 A. Yes.

12 Q. Okay. And you agree what you just read,  
13 despite what we looked at earlier where -- well,  
14 page 12 -- where Mica Lesser includes in his  
15 recommendation for dismissal "Brenda had no  
16 communication with Brenda" -- you understand that  
17 was -- there's a typo there. It should say "Allie  
18 had no communication with Brenda." Is that how you  
19 read it?

20 A. What page are you on again?

21 Q. 12.

22 A. 12. I see it. Yes, he said that "Brenda  
23 had no communication with Brenda since March 3rd."

24 Q. Right. But what he was referencing was  
25 Allie Tatrow had no communication with Brenda?



1           A.     They show it as -- I believe, yeah, that's  
2     what he was saying.

3           Q.     Okay. And -- well, the -- page 18 that we  
4     just looked at, you agree, the email from Allie  
5     Tatrow to Mica doesn't say that, does it? In fact,  
6     it says the opposite. It says that Brenda did  
7     communicate with Derby School District --

8           A.     It says --

9           Q.     -- from March --

10          A.     -- what it says. Yes.

11          Q.     -- from -- from March 8 up to April 26th;  
12     correct?

13          A.     Yes, it says what it says.

14          Q.     All right. You agree -- and -- and I take  
15     it when you -- I think you already testified. When  
16     you received these emails, you read through them;  
17     correct?

18          A.     Yes.

19          Q.     All right. Did you -- when you saw Allie  
20     Tatrow saying the opposite of what Mica Lesser was  
21     saying that -- did that cause you any concern?

22                 MR. RUPE: Object to the form of the  
23     question.

24          Q.     (By Mr. Reavey) You have to still go  
25     ahead and answer the question --

1 A. I'm sorry. What was --

2 Q. -- even though --

3 A. -- the question?

4 Q. -- there's an -- an objection.

5 The question was when you saw this back  
6 on -- back when you received it on May 3rd, 2021,  
7 where Mica Lesser included in his request for  
8 dismissal a statement about there being no  
9 communication between Brenda and Allie and then  
10 seeing where Allie said the opposite -- did that  
11 cause you concern?

12 A. No. Because she said that -- she's still  
13 complaining about her communication.

14 Q. So now, if you would, turn to page 13.  
15 And do you agree this is Sheri Jolcover writing to  
16 you on May 3rd, 2021, the subject of which is the  
17 attached "Recommendation for Dismissal" by Mica;  
18 correct?

19 A. Yes.

20 Q. Okay. And you agree Sheri Jolcover told  
21 you, in reading the request for dismissal, she did  
22 not believe it was enough for her to approve;  
23 correct?

24 A. That's what she wrote, yes.

25 Q. And do you agree with the testimony of

1 Sheri Jolcover that you and her generally agree with  
2 when an -- when a termination can be approved, when  
3 a termination cannot?

4 A. Are you saying that she testified that she  
5 and I usually agree on when a termination is  
6 appropriate or not?

7 Q. Yes.

8 A. I can't recall any time we were discussing  
9 an employee discipline where we -- I can't recall  
10 where maybe we had a disagreement over that.

11 Q. And then in -- in emailing you, Sheri  
12 says, "If we do Q&A with Mica and James, I think  
13 we'll be okay"; correct?

14 A. Yeah, she does say that.

15 Q. And did you understand her reference to  
16 "Q&A" -- what she was referencing was a potential  
17 legal claim arising out of the termination?

18 MR. RUPE: Object to the form of the  
19 quest- --

20 A. No. No, I didn't -- I didn't anticipate  
21 that.

22 Q. (By Mr. Reavey) What did you think she  
23 was referencing by "Q&A"?

24 A. As I said before, sometimes I'm asked to  
25 join a discussion on employee termination and to

1 provide legal advice in the form of probing  
2 questions to make sure that the managers are  
3 comfortable with the decision that they made in  
4 order to minimize any risk.

5 Q. Okay. So do you recall -- with reference  
6 to the HR person working on this request of  
7 dismissal where she gave you her opinion -- she  
8 didn't believe it was enough to approve -- do you  
9 recall if you agreed with her or didn't agree with  
10 her?

11 A. I don't recall Sheri ever saying that she  
12 didn't think there was enough to approve.

13 Q. But you see it on this email we're looking  
14 at; correct?

15 A. That she didn't approve -- right. She  
16 says, "I believe it is not enough to approve.  
17 However, if we do a Q&A with Mica and James, I think  
18 we will be okay." I don't understand why she -- she  
19 wrote that, but we did then schedule a meeting.

20 Q. Do you have any reason to dispute her  
21 testimony about she wanted to put the brakes on --  
22 and she mentioned performance improvement. Do you  
23 recall having any discussions with her on those  
24 topics?

25 A. I don't remember having any conversations



1 about performance improvement.

2 Q. All right. So then if you turn to the  
3 next page, page 14, we see there's a message from  
4 Sheri Jolcover to Mica Lesser and James Lippe with  
5 the subject, "Recommendation for Dismissal Brenda  
6 Willmore"; correct?

7 A. Uh-huh.

8 Q. Is that a "Yes"?

9 A. Yes. I'm sorry.

10 Q. Okay. And Sheri writes to Mica, "Please  
11 be prepared to discuss the following with legal."  
12 And then there's four bullet points -- questions;  
13 correct?

14 A. Right.

15 Q. Okay. And the -- the first bullet point  
16 is "If you question Brenda on the customer complaint  
17 and on her Salesforce entries." Did I read that  
18 correctly?

19 A. Yes.

20 Q. Okay. And you agree the customer  
21 complaint referenced here is the customer complaint  
22 from Derby?

23 A. Yes.

24 Q. And you -- at some point, I take it, you  
25 learned that, in fact, Brenda had not been talked to

1 about the customer complaint by Derby? Or --

2 A. No.

3 Q. -- let me back up a minute. Let me back  
4 up a minute. With regard to Salesforce entries --  
5 this reference to "If Brenda was questioned about  
6 her Salesforce entries" -- you agree that the answer  
7 to that is no, she was not talked to and asked  
8 questions about the supposed fabricated Salesforce  
9 entry?

10 A. No. My understanding was that she had  
11 been questioned.

12 Q. Okay. Do you understand that Brenda  
13 Willmore said she, in fact, had not?

14 A. No. I don't know if she said that or not.

15 Q. Are you familiar with Mica Lesser's  
16 testimony where he said he did not talk to her about  
17 the Salesforce entries until --

18 A. I'm not -- I'm not fam- --

19 Q. -- when he was -- when he -- until when he  
20 was firing --

21 THE REPORTER: One at a time.

22 THE WITNESS: My apologies.

23 A. No, I'm not familiar with Mica's  
24 testimony.

25 Q. (By Mr. Reavey) Do you have any



1 documents, that you're aware of, that would show  
2 that Brenda Willmore was spoken to about this  
3 alleged discrepancy between her indicating she had a  
4 meeting on April 12th with Allie Tatrow and Mica  
5 Lesser saying there had been no communication  
6 between Brenda and Allie?

7 A. I don't know anything about an  
8 April 12th meeting.

9 Q. Okay. I'm ask- -- I'm just asking you do  
10 you -- are you aware of any documents that would  
11 memorialize Brenda Willmore being talked to about  
12 this alleged fabrication and her being allowed to  
13 tell her side of things?

14 A. A document on this? No, I'm not aware of  
15 a document on this.

16 Q. Okay. And then the second bullet point  
17 that Sheri is indicating that Mica should be  
18 prepared to talk with Debi Debiak about -- it states  
19 "What her performance review looked like last year."  
20 Did I read that correctly?

21 A. Yes.

22 Q. Okay. And at some point -- it's true,  
23 isn't it, that you learned that Brenda Willmore's  
24 performance review for both 2019 and 2020 were all  
25 satisfactory or exceed expectation marks?

1           A.    I don't remember. I remember that the  
2 ratings were 3 or 4. I don't remember the  
3 description of those ratings.

4           Q.    So you don't -- you don't know a 3 means  
5 satisfactory, 4 means exceeds?

6           A.    That -- the -- the narrative has changed  
7 over the years. So I'm not sure if at the time --  
8 if those were the narratives.

9           Q.    So the next bullet point says "The  
10 employee that will handle the account for Derby."  
11 That's listed here; correct?

12          A.    Correct.

13          Q.    All right. And at the time, did you get  
14 an answer to that question as to who would be  
15 replacing Brenda Willmore?

16          A.    Yes. I think it was Mica Lesser.

17          Q.    Okay. You -- you understand Mica Lesser  
18 is significantly younger than Brenda Willmore and  
19 he's obviously a male; correct?

20          A.    I don't know his age.

21          Q.    You don't know his age?

22          A.    No. I think he's over -- I should know  
23 his age, but I don't know if he's over 40 or under  
24 40.

25          Q.    Okay. You've met him in person, though?

1 A. No.

2 Q. But you've been on Zoom calls with him;  
3 correct?

4 A. Correct.

5 Q. And you're not testifying that you have no  
6 idea whether he was younger or older than Brenda  
7 Willmore; correct?

8 A. No. I think he was younger than Brenda  
9 Willmore.

10 Q. And then the last bullet point as to  
11 things that Debi Debiak wanted to speak with Mica  
12 and James Lippe -- it states, "More detailed  
13 explanation of Derby's complaints." Did I read that  
14 correctly?

15 A. Yes.

16 And my last name is pronounced Debiak.

17 Q. Okay. I'm sorry. I hope I don't mess it  
18 up again. I'll try not to.

19 But what was it that you wanted to -- what  
20 more detail did you want about Derby?

21 A. General details on what the complaints  
22 were, what the relationship was. Just that. Just  
23 more details.

24 Q. So part of this discussion that was had  
25 with Mica Lesser, Sheri Jolcover, James Lippe -- do



1 you remember when this discussion occurred among all  
2 of you?

3 A. I believe it was -- if this is dated  
4 May 3rd -- it was either May 3rd or May 4th.

5 Q. So do you -- as -- as part of that  
6 discussion, do you recall there being discussion  
7 among the group that, well, you know, for most of  
8 this stuff that Mica Lesser has listed out, there  
9 aren't any -- there's no documentation of these  
10 being performance failures by Brenda Willmore?

11 A. I don't recall if we discussed whether  
12 there were any documentations on these issues other  
13 than the emails that came from Blue Valley and the  
14 Derby School Districts.

15 Q. Why was it that you wanted to talk about  
16 who would handle the account after Brenda Willmore  
17 was gone?

18 A. It was probably more to determine who  
19 would be replacing her.

20 Q. Okay. And why did you want to know what  
21 her performance review looked like for 2020?

22 A. To determine what her performance was --  
23 view. Those are standard to see. You know, did  
24 they have a poor review on there last year? Were  
25 they an excellent? Were they just an average? What

1 happened?

2 Q. Okay. And -- and in asking these  
3 questions or raising these topics for discussion,  
4 were you raising those because you were concerned  
5 that firing Brenda would result in a lawsuit?

6 A. There's always a concern that an employee  
7 who was terminated will file a lawsuit. So my job  
8 is to ask these types of probing questions in order  
9 to raise any concerns so that the manager is clear  
10 in their determination -- when Mica and James  
11 ultimately decide to terminate an employee. So,  
12 yes, it's always in the understanding of this is  
13 what I'm providing legal advice for -- to point out  
14 through a more objective lens, you know, what are  
15 the circumstances? I've never met Brenda Willmore  
16 before.

17 Q. But you did know she was in a protected  
18 class? Meaning she was 59 years old and she was  
19 female; correct?

20 A. That came up.

21 Q. Yeah. So as a result of this  
22 conversation -- well, let me back up. In this, what  
23 you believe is -- I think you said May 3rd or  
24 May 4th is when you recall having this discussion?

25 A. Yes.

1 Q. All right. Was there discussion about  
2 Brenda Willmore having engaged in insubordination or  
3 fabrication?

4 A. I don't recall the word "insubordination,"  
5 but I do recall -- I believe it was at that time --  
6 in discussion about the Salesforce entries.

7 Q. Okay. Do you recall there being  
8 discussion among the group about, "Well, for these  
9 performance issues that she hasn't been disciplined  
10 or counseled about, we really can't fire her over  
11 that because that" -- "that would not comply with  
12 the company policy or practice of, 'Hey, if someone  
13 is not performing, you should engage in  
14 progress-' -- "'progressive improvement'" -- or  
15 "'performance improvement guidelines'"?

16 A. Are you asking --

17 MR. RUPE: Objection. Compound.  
18 Compound. Complex.

19 A. Are you asking if I said that or if  
20 somebody else said that?

21 Q. (By Mr. Reavey) Just was it a topic of  
22 discussion among the group?

23 A. Okay. Can you go through the list of what  
24 would -- might have been a topic.

25 Q. Well -- sure. Do you recall who was in



1 this meeting besides yourself?

2 A. I recall Sheri Jolcover, Mica Lesser. And  
3 I'm not 100 percent sure if James Lippe was there.

4 Q. And was this a Google Hangout?

5 A. Yes.

6 Q. Okay. So it was a virtual meeting?

7 A. Yes.

8 Q. All right. So my question to you is do  
9 you recall it being a topic that looked for the  
10 performance-related issues, different than fraud or  
11 fabrication -- company policy is that she should  
12 have been subject to performance improvement  
13 guidelines? Meaning she should have been counseled;  
14 she should have been put on a performance  
15 improvement plan; she should have been given --

16 A. No.

17 Q. -- warnings?

18 A. That -- that's not right. That's not what  
19 company policy is.

20 Q. Okay. Well, I'm talking -- did -- did  
21 that topic come up? In -- in the discussion, did  
22 the topic come up, "Well, has she been counseled  
23 about any of these things"?

24 A. No, that did not come up. It was that she  
25 had received yet another customer -- not just a

1 customer complaint but a request by a second  
2 customer that they did not want to work with her.

3 Q. So coming out of this meeting that we've  
4 been talking about, did -- do you recall that, at  
5 that point, you were in agreement with Sheri  
6 Jolcover that there's -- there's really not enough  
7 here to allow Mica to go ahead and fire Brenda?

8 A. I don't believe that --

9 MR. RUPE: Object to the form of the  
10 question.

11 A. I don't believe that's what Sheri said at  
12 the time.

13 Q. (By Mr. Reavey) Well, we're talk- --  
14 remember in the email where she said when -- after  
15 she forwarded the request for dismissal, she told  
16 you, "I don't believe there's enough to approve."  
17 And all I'm asking is after this meeting --

18 A. Well, I don't know why --

19 Q. Just --

20 A. -- she said there is -- why there wasn't  
21 enough to approve. My understanding is she just  
22 wanted you go through the facts in a little more  
23 detail with Mica and herself to get a better  
24 understanding. She was more familiar with Brenda.  
25 Like I said before, I had never met Brenda Willmore,



1 did not know anything about her. So we had that  
2 meeting. We discussed Mica's termination request.

3 Q. So did you -- did you have the discussion  
4 about who would replace Brenda from the standpoint  
5 of, you know, "If it's a younger male, then, you  
6 know, we may" -- "we may need to put the brakes on  
7 this"?

8 A. No.

9 Q. Okay. Why did you have that as a  
10 discussion point?

11 A. I think it was more out of a concern, from  
12 reading the documentation, that Mica had shared that  
13 Derby School District had asked to have Brenda  
14 removed from the account, and this was following  
15 after Blue Valley had asked to have Brenda removed  
16 from the account. Mica Lesser is -- believe, at the  
17 time, his title was a regional vice president. He  
18 was in Colorado managing a large district. And I  
19 was aware that he was covering the Blue Valley and  
20 he might also have to cover the Derby. It was a  
21 little more complicated than in other states in that  
22 there was only one account manager in the state. So  
23 he didn't have the -- the option of transferring the  
24 account to another account manager.

25 Q. So your testimony would be, "Look. I

1 didn't discuss that from the standpoint of" -- "you  
2 know, if she's being replaced by a younger male,  
3 that could be concerning from a legal standpoint"?  
4 Your testimony is no, that -- that didn't even cross  
5 your mind?

6 A. Oh, I'm su- --

7 MR. RUPE: Object. Well --

8 THE WITNESS: Go ahead.

9 MR. REAVEY: Object to the question.  
10 Counsel, that is clearly asking for  
11 attorney-client information. I would instruct her  
12 not to answer.

13 Q. (By Mr. Reavey) Well, didn't you just say  
14 that -- you gave the reason for why you had --  
15 wanted that discussed; correct?

16 A. Yes. It was -- I was concerned who was  
17 going to be handling the account.

18 Q. And that was the only concern you can  
19 recall having at the time; correct?

20 A. Yeah, I think so.

21 Q. Then if we turn to the next page,  
22 page 15 --

23 MR. RUPE: Counsel, we've been going for  
24 about an hour and a half -- an hour and 15 minutes.  
25 Do you want to take a break?



1 MR. REAVEY: Sure. That's fine.

2 MR. RUPE: Okay.

3 THE VIDEOGRAPHER: Stand by, please.

4 We're going off the record. The time now is

5 2:47 p.m.

6 (A recess was taken.)

7 THE VIDEOGRAPHER: We are back on the

8 record. The time now is 2:56 p.m.

9 Q. (By Mr. Reavey) Okay. Ms. Debi- -- did  
10 you say it was "Debi-ack" or "Debi-ock"?

11 A. "Debi-ack."

12 Q. "Debi-ack." Okay.

13 We're still on Exhibit 121. Turn to  
14 page 15. You agree this is an email sent from Mica  
15 to you on May 4, 2021? The forward is "Savvas Math  
16 Screener." Do you see that?

17 A. What -- which page?

18 Q. Page 15.

19 A. Okay. Yes. I'm on page 15.

20 Q. And you know that Claravon Mathews is a  
21 representative of Derby School District; correct?

22 A. Yes. It says she's "STEM instructional  
23 coordinator."

24 Q. So Mica forwarded an email he received  
25 from Claravon to you and Sheri, and Mica says, "This

1 happened after I told Brenda that she was getting  
2 removed from the account due to customer request";  
3 correct?

4 A. Correct.

5 Q. All right. Nothing in the email that Mica  
6 sent to you indicates he told her "Don't reach out  
7 to Derby"; correct?

8 A. Well, I don't know what he said. Would --  
9 you know, getting removed from the account due to a  
10 customer request usually means don't reach --

11 Q. Okay.

12 A. -- out to the customer.

13 Q. Well, I'm just saying on the paper that  
14 Mica sent to you --

15 A. Yes.

16 Q. -- isn't anything indicating that he  
17 specifically told Brenda, "Don't reach out to  
18 Derby"; true?

19 A. There's nothing in here that says "I,  
20 Mica, told Brenda don't reach out to Derby."

21 Q. Then, in fact, if we turn to -- if you  
22 turn to page 24 of the same exhibit -- and this  
23 would be the next day, May 5, 2021 -- you agree you  
24 actually asked Mica that question; correct?

25 A. Right. I said, "Could you ask how she is

1 reaching out? Email? Telephone calls?"

2 Q. And then you go on to say, "And was she  
3 told to not contact?"

4 A. Uh-huh. That's --

5 Q. Is that --

6 A. -- true.

7 Q. -- a "Yes"?

8 Okay. And you wrote that to Mica Lesser,  
9 and you also copied James Lippe; correct?

10 A. That's correct.

11 Q. And why was it important for you to know  
12 how Brenda was reaching out -- was it email? Was it  
13 telephone calls -- and whether she was told to not  
14 contact?

15 A. I was, at that time, concerned about how  
16 she was reaching out to a customer that had told  
17 Savvas that they no longer wanted to work with her.  
18 I was concerned that perhaps she was now harassing  
19 the customer and that there might be a concern  
20 regarding privacy or "Do not contact."

21 Q. And then --

22 A. But then I saw on the bottom that Mica had  
23 said -- and then I saw at the bottom of the email or  
24 somewhere -- it was on another email -- that she had  
25 reached out via email to Claravon but called her

1 "Mary" for some reason.

2 Q. So if you go to page 23, you agree this is  
3 the -- this is an email at the bottom from Mica to  
4 Brenda where -- and this is on May 5, 2021, and he  
5 states, "Brenda, wanted to remind you that Derby has  
6 asked for someone else to cover their account for  
7 the time being. So I have been helping them out  
8 since our conversation with them a few weeks back.  
9 Please hold off on contacting them at this time."  
10 Did I read that correctly?

11 A. You did read it correctly.

12 Q. Okay. And that was sent on May 5, 2021,  
13 at 3:22 p.m. Did you see that?

14 A. Yes. That's what it says.

15 Q. And then if you go back to page 24, this  
16 is, again, your email to Mica where you asked, "Was  
17 she told not to contact"; correct?

18 A. I'm sorry. What ex- -- I lost the  
19 exhibit. Is this --

20 Q. Yeah. That --

21 A. -- Exhibit 121?

22 Q. Yeah, 121. Page --

23 A. Page what?

24 Q. -- page 23 -- 23 and 24.

25 A. And what was your question?





1 Q. So do you agree that it was after you  
2 asked Mica, "Was she told to not contact?" -- it was  
3 then, after you said that, that he then wrote this  
4 email to Brenda about not reaching out to Derby?

5 A. Yes.

6 Q. And then -- then turn to page 25. Again,  
7 this is an email from you -- or from Mica to you,  
8 Sheri Jolcover, and James Lippe; correct?

9 A. Yes.

10 Q. And you agree that Mica, in this email, is  
11 responding to the questions that you had of him  
12 about "How is she reaching out?" and "Was she told  
13 not to contact?"; correct?

14 A. Yes.

15 Q. And this email that Mica sent to you --  
16 you agree that he sends that to you after -- after  
17 you sent him the email asking if she had been told  
18 not to contact and then after he sent the email to  
19 Brenda saying, you know, "Hold off on reaching out  
20 to Derby," then he sends you this email; correct?

21 A. I don't know about -- I'd have to look at  
22 the sequence. I don't know if he -- I see that it's  
23 May 5th at 3:22 p.m. that Mica says to Brenda, "I  
24 wanted to remind you that Derby has asked for  
25 someone else to cover their accounts." And then he

1 sends the email to me and Sheri at 4:34 p.m., but I  
2 see that this is an email from me.

3 And I'm on the East Coast, and he's on --  
4 he's -- I don't -- I think -- I'm not sure if he --  
5 he's Central time or a different time. He's in  
6 Colorado; I'm in New Jersey. Sheri is in -- usually  
7 in California, and James is usually in Chicago.

8 Q. And then turn to page 33 of Exhibit 121.  
9 And you agree this is an email from Mica Lesser to  
10 Brenda Willmore dated May 18, 2021, at 10:20 a.m.;  
11 correct?

12 A. Correct.

13 Q. And Mica starts his email out to Brenda,  
14 "As I have asked you twice, Derby has asked that you  
15 no longer work with them. And they reached out to  
16 me today saying there is a technology integration  
17 call you sent out. Please do not join this meeting  
18 at the request of the customer as well as me  
19 covering with you that you are not to work with  
20 them." Did I read that correctly?

21 A. Yes.

22 Q. Okay. And so Mica Lesser references him  
23 having asked Brenda twice not to reach out to Derby;  
24 correct?

25 A. That's what it says.

1 Q. And we know -- we looked at earlier his  
2 email to Brenda on May 5th. You understand that's  
3 the only -- that's -- that would be the second  
4 request, the one in writing where he said, "Please  
5 read" -- "Please hold off on reaching out to Derby";  
6 correct?

7 A. The one where he's --

8 MR. RUPE: Objection.

9 A. -- saying --

10 MR. RUPE: Objection. Argumentative.

11 A. Are you asking about the email we just  
12 looked at where he says, "I'm reminding you"?

13 Q. (By Mr. Reavey) Correct.

14 A. And are you asking if that's the email --

15 Q. We know --

16 A. -- or what he said? Because I don't know  
17 what he said to her. All I know is what the email  
18 says.

19 Q. And you haven't seen any notes or  
20 documents that would indicate that Mica Lesser  
21 verbally told Brenda Willmore not to reach out to  
22 Derby prior to his writing on May 5, 2021?

23 A. I do not recall any other documents, other  
24 than these two emails, where he has documented that  
25 he told her not to reach out to Derby.

1 Q. And you agree -- and if you need to,  
2 reference page 23 -- but the writing that Mica  
3 Lesser wrote to Brenda about, "Hey, hold off on  
4 contacting them," it -- reading the email, does not  
5 appear that Mica is indicating that "Look, you  
6 disobeyed me, and you're still contacting Derby."  
7 That's not the tenor of the email at all, is it?

8 MR. RUPE: Objection.

9 A. I -- that's --

10 MR. RUPE: Argumentative. And --  
11 argumentative. And calls for speculation.

12 A. Yeah. I don't know what his intention for  
13 his tenor -- tenor was.

14 Q. (By Mr. Reavey) So reading that email on  
15 page 23 -- other than him saying, "Wanted to remind  
16 you that Derby has asked for someone else," he  
17 doesn't say anything about, "Hey, I asked you before  
18 not to contact them," does he?

19 MR. RUPE: Same objections. Speculative.  
20 Argumentative.

21 A. It says here, "Please hold off on  
22 contacting them."

23 Q. (By Mr. Reavey) Right. But you agree the  
24 preceding sentence where he says, "Wanted to remind  
25 you that Derby has asked for someone else to cover

1     their account for the time being" -- that doesn't  
2     say anything about a directive to Brenda not to  
3     contact them. He's just referencing, "They asked  
4     for someone else"; correct?

5             MR. RUPE: Same -- same objections.  
6     Argumentative. Speculation.

7             Q.     (By Mr. Reavey) Go ahead.

8             A.     My understanding is when you're no longer  
9     covering an account, you are no longer to contact  
10    that account. I mean, there may be circumstances  
11    where you would need to contact them, but I don't  
12    see that spelled out here.

13            Q.     So then, if you would -- so at the  
14    point -- are you able to say at the point that you  
15    wrote the email to Mica Lesser saying, "Has she been  
16    told not to contact" -- factually, you don't know if  
17    she had or not; true?

18            A.     No, I don't know. I don't -- I wasn't --  
19    like I said, I never met Brenda Willmore. I was not  
20    involved in any conversations with her.

21            Q.     Go to page 27, please. You agree this is  
22    an email from Sheri Jolcover. The subject is  
23    "Speaking Points," and it's dated Monday, May 17, at  
24    3:49 p.m.; correct?

25            A.     Central time, yes.

1 Q. Okay. And that -- there's an attachment  
2 that says "Brenda Speaking Points"; correct?

3 A. I don't -- oh, so the next page is the  
4 attachment?

5 Q. Yeah.

6 A. 28?

7 Q. Yeah.

8 A. Yes.

9 Q. Okay. And you agree Sheri's message to  
10 Mica is, "H, Mica, please see attached. Please edit  
11 in your own words and/or true-up. How is 11:00  
12 Central tomorrow? Thank you. Sheri"? Did I read  
13 that correctly?

14 A. Yes.

15 Q. Okay. And, Ms. Debiak, so you recall the  
16 last communication we saw where you were  
17 communicating with Mica about Brenda reaching out to  
18 Derby and he was answering your questions -- do  
19 you -- do you recall that was May 5, 2021? Correct?

20 A. Let me go back and look. Yes. 20- --  
21 May 5, 2021.

22 Q. Okay. And now we're talking of the date  
23 of May 17, 2021; correct?

24 A. Which page?

25 Q. 27, the email from Sheri to Mica.



1           A.     Right.  Now we're discussing May 17th,  
2     2021.

3           Q.     So during the time period of May 5, 2021,  
4     and May 17, 2021, are you aware of any  
5     communications that occurred between yourself with  
6     Mica, James Lippe, Sheri Jolcover pertaining to  
7     Brenda Willmore?

8           A.     No.  I was not involved, again.

9           Q.     So this meeting that you had with James  
10    Lippe and -- or I think you said you're unsure of  
11    James Lippe -- but with Mica, Sheri Jolcover, and  
12    yourself, do you recall there -- at that point in  
13    time -- May 3rd or May 4th -- what -- had a decision  
14    been made to fire Brenda Willmore at that point?

15          A.     Yes.

16          Q.     Okay.  And who made that decision?

17          A.     It was Mica Lesser with James Lippe.

18          Q.     Are you aware of any documents that the  
19    company has that would reflect that the decision to  
20    fire Brenda Willmore occurred back on May 3rd or 4th  
21    as a result of the meeting you had with the others?

22                 MR. RUPE:  Object to the form of the  
23    question.  Mischaracterization.

24          A.     Am I aware of any documentation saying  
25    "Today is the day that it was decided that Brenda

1 was terminated"? I think that goes back a few days  
2 earlier to when Mica made the request to terminate.

3 Q. (By Mr. Reavey) So I think you earlier  
4 indicated you had this meeting with the others on  
5 May 3rd or 4th; correct?

6 A. Yes.

7 Q. Okay. And is it your testimony that as --  
8 as part of that meeting, there was a decision made  
9 that Brenda Willmore would be fired?

10 A. Yes.

11 Q. And we know -- we'll look at the records,  
12 but we know that Brenda Willmore was not fired until  
13 May 18th, 2021; correct?

14 A. Correct.

15 Q. Okay. Do you have any explanation for why  
16 weeks went by after, your testimony says, a decision  
17 was made to fire Brenda but then she wasn't fired  
18 until May 18th, 2021?

19 A. No. I wasn't involved after that.

20 Q. When I took Mica Lesser's deposition, he  
21 indicated the delay was because he was seeking  
22 approval for the termination. Do you -- are you  
23 aware of that testimony by him?

24 A. No.

25 Q. Okay. Who would he be seeking approval



1 from --

2 A. James --

3 Q. If he --

4 A. -- Lippe.

5 Q. Hold on. If he's the manager, per the  
6 policy, he doesn't need to seek James Lippe's  
7 approval, does he?

8 MR. RUPE: Objection. Argumentative.

9 A. There is no policy that says you do or do  
10 not have to seek your manager's approval.

11 Q. (By Mr. Reavey) So you agree that back  
12 when the decision was made -- your testimony is that  
13 it was made back around May 3rd, May 4 -- Sheri  
14 Jolcover was part of those discussions; correct?

15 A. Yes.

16 Q. All right. So you -- you believe her  
17 testimony would be that, yeah, the decision to fire  
18 was made back on May 3rd, 4th, 2021; correct?

19 A. Was that her --

20 MR. RUPE: Objection. Calls for  
21 speculation.

22 A. I don't know what her -- her testimony  
23 was.

24 Q. Well, you --

25 A. All I can speak to is what I remember.



1 Q. Right. But given that she was -- as you  
2 indicate, she was part of this decision discussion.  
3 And your testimony is the decision was made back on  
4 May 3rd or 4th. Your expectation, your  
5 understanding, would be, like yourself, Sheri  
6 Jolcover would know that the decision to terminate  
7 was made back on May -- around May 3rd or 4th;  
8 correct?

9 MR. RUPE: Objection. Compound. And  
10 argumentative.

11 A. I don't know what Sheri would know.

12 Q. (By Mr. Reavey) Okay. But she was part  
13 of the decision? Meaning maybe she didn't decide,  
14 but she was part of this discussion that you're  
15 referencing in your testimony where it was decided  
16 that -- that Brenda Willmore would be fired --

17 A. And --

18 Q. -- true?

19 A. -- she would -- well, yes, she was there.  
20 And then she would work with the manager to  
21 facilitate scheduling the termination.

22 Q. So back to page 27. You agree this is an  
23 email from Sheri to Mica about speaking points? We  
24 already talked about this; correct?

25 A. Yes.

1 Q. And she references the "11:00 Central  
2 tomorrow"; correct?

3 A. Yes.

4 Q. Did you understand that to be when Mica  
5 was going to deliver the news to Brenda Willmore  
6 that she was fired?

7 A. Did I understand it then? I'm not on this  
8 email.

9 Q. I'm just asking -- after the decision was  
10 made, which you say was back -- beginning of May --  
11 did you then come to understand that the termination  
12 news was going to be delivered to Brenda Willmore on  
13 a particular point?

14 A. Well, yes, that she would eventually be  
15 terminated. I then stepped out of all those  
16 conversations. Like I said, just a few moments ago,  
17 Sheri, as the HR business partner, would then work  
18 with the manager to facilitate arranging the meeting  
19 and anything else related to the termination.

20 Q. Was it part of the discussion back on  
21 May 3rd or 4th when the decision was made to  
22 terminate that Brenda Willmore had fabricated or  
23 committed fraud in connection with Salesforce  
24 records?

25 A. I'm not comfortable with the word

1 "fabricated" or "fraud." It was a discussion that  
2 she had entered into Salesforce meetings or  
3 conversations with the Derby School District that  
4 Derby then said did not occur.

5 Q. Did you ever give directive that "Look,  
6 given this allegation, we need to terminate Brenda's  
7 access to customer accounts immediately" or "We need  
8 to wall her off on accounts"? Anything of that  
9 nature?

10 A. No.

11 Q. You understood that from beginning of May  
12 up --

13 A. That would not be my decision to  
14 necessarily make.

15 Q. Yeah. So you didn't have any legal  
16 concerns that "Look, we got someone that's been  
17 accused of fabrication, at least according to Mica  
18 Lesser and James Lippe. We need to do something  
19 about this to make sure that they don't have access  
20 to our customers"? You didn't have that concern?

21 A. I don't think you have an understanding --  
22 but -- and I will admit that I am not familiar with  
23 Salesforce. But my understanding that the  
24 Salesforce -- that Salesforce is an internal system  
25 that salespeople use to document, that it wasn't

1 something that translates outside of Savvas or  
2 affects customers directly.

3 Q. So, in any event, back on May 17th, 2021,  
4 Sheri provides these speaking points for Mica to  
5 fire Brenda the next day; correct?

6 A. Yes. She sent this email.

7 Q. All right. And you agree that these notes  
8 she made -- the first bullet point she has talks  
9 about Derby, that Brenda was not performing  
10 essential functions for Derby; correct?

11 A. Mr. Reavey, I -- I never saw this before  
12 Brenda was terminated. So ...

13 Q. Okay. Well, you agree, on the piece of  
14 paper that you know Sheri Jolcover sent to Mica  
15 Lesser, it -- the first bullet point it brings up is  
16 Derby; correct?

17 A. Yes.

18 Q. And the second bullet point that's brought  
19 up is Derby; correct?

20 A. Yes.

21 Q. And then the third bullet point indicates  
22 "This is not the first time that you were asked to  
23 be removed from a school district/major account,"  
24 and then there's a question mark that appears after  
25 that; correct?

1           A.     That's what it says, yes.

2           Q.     Did you ever have any discussion among the  
3 group of you that, you know, "Hey, since the Blue  
4 Valley thing was, you know, nearly three years old,  
5 we probably shouldn't bring that up as part of her  
6 firing"? Was that ever a discussion you had?

7           A.     No.

8           Q.     Okay. Do you know why the question mark  
9 was put there by Sheri Jolcover?

10           MR. RUPE: Objection. Calls for  
11 speculation.

12           A.     No, I don't know why she put a question  
13 mark there.

14           MR. REAVEY: And, Judge, I don't know if  
15 you're still on -- I would -- I just object to the  
16 speaking objections by Mr. Rupe. I -- I don't  
17 believe "It calls for speculation" is proper.

18           YOUR HONOR: I'm still on, but I don't see  
19 any need for me to interject to resolve objections.  
20 So you should just make them for the record.

21           MR. REAVEY: Thank you.

22           Q.     (By Mr. Reavey) So the fourth bullet  
23 point, you agree, Sheri Jolcover prepared for Mica  
24 states, "Despite" -- or I'm sorry. The -- yeah, the  
25 fourth says, "I specifically informed you of this



1 and clearly instructed you to not contact the  
2 customer/Derby"?

3 A. Oh, I apologize. Our lights are on a  
4 timer. I don't mean to not answer your question,  
5 but I'm going to get up and turn the lights back on.

6 Q. Sure.

7 A. I'm back.

8 Q. All right.

9 A. What was your question? I apologize.

10 Q. Page 28 of Exhibit 121 -- you agree the  
11 bullet point that Sheri provided to Mica indicates,  
12 "I specifically informed you of this and clearly  
13 instructed you to not contact the customer Derby";  
14 true?

15 A. Okay. That's what it says.

16 Q. All right. And then the next bullet point  
17 Sheri wrote for Mica, "Despite my directive, you  
18 called the customer." Did I read that correctly?

19 A. Yes, you did.

20 Q. And then the next bullet point says, "The  
21 customer called me following you contacting them."  
22 Did I read that correctly?

23 A. Yes.

24 Q. And the next bullet point -- "The customer  
25 was very upset after being informed by me that you

1 would no longer be their account manager and they  
2 would, in fact, work through me and the curriculum  
3 specialist." Did I read that correctly?

4 A. Yes.

5 Q. All right. And then this next bullet  
6 point provided by Sheri to Mica says, "Following the  
7 call from Derby, I again instructed you to not reach  
8 out to the customer." Did I read that correctly?

9 A. Yes.

10 Q. Okay. And then the next bullet point  
11 indicates, "Despite my second request to not contact  
12 anyone within Derby School District, you once again  
13 reached out"; correct?

14 A. You read it correctly, yes.

15 Q. And -- and you recall the second  
16 request -- that is consistent with Mica -- what he  
17 wrote to Brenda Willmore on May 18, 2021, where he  
18 said, "As I have asked you twice, Derby has  
19 asked" -- do you recall reading that email?

20 A. I don't know if that was the May 5th or  
21 May 18th.

22 Q. May 18th, page 33, if you want to look at  
23 it.

24 A. Yes. This is the -- on number -- page 33  
25 is Mica saying to Brenda, "Brenda, as I have asked





1 you twice" -- "Derby has asked that you no longer  
2 work with them."

3 Q. And then his -- so his reference to "They  
4 reached out to me today" -- what he was saying is  
5 they reached out to him on May 18, 2021; correct?

6 A. What page are you on?

7 Q. 33.

8 A. Oh, I went back up to 28. On page 33  
9 and -- "They reached out to me today saying there is  
10 a tech" -- yes.

11 Q. Okay.

12 A. He did -- that's what it says on the  
13 May 18th email.

14 Q. He, again, references, "I asked you twice,  
15 and now they've" -- "they've reached out to me today  
16 saying you've reached out a third time"; correct?

17 A. Yes.

18 Q. So then turning back to 28, again, we're  
19 looking at the notes that Sheri provided for Mica to  
20 go over with her when he terminated Brenda Willmore.  
21 Again, I apologize if I didn't -- if we've already  
22 went through this. But the bullet point prepared  
23 for Mica says, "Despite my second request to not  
24 contact anyone within Derby School District, you  
25 once again reached out." Did I read that correctly?

1 A. Yes.

2 Q. Okay. So here, where Sheri Jolcover has  
3 prepared notes for Mica, again, she references a  
4 second request and then a third reach-out by Brenda  
5 Willmore; correct?

6 A. Well, I'm not sure if there was a third.  
7 Oh, "Despite my sec-" -- it says what it says --  
8 "Despite my second request to not contact anyone  
9 within the Derby School District, you once again  
10 reached out."

11 Q. So this is referencing that after Brenda  
12 Willmore had been told twice or made a -- two  
13 requests by Mica to not contact Derby, despite that,  
14 she reached out again? That's what in the --

15 A. I did not write this; so I don't know.

16 Q. But that's what the words on the page say;  
17 correct?

18 A. Well, the words say what they say. I  
19 don't know what --

20 Q. So the --

21 A. -- you're asking.

22 Q. The next bullet point indicates, "Your  
23 behavior is insubordinate and clearly strained our  
24 relationship with the customer even further." Did I  
25 read that correctly?

1 A. Yes.

2 Q. And then the last bullet point says, "As a  
3 result, Savvas is terminating your employment for  
4 insubordination"; correct?

5 A. That's what it says, yes.

6 Q. And you agree nothing in these notes that  
7 Sheri provided for Mica Lesser say anything about  
8 any fabrication or fraud; true?

9 A. Let me read the next paragraph because I  
10 did not -- I have not looked at this. (Reviews  
11 document.) True. It does not say anything about  
12 fabrication or fraud.

13 Q. Okay. It's all --

14 YOUR HONOR: Counsel --

15 Q. (By Mr. Reavey) -- focused --

16 YOUR HONOR: Counsel -- Counsel, I'm --  
17 I'm sorry to interrupt, but I have another hearing  
18 at 3:30. So I need to jump off. It seems like  
19 you-all are moving along. Is there anything you  
20 need from me before I go? Mr. Rupe?

21 MR. RUPE: Well, Your Honor -- Your Honor,  
22 this is Alan.

23 YOUR HONOR: Yeah.

24 MR. RUPE: You had targeted this for about  
25 an hour and had concerns about it being

1 duplicative --

2 YOUR HONOR: Yes.

3 MR. RUPE: -- in the questioning, and I  
4 think it clearly is. If -- if we have to sit here  
5 and continue to have witnesses confronted with an  
6 exhibit that they were not a party to and just read  
7 it with Mr. Reavey, after he's asked witnesses about  
8 this before, I feel like we're not really asking --

9 YOUR HONOR: So, Mr. Rupe, are you asking  
10 to terminate the deposition at this --

11 MR. RUPE: Yes.

12 YOUR HONOR: -- point?

13 MR. RUPE: Yes.

14 YOUR HONOR: Okay. Mr. Reavey, any --  
15 I'll hear real briefly from you on that, but I'll  
16 let you know I'm inclined to.

17 MR. REAVEY: Judge, I've been at -- this  
18 witness was involved in this chain of events that  
19 led to Brenda Willmore being fired. The exhibit  
20 that I'm asking her for -- or about was written by  
21 Sheri Jolcover, who was her person she was working  
22 with. It was written the night before the supposed  
23 May 18, 2021, reach-out to Derby. So what you have  
24 here is Sheri Jolcover providing to Mica Lesser on  
25 May 17th what would happen the next day.



1           So as you -- as you -- as you have heard,  
2       this witness was involved with this whole chain of  
3       events leading to Brenda Willmore being fired. And  
4       these questions are not duplicative. They are  
5       getting her knowledge, what she knows about this.

6           And the question would be why is Sheri  
7       Jolcover even talking about events that happened on  
8       May 18th or May 17th when the witness says the  
9       decision had already been made weeks before? So --

10          YOUR HONOR: Okay. I'm going to -- again,  
11       I have to jump off, but I've list- -- I've been on  
12       and listened to all of the questioning here and --  
13       and I'm going to grant Savvas -- Savvas's motion to  
14       terminate the deposition consistent with the  
15       opinion -- with my observations previously.

16          I do appreciate that Ms. Debiak had some  
17       involvement in the events in question. That's why I  
18       find it quite surprising that -- Mr. Reavey, that  
19       you spent the bulk of the time here today asking her  
20       questions about far -- far-field questions about  
21       policies and other people's emails and all kinds of  
22       things like that. I think you could have easily --  
23       easily explored her personal involvement in  
24       answering to the questions that you would have had  
25       on that front.

1           You've had a full and fair opportunity to  
2           examine her. You knew what the time limits were.  
3           You chose to use them otherwise, and so I'm going to  
4           grant the defendant's motion to terminate the  
5           deposition.

6           So with that, is there anything -- with  
7           that --

8           MR. REAVEY: Yeah. I --

9           YOUR HONOR: -- is there anything further  
10          Mr. -- is there anything further, Mr. Rupe?

11          MR. RUPE: Not from the -- not from the  
12          defense.

13          YOUR HONOR: Okay.

14          MR. RUPE: No.

15          YOUR HONOR: Okay. Anything -- anything  
16          further, Mr. Reavey, before I have to drop off  
17          quickly?

18          MR. REAVEY: Yes. I -- I object to your  
19          ruling. I think it's inappropriate, and I think you  
20          are impermissibly barring evidence.

21          The -- the rule is a deposition is seven  
22          hours, and you gave me one hour. And I think it's  
23          just completely inappropriate that you are even  
24          doing this. It's unheard of. Even defense counsel  
25          would tell you they've probably never taken a

1 one-hour deposition, much less a two-hour  
2 deposition.

3 So, again, I -- I object. I think it's  
4 inappropriate, and I don't really know why -- as I  
5 addressed in my objection to the last time you  
6 ruled -- I don't know what your issue is with me.  
7 But I -- I do believe it's adversely affecting my  
8 client and her right to discovery. So I just want  
9 that part of the record.

10 YOUR HONOR: Okay. Anything further,  
11 Mr. Reavey?

12 MR. RUPE: No. Thank you.

13 MR. REAVEY: Not at -- not at this time.

14 YOUR HONOR: Okay. Thank you, every --  
15 thank you for -- everyone, for your time.

16 THE VIDEOGRAPHER: Stand by, please.  
17 Going off the record. The time now is 3:31 p.m.  
18 This concludes the deposition.

19  
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## 1 CERTIFICATE OF REPORTER

2  
3 I, Susan J. Muckenthaler, a Certified Court  
4 Reporter of the State of Kansas, do hereby certify:

5 That prior to being examined, the witness  
6 was first duly sworn;

7 That said testimony was reported by me at  
8 the time and place hereinbefore stated and was  
9 thereafter reduced to typewriting under my  
10 direction;

11 That the foregoing transcript is a true  
12 record of the testimony given by said witness;

13 That I am not a relative or employee or  
14 attorney or counsel of any of the parties or a  
15 relative or employee of such attorney or counsel or  
16 financially interested in the action.

17 Witness my hand and seal January 2, 2024.  
18



Susan J. Muckenthaler  
Certified Court Reporter  
KS #1719, MO #1406

21  
22

23 Susan J. Muckenthaler  
24 Certified Court Reporter  
25 State of Kansas

