

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

|                          |   |                         |
|--------------------------|---|-------------------------|
| CRISTINA TALLEY,         | ) |                         |
|                          | ) |                         |
| Plaintiff,               | ) |                         |
|                          | ) |                         |
| vs.                      | ) | Case No.:               |
|                          | ) | SACV 14-1863 DOC (GJSx) |
| CITY OF ANAHEIM, a       | ) |                         |
| municipality, and DOES   | ) |                         |
| 1 through 50, inclusive, | ) |                         |
|                          | ) |                         |
| Defendant.               | ) |                         |
|                          | ) |                         |

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ORIGINAL

DEPOSITION OF CRISTINA TALLEY

MARCH 4, 2016

EXHIBITS BOUND SEPERATELY

|               |                                 |                      |
|---------------|---------------------------------|----------------------|
| REPORTED BY:  | IMHOF AND ASSOCIATES, INC.      |                      |
|               | COURT REPORTERS & VIDEOGRAPHERS |                      |
| ANGELA R. LUX | 20650 Adam Circle               | 9431 Haven Ave.      |
| CSR No. 11095 | Yorba Linda, CA                 | Suite 100            |
|               | 92886                           | Rancho Cucamonga, CA |
|               |                                 | 91730                |

Job No. 030416Talley2

1 to give us the best answers that you possibly can today,  
2 correct?

10:23:11 3 A Yes.

10:23:11 4 Q And -- and there's no reason that you can't give  
5 us the best possible answers today, correct?

10:23:17 6 A Correct.

10:23:18 7 Q Okay. And you'll let -- you'll let me know if  
8 you don't understand a question?

10:23:22 9 A I will.

10:23:23 10 Q All right. Thank you.

10:23:23 11 Uh. And so can you, um, take me through your,  
12 uh, employment background starting with, um, uh,  
13 graduation from law school?

10:23:36 14 A I started with Burke, Williams & Sorenson in  
15 their Los Angeles office and was an associate there from  
16 1982 to approximately, um, sometime in the fall of 1986.

10:23:56 17 I left Burke, Williams & Sorenson and went to  
18 Richards, Watson & Gershon in their Los Angeles office.  
19 I was only there briefly, for probably about four months.  
20 And I think I left there in approximately -- I think it  
21 was early 1987.

10:24:21 22 Um. And I went to the firm of Adams, Duque &  
23 Hazeltine in Los Angeles. And I was there until  
24 approximately 1994. I became a partner there, so I -- I  
25 was hired as an associate and became a partner there in

1 about 1989, I believe.

10:24:53

2 And I left the firm in 1994 and, uh -- I had  
3 been the acting city attorney for Pasadena for about a  
4 year, from about 1993 to 1994 through the firm of Adams,  
5 Duque & Hazeltine.

10:25:11

6 When I left the firm, I was, um, hired directly  
7 as an independent contractor with the City of Pasadena  
8 where I was -- continued to be their interim city  
9 attorney until I left in, um, summer of 1996 when I was  
10 hired by the City of Anaheim as their senior assistant  
11 city attorney in charge of their civil division.

10:25:42

12 I was an employee for the City of Anaheim until  
13 I left in 2013.

10:25:54

14 Q Okay. And since that time, um, you've been  
15 employed by Best Best & Krieger?

10:25:59

16 A Since July of 2013.

10:26:05

17 Q To the present day?

10:26:07

18 A To the present day, yes.

10:26:09

19 Q And what was the reason you were hired as an  
20 independent contractor at the City of Pasadena?

10:26:17

21 A Because the initial contract for the interim  
22 city attorney services were with Adams, Duque &  
23 Hazeltine. So when I advised the City that I was leaving  
24 the firm, they asked me if I would stay on as their  
25 interim and contract with me directly, and I said I

1 would.

10:26:38

2 Q Okay. And my -- I guess my question was more  
3 what was the reason that they -- they hired you as an  
4 independent contractor instead of as a regular employee  
5 of -- of the City?

10:26:49

6 A Because the position was an interim position and  
7 they, uh, were initially contemplating doing a  
8 recruitment sooner than they had anticipated, and so they  
9 continued -- they didn't want to hire somebody as an  
10 employee until that person was hired as a permanent -- as  
11 their permanent city attorney.

10:27:13

12 Q And so when -- when you were in that position as  
13 an independent contractor, were you partic- -- um, were  
14 you enrolled as a member in CalPERS?

10:27:23

15 A No.

10:27:26

16 Q So do you know as -- as of -- well, let me -- as  
17 of today, you're drawing a CalPERS retirement, correct?

10:27:33

18 A That's right.

10:27:34

19 Q Do you know if the time you spent at City of  
20 Pasadena counts as service credit for the -- your CalPERS  
21 retirement?

10:27:42

22 A It's my understanding that it did not.

10:27:45

23 Q Okay. And now the -- the firms that you worked  
24 at before going to Pasadena -- Burke, Williams, Sorenson;  
25 Richards, Watson & Gershon; Adams, Duque, Hazeltine --

1 those are all firms that specialized at least in part in  
2 municipal law?

10:28:04

3 A Burke, Williams & Sorenson and Richards, Watson  
4 & Gershon did. At the time that I went to Adams, Duque &  
5 Hazeltine, they did not have municipal law practice. I  
6 was invited by, uh, Richard Terzian, who was a partner at  
7 Burke, Williams & Sorenson to join him at Adams, Duque &  
8 Hazeltine and start a municipal law practice with him.

10:28:31

9 Q Well -- so to put it another way that your -- it  
10 sounds like your entire career you've practiced municipal  
11 law.

10:28:38

12 A Not exclusively, but almost exclusively.

10:28:40

13 Q Okay.

10:28:41

14 Uh. And as, uh, the city attorney or interim  
15 city attorney at Pasadena, uh, how many employees did you  
16 supervise?

10:28:51

17 A Um.

10:28:59

18 Approximately eight. I believe there were eight  
19 attorneys, one paralegal and three or four support staff.

10:29:24

20 Q And you -- you had mentioned that you haven't  
21 taken or defended a deposition since 1996. Uh. I -- I  
22 presume prior to 1996 you -- you had taken and defended  
23 depositions.

10:29:38

24 A Yes, I had.

10:29:39

25 Q Okay. How -- how many?

1 time reaching you when -- when you were sitting at, uh,  
2 city attorney?

10:40:21 3 A Um. No, I don't. I was always available.

10:40:38 4 Q Now, you said you were hired as, um, uh, a  
5 senior assistant city attorney in -- for the City of  
6 Anaheim in July 1996 --

10:40:53 7 A Yes.

10:40:53 8 Q -- is that correct?

10:40:54 9 Okay.

10:40:55 10 A Um. I think in August of 1996, I believe.

10:40:59 11 Q Okay. And when you were initially hired, was  
12 this a full-time or part-time position?

10:41:10 13 A Full-time.

10:41:11 14 Q And what were your job duties, uh, uh, when you  
15 were hired at that point?

10:41:17 16 A I was primarily responsible for running -- for  
17 running the day-to-day operations of the civil division  
18 of the city attorney's office and supervising the  
19 attorneys that worked on -- in the civil division of the  
20 city attorney's office.

10:41:36 21 Q And how many attorneys was that at that time?

10:41:42 22 A Approximately eight to ten.

10:41:49 23 Q And did you report to the city attorney, Jack  
24 White?

10:41:52 25 A I did.

10:41:58 1 Q Uh. Were there any other, uh, attorneys who  
2 reported directly to Jack White at that time?

10:42:03 3 A Yes, one other attorney.

10:42:04 4 Q Who was that?

10:42:06 5 A Mark Logan.

10:42:09 6 Q And what did he supervise?

10:42:11 7 A The criminal division of the city attorney's  
8 office.

10:42:21 9 Q And so when you say "civil division," the -- the  
10 civil division handles all noncriminal legal matters for  
11 the City?

10:42:28 12 A That's correct.

10:42:32 13 Q So that would include both civil litigation and  
14 also, uh, advice to various city departments and  
15 officials?

10:42:42 16 A That's correct.

10:42:49 17 Q Did you, uh, as -- as a senior assistant city  
18 attorney, did you participate in any, uh, municipal law  
19 organizations?

10:43:02 20 A I, um, was a member -- or I participated in the  
21 Los Angeles City Attorney Association when I was in  
22 private practice. And then when I came to Orange County,  
23 I participated in the Orange County City Attorney  
24 Association.

10:43:26 25 Q And when you say "participated," what does

1 that -- what did that entail?

10:43:30 2 A Um. Going to the meetings on a fairly regular  
3 basis.

10:43:35 4 In -- when I was in Los Angeles, I, um, had been  
5 the treasurer of the association. And I believe, um, I  
6 was either the secretary or the vice president when I was  
7 in Pasadena, and then I left. And I can't remember if I  
8 held the position of secretary or vice president. And  
9 then in Orange County at, um, some point, I was, um,  
10 named the treasurer and then went through, um, to  
11 secretary, vice president and president of the Orange  
12 County City Attorney Association.

10:44:37 13 Q And any -- any other municipal law organizations  
14 in which you were active?

10:44:46 15 A Um. I, early in my career, um, made  
16 presentations at the League of California Cities City  
17 Attorney Department Meetings and, uh, regularly attend  
18 their city attorney department meetings as a -- just as  
19 a -- an attendee.

10:45:15 20 Q And that continued while you worked at Anaheim?

10:45:18 21 A Yes.

10:45:23 22 Q Are you familiar with the publication that the  
23 league has created called the Municipal Law Handbook?

10:45:29 24 A Yes.

10:45:31 25 Q Uh. And is that considered the go-to handbook

1 for municipal law issues in California?

10:45:37 2 A It is.

10:45:39 3 Q Have you ever had any role in -- in drafting or  
4 editing any of the chapters in that book?

10:45:45 5 A Actually, I may have worked on part of that  
6 handbook. That would have been some time ago, but, um, I  
7 may have worked on a portion of that handbook.

10:45:59 8 Q Okay.

10:46:08 9 And did your duties as a senior assistant city  
10 attorney for Anaheim change overtime?

10:46:18 11 A Um. Well, I went from a full-time position to a  
12 part-time position in approximately 2000, I believe. And  
13 when I made that change, my duties did change.

10:46:34 14 Q Okay. What was the reason you went from  
15 full-time to part-time?

10:46:39 16 A Because my sons were young and I wanted to spend  
17 more time at home with them. I had, um, actually  
18 received and -- and accepted an offer to go to work part  
19 time for the City of Santa Ana. And the City of Anaheim  
20 created a position for me as the police department legal  
21 adviser, and I ended up staying.

10:47:19 22 Q And that was in about 2000?

10:47:21 23 A I believe so.

10:47:23 24 Q And that was -- that position as a -- the police  
25 department legal adviser, you were still a senior

1 assistant city attorney --

10:47:31 2 A Yes.

10:47:31 3 Q -- at that point, but it was part-time instead  
4 of full-time?

10:47:34 5 A Right.

10:47:35 6 Q And how many hours were you expected to work as  
7 a part-time employee per week?

10:47:40 8 A Um. I could work anywhere from 20 to 30 hours a  
9 week.

10:47:46 10 Q Did you have a -- a set schedule at that time?

10:47:51 11 A It was, uh -- I worked a minimum of 20 hours a  
12 week, and there were times when I worked more hours than  
13 that.

10:48:03 14 Q Did -- did you complete any type of time sheet,  
15 uh, during that time?

10:48:11 16 A I don't recall if I did or not.

10:48:19 17 Q And as the police department legal adviser, was  
18 your office still in the city attorney's office or was it  
19 in the police department?

10:48:26 20 A It was in the police department.

10:48:32 21 Q So that was also a change from your prior  
22 position, that -- that you were now working in the police  
23 department building instead of the city attorney's  
24 office?

10:48:41 25 A Yes, that's correct.

10:48:42 1 Q And how long was your office in -- in the police  
2 department?

10:48:44 3 A Uh. For approximately five years.

10:48:59 4 Q And as the police department -- now, let me back  
5 up a sec.

10:49:04 6 So this was a new position that had not existed  
7 in the City before of legal adviser to the police  
8 department?

10:49:10 9 A That's correct.

10:49:13 10 Q Okay. And what specifically were your duties as  
11 the legal adviser to the police department?

10:49:21 12 A I, um, provided legal advice to the chief of  
13 police and to the command staff and primarily and  
14 additionally, um, was available to pro- -- assist, um,  
15 other members of the police department with a variety of  
16 issues from advice concerning personnel matters, drafting  
17 of contracts. Um. I sat regularly with the police chief  
18 and the command staff at command staff meetings.

10:50:10 19 That was generally my responsibility, my role.

10:50:14 20 Q Okay. You mentioned personnel matters, so that  
21 would include employment-related issues for the police  
22 department?

10:50:20 23 A Yes, from time to time.

10:50:22 24 Q Okay. Were there other attorneys in the city  
25 attorney's office who would handle employment issues for

1 the PD or were you the point person on employment issues  
2 at that time?

10:50:34 3 A Um. I believe that I handled the significant  
4 part of them, if not most of them. There was another  
5 attorney in the office who handled employment matters,  
6 and she also handled some as well.

10:50:54 7 Q Who was the -- that other attorney?

10:50:57 8 A Carol Flynn.

10:51:06 9 Q And as -- as an attorney, um, for the City at  
10 that time, who was your, uh, client?

10:51:19 11 A The City of Anaheim.

10:51:21 12 Q Okay. And was that the case as -- as city  
13 attorney as well?

10:51:26 14 A Yes.

10:51:26 15 Q All right. And as an attorney, do you have an  
16 understanding of a distinction between representing an  
17 entity and representing individual persons?

10:51:37 18 A I'm not sure I understand your question.

10:51:38 19 Q Well, is -- is -- when you represent a city, um  
20 the City of Anaheim, for example, um, is -- is that a  
21 different relationship than representing, say, a  
22 particular individual or employee of the City of Anaheim?

10:51:52 23 MR. MORALES: Objection. Calls for a legal  
24 conclusion, legal opinion.

10:51:55 25 You can answer.

10:51:57 1 THE WITNESS: Well, a city can only act through its  
2 employees. And so, um, my client is the city, but I  
3 represent and provide legal assistance to its officers  
4 and employees in the course and scope of their employment  
5 with the city.

10:52:34 6 BY MR. WALTER:

10:52:56 7 Q Okay. And at, um -- so you mentioned from 2000  
8 to 2005 your office was in the police department; is that  
9 correct?

10:53:07 10 A That's correct.

10:53:07 11 Q Okay. And so 2005, what changed?

10:53:12 12 A I went back to work full-time as the, um, senior  
13 assistant city attorney in charge of the civil division.

10:53:32 14 Q And that's a position you had held prior to  
15 2000?

10:53:35 16 A Right. That was the position I was hired into  
17 in 1996.

10:53:39 18 Q Okay. Who -- who was in charge of the civil  
19 division from 2000 to 2005?

10:53:45 20 A Uh. An attorney by the name of, uh, Lawrence  
21 Newberry.

10:53:58 22 Q And what happened to Mr. Newberry in -- in 2005  
23 as far as his job status?

10:54:06 24 A He retired.

10:54:13 25 Q Okay. So you went back to work full time in

1 2005, and did that, um, continue until you were, uh,  
2 appointed to be the city attorney, as far as full-time  
3 employment?

10:54:28 4 A Yes.

10:54:34 5 Q Uh. At some point did you, uh, submit an  
6 application, uh, to become a judge?

10:54:41 7 A Yes.

10:54:41 8 Q Uh. When was the first time you did that?

10:54:45 9 A In approximately 2007.

10:54:56 10 Q And what was the reason that you were looking to  
11 become a judge in approximately 2007?

10:55:07 12 A Because I wanted to become a judge because that  
13 was something that appealed to me professionally.

10:55:19 14 Q Okay. Did you tell anybody in the City that you  
15 were -- at that time that you were, uh, interested in  
16 becoming a judge?

10:55:26 17 A I -- I told the city attorney. He was aware of  
18 my application. And I'm certain that I shared it with  
19 several if not all of the attorneys in the office.

10:55:49 20 Q Uh. Did you discuss that with any of the city  
21 council members at that time?

10:55:55 22 A Um. I discussed it with the mayor, Curt  
23 Pringle.

10:56:03 24 Q And what was the reason you discussed that  
25 with -- with Mayor Pringle?

1 have to go through the recruitment process for a city  
2 attorney again during his tenure, and he didn't -- he  
3 wanted consistency through his tenure. And so I agreed  
4 that I would not take a judicial appointment while he was  
5 the mayor.

11:45:36 6 BY MR. WALTER:

11:45:36 7 Q Uh. During that discussion, was there any  
8 mention of the fact that, uh, the -- the prior city  
9 attorney, Jack White, had -- had, uh, served as city  
10 attorney for 23 years?

11:45:48 11 A Um. I don't recall that conversation.

11:45:52 12 Q Well, was there any discussion with -- with  
13 Mayor Pringle about the fact that it was important to the  
14 City to have a, um, uh, long tenure for the -- for the  
15 next, uh, city attorney?

11:46:04 16 A No, he never mentioned that. His concern was  
17 that I would be the city attorney while he was mayor.

11:46:15 18 Q And at the point you were having this discussion  
19 with him, he had, um, approximately a little less than  
20 two years left on his term as, uh, mayor?

11:46:27 21 A That's about right.

11:46:29 22 Q Okay. Uh.

11:46:46 23 Did you discuss, um -- okay. Let -- let me back  
24 up a sec here. Um.

11:46:52 25 So Jack White retired in 2008; is that correct?

11:46:57 1 A December of 2008.

11:46:58 2 Q Right.

11:47:00 3 Uh. And at that point you were appointed  
4 interim city attorney?

11:47:06 5 A Yes.

11:47:17 6 Q Okay. And...the City at that -- the City then  
7 began a recruitment for the permanent city attorney; is  
8 that correct?

11:47:34 9 A Sometime after that, yes.

11:47:35 10 Q All right. How did you come to be appointed  
11 interim city attorney?

11:47:40 12 A I believe it was at Jack White's recommendation.

11:47:50 13 Q Did -- did anyone ask you if you wanted to be  
14 interim city attorney before you were appointed to that  
15 position?

11:47:57 16 A Jack prob- -- I don't recall spe- --  
17 specifically.

11:48:10 18 Q Okay. Did you get any increase in pay as a  
19 result of being the interim city attorney?

11:48:15 20 A I think there was a slight increase in pay for  
21 assuming the additional responsibilities.

11:48:28 22 Q And when you say "assuming the additional  
23 responsibilities," um, what additional responsibilities  
24 were you assuming by becoming the interim city attorney?

11:48:38 25 A Well, all of the city attorney responsibilities.

1 contending in this lawsuit is that you were not an  
2 at-will employee, correct?

13:55:36 3 A Correct.

13:55:36 4 Q And, um, can you tell me why you think, uh, you  
5 were not an at-will employee in light of Section 701?

13:55:45 6 MR. MORALES: Objection. Calls for a legal  
7 conclusion, opinion.

13:55:48 8 You can answer.

13:55:49 9 THE WITNESS: Um. Well, um, there are a number of  
10 reasons. One is that it doesn't say that I'm an at-will  
11 employee or serve at the pleasure of the council as it  
12 does with the respect to the city manager position. And  
13 also, um, I, um, served a probationary period and  
14 completed probation, which is inconsistent with an  
15 at-will position.

13:56:33 16 Um. Also, when I transitioned from a full-time  
17 employee to a part-time employee, there was a break in  
18 service. And when I inquired about that break in  
19 service, it was explained to me that the reason there was  
20 a break in service was because as a part-time employee  
21 you no longer are considered a classified employee and  
22 you're ex- -- you're --

13:57:11 23 THE REPORTER: Sorry, "And you're"...

13:57:11 24 THE WITNESS: -- in the exempt service, which means  
25 you are at will. And so therefore, in recognition of

1 that, they gave me a new hire date. And then when I went  
2 back from part-time to full-time employment, there was  
3 another break in service, and it was again explained to  
4 me that that was because I was going from an at-will  
5 position to a position within the classified service.  
6 And I served a probationary period in that position and  
7 completed probation.

13:57:54

8 When I was promoted to the city attorney  
9 position, my letter stating that I had been promoted did  
10 not state that I was at will. And additionally, my  
11 seniority date remained the same as the seniority date  
12 that I had when I was hired back as a full-time employee.

13:58:22

13 BY MR. WALTER:

13:58:23

14 Q Now, the letter stating that --

13:58:24

15 MR. MORALES: Wait.

13:58:24

16 Are you done with your answer?

13:58:27

17 THE WITNESS: Um.

13:58:26

18 MR. MORALES: I -- I mean, I just want to make sure.

13:58:29

19 THE WITNESS: Those are the reasons that I can think  
20 of at this time.

13:58:32

21 BY MR. WALTER:

13:58:32

22 Q Okay.

13:58:33

23 Uh. Now, the letters you're referring to saying  
24 you had been promoted came from Kristine Ridge, correct?

13:58:39

25 A Correct.

1 made about any -- any of the unlawful treatment that  
2 you're -- you're claiming in this lawsuit?

14:30:06 3 A I shared, um, information with Kristine Ridge.

14:30:12 4 Q When you say "shared information with Kristine  
5 Ridge," can you be more specific, please?

14:30:16 6 A Yes. Um. When the, um, special meeting was  
7 noticed for August 2nd, which included on the agenda the  
8 performance evaluations of the appointees, I met briefly  
9 with Kristine Ridge and Chris Chase to find out if they  
10 had any information about why these performance  
11 evaluations were noticed on 24 hours' notice at a special  
12 meeting.

14:31:06 13 Q Where did this meeting occur?

14:31:08 14 A In the human resources department.

14:31:12 15 Q And how did the meeting occur is --

14:31:15 16 A I went over there, to the human resources  
17 department.

14:31:20 18 Q So you had an in-person meeting with Kristine  
19 Ridge and Chris Chase?

14:31:25 20 A Yes.

14:31:25 21 Q And can you please tell me everything you recall  
22 being discussed at that meeting.

14:31:29 23 A Uh. Well, I can't tell you everything because  
24 there's some information that's probably protected by the  
25 attorney/client privilege. So I will tell you that with

15:21:55 1 Q Uh. You mentioned conversations with Linda  
2 Andal. Uh. When did those conversations occur in which  
3 you expressed the belief you were being treated  
4 unlawfully?

15:22:08 5 A Uh. It was sometime in the beginning of 2012.

15:22:22 6 Q Okay. How many conversations of this nature did  
7 you have with Linda Andal?

15:22:26 8 A I don't know, not -- a number of them.

15:22:29 9 Q More than five?

15:22:30 10 A Probably, yes.

15:22:31 11 Q More than ten?

15:22:32 12 A I don't know.

15:22:38 13 Q And what specifically did you communicate to  
14 Ms. Andal?

15:22:42 15 A Well, Ms. -- uh. Linda was, um, witness to a  
16 number of situations where, um, I was treated unfairly by  
17 Council Member Murray. And so some of our discussions  
18 were related to those events.

15:23:10 19 Q Okay. What -- what events do you recall -- what  
20 specific events do you recall discussing with Ms. Andal  
21 about Council Member Murray treating you unfairly?

15:23:24 22 A Um. Well, we discussed a council meeting, um,  
23 where Council Member Murray, uh, intimated that I had  
24 prepared, uh -- I had prepared work in advance of the  
25 council meeting, uh, in, um -- what's the word I want --

1 in association with or on behalf of the mayor. And after  
2 the meeting, we discussed the comment that she had made  
3 in -- in open session and how inappropriate that was.

15:24:17 4 Q And what was the comment that she had made in  
5 open session?

15:24:22 6 A She --

15:24:23 7 Q And by "she," you mean Kris Murray?

15:24:26 8 A Yes.

15:24:26 9 Council Member Murray -- there was a discussion  
10 in open session regarding a ballot measure that the mayor  
11 had asked to be prepared and brought back to the council.  
12 And there was a discussion concerning the scope of that  
13 ballot measure and whether or not the restrictions in it  
14 could be applied retroactively. It had to do with the  
15 TOT subsidy for hotels.

15:25:05 16 And Council Member Murray was asking me a number  
17 of questions about its applicability, in particular to  
18 the GardenWalk hotels. And I had explained that I  
19 believed that if the City attempted to apply that ballot  
20 measure to the GardenWalk hotel, that the City could be  
21 exposed to liability. Um. So there were follow-up  
22 questions about how a ballot measure could be crafted  
23 that would be applied retroactively that wouldn't find  
24 the City in that position.

15:25:49 25 And so I was trying to explain that I wasn't

1 sure how that could be crafted. And at some point in  
2 that exchange, Council Member Murray said something --  
3 words to the effect of "Have you already prepared  
4 something," or "Have you already prepared a ballot  
5 measure, because you certainly seem quite confident about  
6 it?"

15:26:16 7 And I -- that was the statement that Linda and I  
8 discussed.

15:26:25 9 Q And what was, um, unlawful about that statement?

15:26:36 10 A Well, it was just another one of, I believe,  
11 Ms. Murray's demonstrations of animus toward me. There  
12 was no basis for that statement whatsoever. I believe  
13 she did it in an attempt to embarrass me and to suggest  
14 that somehow I was doing something inappropriate.

15:27:02 15 Q And had you already prepared a ballot measure at  
16 that point?

15:27:07 17 A No.

15:27:07 18 Q Had you done any work on preparing a ballot  
19 measure at that point?

15:27:11 20 A No.

15:27:24 21 Q Okay. What other, uh -- did -- did you -- in  
22 your discussion with Ms. Andal at that point, did you  
23 express any belief that that, um -- that Murray's  
24 treatment of you was based in any way on your national  
25 origin or other protected class?

15:27:45 1 A I don't recall if I mentioned that to her at  
2 that time.

15:27:48 3 Q Did you ever mention that to Linda Andal,  
4 that -- that you had been mistreated based on your  
5 national origin, um, gender or age?

15:27:57 6 A I did.

15:27:58 7 Q When?

15:27:58 8 A Um. At some point in time I told her I thought  
9 that I was, um, being treated unfairly because of my  
10 national origin. I don't remember when. It was sometime  
11 in 2012.

15:28:16 12 Q Was that in regards to a specific incident?

15:28:24 13 A I don't remember.

15:28:32 14 Q Did Ms. Andal say anything to you in response  
15 when you said that?

15:28:37 16 A I know that Ms. Andal thought that I was being  
17 treated very unfairly by Kris Murray, and I know that she  
18 believed that Kris Murray didn't like me and couldn't  
19 understand why.

15:29:08 20 Q What other conversations did you have with  
21 Ms. Andal about Murray treating you unfairly?

15:29:13 22 A Council Member Murray attempted to, um, blame me  
23 for advice that Ms. Andal had given to members of the  
24 public who were circulating an initiative petition and  
25 gathering signatures.

15:29:34 1 And Linda Andal told me about that.

15:29:56 2 Q Okay. Other than, um -- well, any other  
3 specific instances you recall talking about where -- with  
4 Ms. Andal about Murray treating you unfairly?

15:30:08 5 A There was a telephone conference in my office  
6 with Council Member Murray. And in my office present  
7 were Ms. Andal, um, as well as Kristen Pelletier, in  
8 which the subject matter was Robert's Rules of Evidence  
9 (sic), during which Ms. -- Council Member Murray was  
10 extremely hostile toward me and demeaning in the  
11 telephone conference, and both Kristen Pelletier and  
12 Linda Andal commented on it afterwards.

15:31:12 13 Q What did they say to you afterwards?

15:31:15 14 A Words to the effect "We can't believe she talks  
15 to you that way." Something like "That's unbelievable,"  
16 words to that effect.

15:31:34 17 Q Was there any discussion of your national  
18 origin, uh, age or gender in that, um, conversation -- in  
19 those conversations?

15:31:42 20 A No. Not in that meeting, no.

15:31:49 21 Q Okay. You mentioned a situation with Ms. Andal  
22 where you told her you were being treated unfairly due  
23 your national origin. Um. Are there any other instances  
24 in which you told a city employee other than what you've  
25 already mentioned, about Kristine Ridge, Bob Wingenroth,

17:03:46 1 Q Uh-huh.

17:03:52 2 A Um. I don't recall having a conversation with  
3 Council Member Murray about Mayor Tait. I do recall a  
4 conver- -- talking to her about an e-mail that she sent  
5 me about Mayor Tait. I remember that.

17:04:09 6 Q Is that something you discussed in that  
7 evaluation?

17:04:13 8 A Yes. That's the e-mail to which I was referring  
9 earlier in this deposition.

17:04:20 10 Q I'm -- I'm not following you. What -- what  
11 e-mail are you referring to?

17:04:24 12 A I testified earlier that after those two  
13 initiative measures were placed on the ballot -- I'm  
14 sorry, on the agenda that I received an e-mail from Kris  
15 Murray inquiring about that work, and in that e-mail she  
16 made a reference to Mayor Tait. And so in my performance  
17 evaluation, um, she brought up the e-mail. And so it was  
18 discussed in the -- my performance evaluation only after  
19 she brought it up.

17:04:58 20 Q When you say Murray brought up the e-mail, can  
21 you be more specific about how she brought that up?

17:05:03 22 A Yes. Um. Uh. We were talking about my being  
23 available and my, uh, responsiveness to requests for  
24 assistance and how I am, basically, available 24/7 and  
25 that I work in the evenings, I work on the weekends and

1 that I try to respond to communications right away or, if  
2 not, within 24 hours.

17:05:36 3 And then she brought up that e-mail and said,  
4 "Well, you didn't respond to that e-mail," or words to  
5 that effect, "right away."

17:05:46 6 And I said, "No, I didn't, but I" -- "there's a  
7 reason why I didn't."

17:05:53 8 And she said, "Well, I" -- "why not," or "What  
9 are your reasons," or whatever.

17:05:58 10 So I explained to her the reasons why I didn't  
11 respond to that e-mail.

17:06:05 12 Q Okay.

17:06:05 13 A And in that context of explaining to her why, I  
14 made reference to the -- the manner in which she  
15 characterized the mayor's request that I prepare the  
16 initiative measures.

17:06:19 17 Q And what was that?

17:06:20 18 A Uh. She said something like, "I would like to  
19 know the amount of time" or "employee hours" or "staff  
20 hours," something like that, "spent," um, uh,  
21 "responding" -- something like "responding to the mayor's  
22 efforts to circumvent the law," or something like that.

17:07:11 23 Q And what -- um. And then what did Murray say in  
24 response to that?

17:07:16 25 A Well, she asked me why I didn't respond right

1 away.

17:07:18

2 Q Uh-huh.

17:07:19

3 A And so I told her I was out of town on an  
4 extended trip with my children and my sister and her  
5 children, and that I was planning on responding when I  
6 got back. When I got back into town, I was, uh,  
7 confronted with the civil unrest that had happened as a  
8 result of the officer-involved shootings and my time was,  
9 um, dominated by trying to address that situation. And,  
10 um, I also told her that I didn't want to respond in  
11 writing to her because I was very uncomfortable with the  
12 manner in which she characterized my work for the mayor.

17:08:47

13 Q Did Murray mention to you during that  
14 performance review, uh, her desire that all council  
15 members equal -- be informed equally of information in a  
16 timely manner?

17:08:59

17 A She told me -- she started out by saying she  
18 didn't think that -- she started out by complaining that  
19 she had not -- that they had not been advised of the  
20 initiative measures. And when I suggested that if they  
21 wanted to from that point forward be advised every time I  
22 did work for any one of the other council members, I  
23 would be happy to do so, that that had not been my  
24 practice, but I would be more than happy to start that  
25 practice if that was the desire of the council.

17:09:35 1 And she said I'm -- something like, "I don't  
2 want to go that far" or "I'm not willing to do that."

17:09:40 3 And I said, "Well, if you want to give me  
4 parameters."

17:09:44 5 I believe I was trying to get some direction,  
6 which was not given to me, because then they moved on to  
7 another topic. Or she moved on to another topic.

17:10:10 8 Q Well, you would agree that as -- as city  
9 attorney it was, um -- when you were city attorney, it  
10 was important for the council members to be equally  
11 informed about matters that were coming before them as a  
12 body, correct?

17:10:24 13 A Well, I don't know exactly what you mean by  
14 that. I think that in this particular case, the council  
15 was informed of the initiative measures when they were  
16 placed on the agenda. And as a regular course, they  
17 learn about a lot of matters placed on the agenda at the  
18 time that they're placed on the agenda, so they -- except  
19 for the mayor who requested the work, the remainder of  
20 the council was all advised of it when it actually went  
21 on the agenda, but I didn't know it was going to go on  
22 the agenda until two hours before the deadline,  
23 approximately.

17:11:10 24 Q Uh-huh.

17:11:12 25 Um. So you interpreted Murray's comments to

1 had shared with me that from time to time Council Member  
2 Murray would tell Bob, "I'm going to discuss this with my  
3 municipal lawyer."

18:51:36

4 So that was generally the conversation that we  
5 had. Um. She said she was looking forward to me -- to  
6 working with me. Um. We hugged, and it was not a very  
7 long meeting.

18:51:59

8 Q So you did not indicate to Ms. Kring that you  
9 were concerned in any way about your, uh, job situation  
10 during the, uh, discussion?

18:52:06

11 A Not at all.

18:52:15

12 Q Okay. So you came into the performance  
13 evaluation. I think you said you talked about, um, uh,  
14 your office and personal accomplishments, proposed  
15 initiatives, got compliments about these initiatives.  
16 What happened next?

18:52:36

17 A Um. I think then, um, we went around the room,  
18 um, to each council member for any comments or feedback.  
19 Um. Mayor Tait was, uh, the first, and he said he was --  
20 he was complimentary of my work, and then, um, may have  
21 talked more about my initiatives. I don't recall if he  
22 did at that time or if it was just kind of general  
23 discussion.

18:53:14

24 And then Gail was next. She talked about the,  
25 um -- I think she, uh, talked primarily about the

1 community courts idea. Um. And she mentioned the other  
2 initiatives, but she seemed to spend more time talking  
3 about that one. Um. And then she said something about,  
4 um, "I continue to," um, "just have a feeling that you  
5 don't represent me. I don't know what it is. There's  
6 just something about you and I can't articulate it," or  
7 "I can't explain it," or something like that.

18:54:20

8 Um. Council Member Brandman made a comment to  
9 the effect of "Well, Cristina, you know that we've known  
10 each other for a few years and," um, "I've," um, "known  
11 you in the context of City business," or something like  
12 that. Um. So it was a general recognition that he knew  
13 of me and that we knew each other.

18:55:03

14 Q Uh-huh.

18:55:04

15 A And that was all he said.

18:55:07

16 And Council Member Murray said, "Well, I can say  
17 that I think you've put together a good office." And  
18 that's all she said.

18:55:26

19 And then Council Member Kring was the last to  
20 speak. And she, um, commented on some of my initiatives.

18:55:47

21 Q And was -- was there any further discussion?

18:55:50

22 A I think that was it.

18:55:53

23 Q So other than, uh, Gail Eastman, no one else had  
24 any negative comments about your performance?

18:56:00

25 A Not one.

18:56:02 1 Q How long did this last?

18:56:04 2 A Um. Twenty minutes, maybe. Fifteen, 20  
3 minutes, maybe -- it didn't seem very long. It could  
4 have been longer. It could have been -- I don't think it  
5 was anymore than 30 minutes given that the majority of  
6 time was taken up by my, um, kind of presentation of my  
7 accomplishments.

18:56:29 8 Q Okay. So you left, um -- then you left the  
9 evaluation?

18:56:36 10 A Right.

18:56:37 11 Q Did council, I guess, deliberate among  
12 themselves or do you know?

18:56:42 13 A Apparently. Well, that's what I've heard since  
14 discovery started.

18:56:46 15 Q Okay. Uh. And did any of the council members  
16 ask you questions about your job performance during this  
17 first session?

18:57:01 18 A Not one.

18:57:13 19 Q Did the council members during this, uh, session  
20 discuss the FPPC letter you obtained, uh, on behalf of  
21 Mayor Tait?

18:57:23 22 A No.

18:57:31 23 Q Okay. So you left the closed session. Uh. I  
24 guess from other testimony it's pretty clear that there  
25 was, uh -- council went into the open part of the meeting

1 and came back to closed session after the open meeting  
2 concluded; is that correct?

18:57:47 3 A Yes.

18:57:48 4 Q Okay. And so what do you recall happening, um,  
5 after, the, uh, council open session, uh, concluded and  
6 the council went back into closed session?

18:58:02 7 A Uh. Well, I was sitting over with the, um, city  
8 manager and the city clerk, and we were just chatting.  
9 And, um, then at some point, Kristine came over and said,  
10 "The council would like to meet with you again."

18:58:28 11 Q And while you were chatting, had you discussed,  
12 uh, your -- the performance reviews that each of you had,  
13 with the city manager and the city clerk?

18:58:38 14 A No. I don't believe the city clerk had her  
15 evaluation, but maybe -- I don't remember. But I seem to  
16 recall that she didn't have hers then. I think mine  
17 preceded hers, but I could be wrong on that.

18:58:53 18 Q So did the city clerk have an evaluation that  
19 night at all?

18:58:56 20 A Yes, I believe she did. Well, I think she --  
21 she had one. I don't know if it was that night. It may  
22 have been moved to another night, but I know that she had  
23 an evaluation.

18:59:07 24 Q And how do you know that?

18:59:10 25 A She told me.

18:59:10 1 Q And how was her evaluation?

18:59:13 2 A Um. It was, um -- uh. She said that there was  
3 criticism of her work.

18:59:25 4 Q What about the city manager, Bob Wingenroth, did  
5 he ever tell you about his evaluation that night?

18:59:31 6 A I don't recall.

18:59:37 7 Q Okay. So Kristine Ridge came over to you and  
8 said that council would like to meet with you again?

18:59:43 9 A Yes.

18:59:43 10 Q Uh. And then what happened?

18:59:44 11 A Then we walked back over across the -- through  
12 the area in front of the council dais over to the room.  
13 And as we were walking over there, I said something like,  
14 "Kristine, what is going on?"

18:59:59 15 And she said, "They're going to ask you for your  
16 resignation." And she said, "I got you 90 days  
17 severance. That's the best I could do." Um. And she  
18 said, "Don't say anything. Just sit in there and  
19 listen."

19:00:34 20 Q Why -- why did you ask her "What is going on?"

19:00:38 21 A Because I didn't know what was going on.

19:00:44 22 Q Okay. What was your, um, I guess, emotional  
23 state at that point?

19:00:55 24 A Um. Uh. Concern and, um, just a feeling of not  
25 knowing what's going on.

19:05:42 1 Q You mean Kristine Ridge?

19:05:44 2 A Kristine Ridge, right.

19:05:45 3 It was the next day.

19:05:46 4 Q Okay. And so when you talked to Kristine Ridge  
5 the next day, um, what did you discuss?

19:05:54 6 A I had a couple of questions. I wanted to know  
7 whether or not if I resigned, um, they're going to treat  
8 it as a voluntary termination, um, for purposes of  
9 disputing whether -- if I applied for unemployment  
10 benefits.

19:06:21 11 And she said, "No, the City never does that. We  
12 would never challenge it."

19:06:35 13 And I asked her, "What if I don't have a  
14 decision in two days? Then what?"

19:06:44 15 And she said, "If you don't resign in two days,  
16 they're going to agendize your dismissal."

19:06:58 17 Q Did you ask her anything else?

19:07:04 18 A She said to me, um, "If I were you, I would ask  
19 for six months continuation of your health insurance."

19:07:27 20 Q And did you ask for that?

19:07:28 21 A I did not.

19:07:29 22 Q Why not?

19:07:31 23 A Because Kristine had already said that if I  
24 didn't, um, submit my letter of resignation in two days,  
25 that they were going to agendize my dismissal for the

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REPORTER'S CERTIFICATE

I, ANGELA R. LUX, C.S.R. NO. 11095, Certified Shorthand Reporter certify:

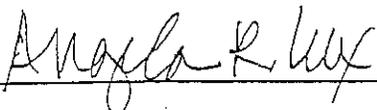
That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any attorney or of any of the parties, nor financially interested in the action.

Dated this 11th day of March, 2016.

  
\_\_\_\_\_  
ANGELA R. LUX, C.S.R. No. 11095