

EXHIBIT 8



MINNESOTA
JUDICIAL
BRANCH

[REDACTED]

[REDACTED]

[REDACTED]

From: Mary F Moriarty <Mary.Moriarty@hennepin.us>
Sent: Tuesday, February 7, 2023 4:20 PM
To: CA.CountyAttorney <CA.CountyAttorney@hennepin.us>
Subject: Announcement

Dear colleagues,

In late December I shared with you a new organizational structure that we have been working to implement over the past month. My goal with the modified, flatter structure is to manage the wide array of work we do in the office more efficiently and effectively.

I shared in my December message that the organizational structure was incomplete and did not account for the placement of all the units in the office. Today, I want to provide one additional update that we did not address previously.

Effective Monday, February 13, 2023, the Complex Prosecution Unit (CPU) will be incorporated as a team within APD. Patrick Lofton will continue as the senior attorney on that team, reporting to Dominick as the head of APD.

I'm also pleased to share that Amy Sweasy's new assignment will be to focus on prosecuting complex economic crimes, under the umbrella of the Major Litigation Division. That team has been doing great work, but they are extremely understaffed. Amy will be reporting directly to me.

As I have shared many times previously, one of my priorities is to support all of you as we effectively prosecute serious and violent crime. We have been doing that and I am committed to continually finding ways to be more effective in that priority.

The CPU, under Amy's leadership, has developed a model of prosecution that has many benefits, and that team has done some important work. Their focus on proactive engagement with law enforcement on the front end of an investigation and throughout a case has paid dividends on some complicated cases. I would like to explore how we can expand parts of this model across all of our work and divisions.

One challenge with doing that is our extraordinary caseloads – unprecedented numbers, from what I understand – across most divisions. These caseload levels are impeding our ability to focus on the most serious cases. Please know that we are taking steps on several fronts to address this issue.

One of those steps is the one I'm sharing today – moving CPU under APD and to have one of our most experienced prosecutors focus on the prosecution of complex economic crimes. Making this change to the structure will expand the

number of attorneys available in APD. And it dedicates significant attention and resources on complex economic crimes that are a serious threat to our communities.

As always, thank you all for your work.

Mary

Mary F. Moriarty

Hennepin County Attorney

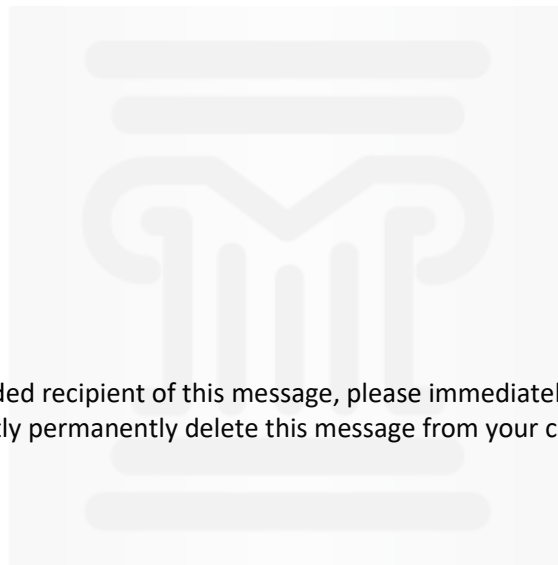
She/her

300 South 6th Street

Minneapolis, MN 55487

mary.moriarty@hennepin.us

612-348-6221



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EXHIBIT 9



MINNESOTA
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April 6, 2023

VIA EMAILAmy Sweasy
Amy.Sweasy@hennepin.us**Re: Your Resignation**

Dear Amy:

I was disappointed to receive your letter of resignation this week, as well as your email today declining to meet with me to discuss it. I strongly disagree with your characterizations of your assignment to complex crime and white-collar work. As we previously discussed, this is in no way a “line attorney” or “low-level” position, nor a demotion. You retained your Principal Attorney classification along with your salary, benefits, and job protections flowing from that classification. We also continued to reimburse you for parking.

As I explained when we met, I originally assigned you to handle complex crime and white-collar work because of your experience, skills and ability to handle complicated cases. Wage theft and workers’ rights are very important issues on which I campaigned. I want to grow and build the Office’s capacity for those cases and asked you to use your skills and experience for that important work. Contrary to the claims in your letter, I did not rule out the possibility of you managing and supervising a team and I had you continue your prior work as a trainer in the Trial School in February. While I hoped you would take the opportunity to be part of this effort, given your negative reaction to handling wage theft and workers’ rights cases, I assigned you different white-collar cases. I am disappointed that you would not give this assignment a chance to work.

I strongly dispute the accusations in your resignation letter that my decision was punitive, retaliatory or an effort to embarrass or punish you. Nor was my objective to force you to quit as you stated in your email today declining to meet with me. To the contrary, as I have explained to you several times, this was strictly a business decision. Your assignment had nothing to do with your allegations against former County Attorney Michael Freeman, as you suggest in your letter. When we met, I apologized for certain comments alleged to have been made by Mr. Freeman. I did not “apologize for the retaliation [you] had suffered at the hands of Michael Freeman,” and have no knowledge of your specific allegations against Mr. Freeman other than a general awareness of the prior settlement agreement and your current lawsuit regarding issues prior to my becoming County Attorney. I made assignments that I felt appropriate for the needs of the Office based on my administration’s priorities and goals.

I know you said your decision was final, but I hope you will reconsider and withdraw your resignation. You would be reinstated as a Principal Attorney with no loss of salary or benefits. This is of course not conditioned on any release of your current claims against the County. I think you can do good and important work in this office if you are willing to try.


EXHIBIT 112**SWEASY**

August 21, 2023

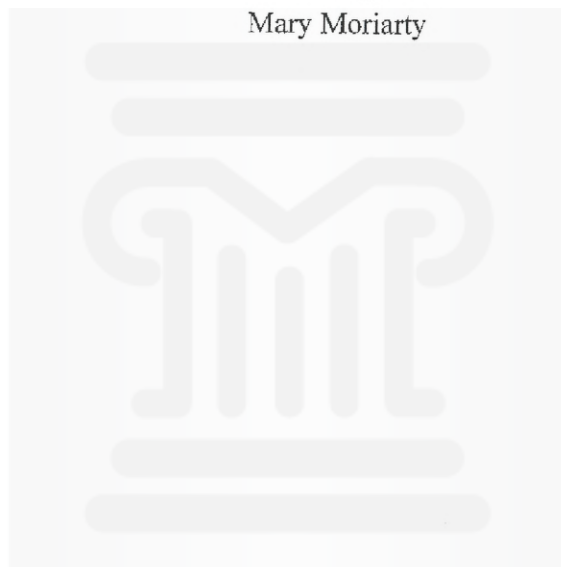
Reported By:
Merilee Johnson, RDR, CRR, CRC, RSA**HENN0000013273**

Amy Sweasy
April 6, 2023
Page 2

Sincerely,



Mary Moriarty



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EXHIBIT 10



MINNESOTA
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From: Vernona Boswell
Sent: Wednesday, June 8, 2022 4:36 PM CDT
To: Amy Sweasy
Subject: RE: Checking in

Hey Amy – I must be honest and keep it real with you after reading the articles a few weeks ago I must say – I’m credibility disappointed with how Dominick was inferred. Dominick is dear to me, he’s like a brother to me.

I’m sorry for everything you went through in the office and I understand you felt like you had to do what you felt was necessary, I can respect that – but what I can’t respect is how Dominick was publicly humiliated and disrespected, he didn’t deserve that. As Black employees in the office or any other office, it’s extremely difficult to gain respect, be seen and treated as equal, to be acknowledged as competent. Some might say it’s not about Race, but that’s not my privilege nor my life, every day is about Race for us. Color-blindness is harmful!

These are genuinely my feelings and not Dominick, I can’t speak for him. This is bigger than and not only impacted Dominick, just saying.

As far as working with VW, feel free to reach out to any of my VW supervisors (Hodan, Sonita, or Panu) for any advocacy services you may need for your unit.

Sincerely,

Vernona

From: Amy Sweasy <Amy.Sweasy@hennepin.us>
Sent: Tuesday, June 7, 2022 11:06 AM
To: Vernona Boswell <Vernona.Boswell@hennepin.us>
Subject: Checking in

Hi – great to see you yesterday! I was wondering if we can set up a time to meet in the next couple of weeks to talk about the CPU unit and find out what works for you in terms of how we work with V/W, etc. I will also need a CMA again and an advocate which is exciting! Send some times and we can get to work? Thanks - I’m back on the 13th.

Amy

Amy E. Sweasy
Principal Attorney
Complex Prosecution Unit
Hennepin County Attorney’s Office
C-2000 Government Center
300 S. 6th Street
Minneapolis, MN 55487
612-348-6552



MINNESOTA
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EXHIBIT 11



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1 STATE OF MINNESOTA DISTRICT COURT
2 COUNTY OF HENNEPIN FOURTH JUDICIAL DISTRICT
CASE TYPE: Contract/Other

3
4 Amy Sweasy Tamburino,
5 Plaintiff,

6 v. Case No. 27-CV-22-16364
7 Michael O. Freeman,
individually, and County
8 of Hennepin,
9 Defendants.

10
11 VIDEOTAPED DEPOSITION OF
12 AMY SWEASY TAMBURINO
13 Volume 1 of 2

14
15 Monday, August 21, 2023
9:08 p.m. to 6:46 p.m.

16
17 Pages 1 to 285

18
19 LOCATION

Lockridge Grindal Nauen P.L.L.P.
100 Washington Avenue South
20 Suite 2200
21 Minneapolis, Minnesota 55401

22
23
24 JOB NO.: MW 5989149
25 REPORTED BY: Merilee Johnson, RDR, CRR, CRC, RSA

Page 2

1 A P P E A R A N C E S

2

3 ON BEHALF OF AMY SWEASY TAMBURINO:

4 SAPIENTIA LAW GROUP, PLLC

5 BY: Sonia Miller-Van Oort, Esq.
 Christopher Proczko, Esq.
 120 South Sixth Street
 Suite 100
 Minneapolis, Minnesota 55401
 Phone: (612) 756-7100

6 Email: SoniaMV@sapientialaw.com
 Email: ChristopherP@sapientialaw.com

7

8

9 ON BEHALF OF MICHAEL FREEMAN:

10 MASLON LLP

11 BY: Mary L. Knoblauch, Esq.
 3300 Wells Fargo Center
 90 South Seventh Street
 Minneapolis, Minnesota 55402
 Phone: (612) 672-8200

12 Email: Mary.Knoblauch@Maslon.com

13

14 ON BEHALF OF HENNEPIN COUNTY and DAVID HOUGH:

15 LOCKRIDGE GRINDAL NAUEN P.L.L.P.

16 BY: Susan E. Ellingstad, Esq.
 Laura M. Matson, Esq.
 100 Washington Avenue South
 Suite 2200
 Minneapolis, Minnesota 55401
 Phone: (612) 339-6900

17 Email: SEEllingstad@LockLaw.com
 Email: LMMatson@LockLaw.com

18

19

20

21 ALSO APPEARED:

22 Michael Freeman
 Dave Young, Videographer

23

24

25

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1 EXHIBITS (Continued): PAGE

2 Exhibit 87 Email, dated 05/31/2020, 47
 Subject: Thanks, an apology and
 thoughts on going forward

3 CONFIDENTIAL

4 HENN0000012374

5 Exhibit 88 Email chain, top-dated 47
 05/31/2020, Subject: The team

6 CONFIDENTIAL

7 HENN0000012375 to 12376

8

9 Exhibit 89 Email chain, top-dated 47
 06/01/2020, Subject: Gov Walz
 Announcement

10 CONFIDENTIAL

11 HENN0000012377 to 12378

12

13 Exhibit 90 Email, dated 06/02/2020, 47
 Subject: Thinking of you two

14 CONFIDENTIAL

15 HENN0000012379

16 Exhibit 91 Email chain, top-dated 47
 06/15/2020, Subject: Welcome
 back

17 CONFIDENTIAL

18 HENN0000011003 to 11004

19 Exhibit 92 Charge of Discrimination, date 77
 filed 08/24/2021

20 HIGHLY CONFIDENTIAL - AEO

21 HENN0000002139 to2140

22

23 Exhibit 93 Agreement to Mediate 90
 HIGHLY CONFIDENTIAL - AEO

24 HENN0000009034 to 9036

25

26 Exhibit 94 Settlement Agreement 100
 HENN0000002090 to 2097

27 Exhibit 95 Amended Complaint 108

28 Exhibit 96 Declaration of Amy Sweasy 136
 Tamburino

29

30

31

Page 3

1 I N D E X

2

3 WITNESS: AMY SWEASY TAMBURINO PAGE

4 Examination by Ms. Ellingstad..... 11

5

6 CAUTION or INSTRUCTIONS NOT TO ANSWER:

7 Page 16, Line 12

8 Page 18, Line 3

9 Page 31, Line 2

10 Page 31, Line 10

11 Page 42, Line 15

12 Page 46, Line 20

13 Page 174, Line 16

14 Page 175, Line 2

15 Page 175, Line 11

16

17 SPECIAL INSTRUCTIONS or REQUESTS: (None.)

18

19 E X H I B I T S

20 EXHIBITS MARKED AND FIRST REFERRED TO: PAGE

21 Exhibit 85 Plaintiff's Responses to 26
 Defendants Hennepin County and

22 David Hough's First Requests for
 Production of Documents

23

24 Exhibit 86 Text messages, top-dated 36
 07/23/2019

25

Page 5

1 EXHIBITS (Continued): PAGE

2 Exhibit 97 Text messages, top-dated 139
 11/04/2022
 (No Bates)

3

4 Exhibit 98 Email chain, top-dated 177
 01/21/2022, Subject: Settlement
 Communication

5 SWEASY 000313 to 318

6

7 Exhibit 99 Email chain, top-dated 177
 03/02/2022, Subject:
 Sweasy/Hennepin County - Rule

8 408 Settlement

9 SWEASY 000308

10

11 Exhibit 100 Email chain, top-dated 184
 04/25/2022, Subject: Amy
 Sweasy to Lead New Complex
 Prosecutions Unit

12 HENN0000000004

13

14 Exhibit 101 Text messages, top-dated 186
 Monday, September 20, 2021

15 CONFIDENTIAL

16 HENN0000003937 to 3962

17 Exhibit 102 Email chain, top-dated 197
 06/06/2022, Subject: Calls so
 far

18 HENN0000004165

19

20 Exhibit 103 Email chain, top-dated 205
 05/23/2022, Subject: CPU
 Candidates

21 CONFIDENTIAL

22 Henn0000004117 to 4118

23

24 Exhibit 104 Email chain, top-dated 224
 10/14/2022, Subject: Tilynne
 Wilson (22A11417) attempted
 murder charge (potential hot
 case)

25 CONFIDENTIAL

26 HENN0000000335 to 338

27

28

29

30

Page 6	Page 8
<p>1 EXHIBITS (Continued): PAGE</p> <p>2 Exhibit 105 Email chain, top-dated 227 10/27/2022, Subject: Operation 3 Endeavor cases HENN0000001528 to 1529</p> <p>4 Exhibit 106 Email chain, top-dated 232 5 12/12/2022, Subject: Charles 6 Conners CONFIDENTIAL HENN0000000843 to 845</p> <p>7 Exhibit 107 Email chain, top-dated 232 8 11/07/2022, Subject: Cases CONFIDENTIAL 9 HENN0000006270 to 6272</p> <p>10 Exhibit 108 HCAO Divisions Executive 243 Summaries, 2023 Transition HENN0000003671 to 3696</p> <p>11 Exhibit 109 Complex Prosecution Unit, 245 Summary of Work, Contributions, 12 and Accomplishments, Prepared by Amy Sweasy, Revised 12/01/2022 13 HENN0000000820 to 825</p> <p>14 Exhibit 110 Letter to Michael Freeman and 246 David Hough from Dan Mabley, 15 RE: The HCAO Complex Prosecution Unit, December 15, 2022 16 HENN0000001946 to 1947</p> <p>17 Exhibit 111 Memo to Mary Moriarty from 248 Michael Freeman, RE: Complex 18 Prosecution Unit, dated D Ecember 1, 2022 19 HENN0000009023</p> <p>20 Exhibit 112 Letter to Amy Sweasy from Mary 260 Moriarty, RE: Your Resignation, 21 dated April 6, 2023 HENN00000013273 to 13274</p> <p>22 Exhibit 113 Email chain, top-dated 264 23 04/06/2023, Subject: See 24 attachment HENN00000013269 to 13270</p>	<p>1 (PROCEEDINGS, 08/21/2023, 1:10 p.m.)</p> <p>2 THE VIDEOGRAPHER: Good morning. We're</p> <p>3 going on the record at 9:08 a.m. on</p> <p>4 August 21, 2023.</p> <p>5 Please note that the microphones are</p> <p>6 sensitive and may pick up whispering and private</p> <p>7 conversations. Please mute your phones at this</p> <p>8 time. Audio and video recording will continue to</p> <p>9 take place unless all parties agree to go off the</p> <p>10 record.</p> <p>11 This is Media Unit 1 of the</p> <p>12 video-recorded deposition of Amy Sweasy Tamburino,</p> <p>13 taken by counsel for the defendants in the matter</p> <p>14 of Amy Sweasy Tamburino versus Michael Freeman,</p> <p>15 individually, and County of Hennepin, filed in the</p> <p>16 State of Minnesota, District Court, County of</p> <p>17 Hennepin, Fourth Judicial District, Case No.</p> <p>18 27-CV-22-16364.</p> <p>19 This deposition is happening in</p> <p>20 Minneapolis, Minnesota. My name is Dave Young; I'm</p> <p>21 the videographer. Our court reporter today is</p> <p>22 Merilee Johnson. We are both representing Veritext</p> <p>23 Legal Solutions.</p> <p>24 I am not related to any party in this</p> <p>25 action, nor am I financially interested in the</p>
<p>Page 7</p> <p>1 EXHIBITS (Continued): PAGE</p> <p>2 Exhibit 114 Email chain, top-dated 268 06/08/2022, Subject: Checking In 3 HENN00000004175 to 4176</p> <p>4</p> <p>5 PREVIOUSLY MARKED EXHIBITS FIRST REFERRED TO: PAGE</p> <p>6 Exhibit 17 Agreement to Mediate 91 (No Bates)</p> <p>7</p> <p>8 REPORTER'S NOTE: All quotations from exhibits are reflected in the manner in which they were read 9 into the record and do not necessarily indicate an exact quote from the document.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 9</p> <p>1 outcome.</p> <p>2 If there are any objections to this</p> <p>3 proceeding, please state them at the time of your</p> <p>4 appearance.</p> <p>5 Will counsel now state their</p> <p>6 appearances and affiliations for the record,</p> <p>7 beginning with the noticing attorney.</p> <p>8 MS. ELLINGSTAD: Susan Ellingstad of</p> <p>9 Lockridge Grindal Nauen on behalf of Hennepin</p> <p>10 County.</p> <p>11 MS. MILLER-VAN OORT: Mary Knoblauch on</p> <p>12 behalf of Michael Freeman.</p> <p>13 MS. MATSON: Laura Matson on behalf of</p> <p>14 Hennepin County.</p> <p>15 MS. MILLER-VAN OORT: Sonia</p> <p>16 Miller-Van Oort on behalf of plaintiff.</p> <p>17 MR. PROCZKO: Christopher Proczko on</p> <p>18 behalf of plaintiff.</p> <p>19 THE VIDEOGRAPHER: And will the court</p> <p>20 reporter please swear in the witness, and then we</p> <p>21 can proceed.</p> <p>22 Amy Sweasy Tamburino,</p> <p>23 duly affirmed, was examined and testified as follows:</p> <p>24 MS. MILLER-VAN OORT: And,</p> <p>25 Ms. Ellingstad, before we begin, I'd just like to</p>

<p style="text-align: right;">Page 10</p> <p>1 put on the record that our objection to Ms. Sweasy 2 being deposed in two separate depositions, if 3 that's the intent, we believe is not consistent 4 with the rules and that typically only one 5 deposition of a plaintiff is allowed in a case. In 6 addition, that typically, that examination would be 7 limited to seven hours. 8 Having said that, we understand from 9 communication, we understand that both counsel 10 intend to examine the witness and we -- and I 11 understand we will see where we're at towards the 12 end of the day. And if necessary, we will 13 reasonably accommodate to make sure that we get 14 through the deposition as long as it's not an 15 extensive-overly burdensome amount of time. 16 MS. ELLINGSTAD: Okay. Thank you. And 17 for the record, we believe each party is entitled 18 to depose this witness, but I agree we will see 19 where we are at at the end of the day. 20 Do you need to put anything on the 21 record? 22 MS. KNOBLAUCH: Just that I'm reserving 23 my right to depose the witness as a party in the 24 case, which means that I'm entitled to one day of a 25 deposition of seven hours. But, again, I -- I've</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. We never met during your charge and 2 mediation in 2021 and 2022; is that correct? 3 A. No, we didn't. 4 Q. We did not meet by Zoom or otherwise during 5 the mediation sessions in your first case; is that 6 correct? 7 A. Correct. 8 Q. And I never spoke directly to you during 9 the mediation; is that correct? 10 A. Correct. 11 Q. Prior to learning that I was counsel for 12 the County in your first case, we didn't know each 13 other; is that right? 14 A. Right. 15 Q. Were you familiar with my legal practice? 16 A. No. 17 Q. And were you familiar with my standing in 18 the legal community? 19 A. No. 20 Q. When did you start with Hennepin County? 21 A. March of 1993. 22 Q. Who hired you? 23 A. Nancy McLean, I think. Or Pat Diamond. 24 Q. Can you briefly describe the various 25 positions you have held at Hennepin County since</p>
<p style="text-align: right;">Page 11</p> <p>1 sent you that email on Friday indicating I'm not 2 going to be duplicative of what Ms. Ellingstad is 3 asking, and we can just address that at the end of 4 the day. 5 MS. MILLER-VAN OORT: Very good. 6 EXAMINATION 7 BY MS. ELLINGSTAD: 8 Q. Would you state your name and address for 9 the record, please. 10 A. My name is Amy Sweasy Tamburino. My 11 address is 545 South Second Street, Number 210, 12 Minneapolis, Minnesota 55401. 13 Q. Ms. Sweasy, have you ever had your 14 deposition taken before? 15 A. No. 16 Q. Have you ever taken a deposition? 17 A. No. 18 Q. Other than the depositions you have 19 attended in this case, have you attended other 20 depositions? 21 A. No. 22 Q. Before meeting during the depositions in 23 the current lawsuit, you and I had never met; is 24 that correct? 25 A. Correct.</p>	<p style="text-align: right;">Page 13</p> <p>1 1993? 2 A. In 1993 I was a law clerk in the 3 Administration Division of the Hennepin County 4 Attorney's Office. In 1994 I was a law clerk in 5 the Adult Prosecution Division. In 1995 I was what 6 they then called a permanent law clerk also in the 7 Adult Prosecution Division. 8 After that I became, I think, an -- they 9 called it an associate assistant county attorney. 10 I'm not sure that's what they called them back in 11 1995 and 1996. And then I was an assistant 12 Hennepin County attorney from roughly '96 to 2007. 13 In 2007 I was promoted to senior attorney. 14 In 2019 I was promoted to managing assistant county 15 attorney. In April of 2022 I became a principal 16 attorney. 17 Q. I'm sorry. What year were you promoted to 18 managing attorney? 19 A. 2019. 20 Q. And who hired you as an assistant county 21 attorney? 22 A. Mr. Freeman. 23 Q. Okay. Who promoted you to senior attorney? 24 A. Mr. Freeman. 25 Q. Who promoted you to managing attorney?</p>

4 (Pages 10 - 13)

<p style="text-align: right;">Page 14</p> <p>1 A. Mr. Freeman.</p> <p>2 Q. When did you first consider leaving the</p> <p>3 Hennepin County Attorney's Office?</p> <p>4 A. Probably 2019.</p> <p>5 Q. And what was the reason you considered</p> <p>6 leaving?</p> <p>7 A. There were a number of reasons. But the</p> <p>8 primary reason was that I had made some reports of</p> <p>9 conduct by Mr. Freeman of both a kind of a -- well,</p> <p>10 the first was the gender discrimination report that</p> <p>11 I made. The second had to do with his behavior</p> <p>12 during meetings toward me. And I had made those</p> <p>13 two reports. And those were the primary reasons.</p> <p>14 Q. When did you first consider suing Hennepin</p> <p>15 County or Mr. Freeman?</p> <p>16 A. By "suing," are you referring to the human</p> <p>17 rights complaint?</p> <p>18 Q. Nope. Any type of lawsuit. Or charge.</p> <p>19 A. When did I first consider suing or... 2021.</p> <p>20 Q. When did you start keeping a list of</p> <p>21 Mr. Freeman's comments?</p> <p>22 A. 2019.</p> <p>23 Q. Have you produced that list in this case?</p> <p>24 A. Well, I didn't keep a list per se. I</p> <p>25 started to keep notes of things that had happened,</p>	<p style="text-align: right;">Page 16</p> <p>1 A. It would have been in 2019. I don't know</p> <p>2 exactly when in 2019.</p> <p>3 Q. How long did Mr. Simpson represent you?</p> <p>4 A. Until August of 2021.</p> <p>5 Q. And what was the scope of the</p> <p>6 representation by Mr. Simpson? What was he</p> <p>7 representing you for?</p> <p>8 A. He was giving me legal advice about my</p> <p>9 employment situation.</p> <p>10 Q. And did Mr. Simpson tell you to start</p> <p>11 taking notes about Mr. Freeman?</p> <p>12 MS. MILLER-VAN OORT: I'm going to</p> <p>13 instruct the witness that you're not allowed to</p> <p>14 share any attorney-client communication. So to the</p> <p>15 extent you discussed that with Mr. Simpson, that</p> <p>16 would be attorney-client, and you should not reveal</p> <p>17 that information.</p> <p>18 BY MS. ELLINGSTAD:</p> <p>19 Q. Let me ask it another way, Ms. Sweasy. You</p> <p>20 claimed that your notes are attorney-client</p> <p>21 privileged. Can you tell me the basis for that</p> <p>22 contention?</p> <p>23 A. They were communications with my attorney.</p> <p>24 Q. You testified a minute ago that you kept</p> <p>25 notes about things Mr. Freeman said; is that</p>
<p style="text-align: right;">Page 15</p> <p>1 but I don't have -- I never created a list of --</p> <p>2 that was titled "Things Mr. Freeman Said" or</p> <p>3 anything like that.</p> <p>4 Q. Okay. So you didn't have a list of</p> <p>5 comments by Mr. Freeman, but you kept notes?</p> <p>6 A. Yes.</p> <p>7 Q. And have you produced those notes in this</p> <p>8 case?</p> <p>9 A. My notes are in the form of documents that</p> <p>10 are attorney-client privileged.</p> <p>11 Q. Okay. Let's talk about that. When -- you</p> <p>12 said you started keeping notes in 2019; is that</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. Were you represented by an attorney at that</p> <p>16 time?</p> <p>17 A. I had an attorney that was advising me,</p> <p>18 yes.</p> <p>19 Q. Who was that?</p> <p>20 A. His name is Greg Simpson.</p> <p>21 Q. Did you start keeping notes before you</p> <p>22 retained Mr. Simpson?</p> <p>23 A. No.</p> <p>24 Q. And when did you retain Mr. Simpson to</p> <p>25 represent you?</p>	<p style="text-align: right;">Page 17</p> <p>1 correct?</p> <p>2 MS. MILLER-VAN OORT: Object only to</p> <p>3 the extent that mischaracterizes her testimony.</p> <p>4 Go ahead.</p> <p>5 A. I kept notes about things that were</p> <p>6 happening in my employment situation.</p> <p>7 Q. Those notes would not constitute a</p> <p>8 communication with your attorney, correct?</p> <p>9 A. I don't --</p> <p>10 MS. MILLER-VAN OORT: Objection. It</p> <p>11 calls for a legal conclusion.</p> <p>12 Go ahead and answer if you can.</p> <p>13 A. They were communications with my attorneys.</p> <p>14 Q. By that, do you mean that you sent your</p> <p>15 notes to your attorney?</p> <p>16 A. In email form, yes.</p> <p>17 Q. Did you -- did you take notes outside of an</p> <p>18 email form?</p> <p>19 A. Sometimes the notes were attached to</p> <p>20 emails.</p> <p>21 Q. Okay. Tell me how -- what format you kept</p> <p>22 notes about Mr. Freeman and Hennepin County. What</p> <p>23 are the different types of -- did you have</p> <p>24 handwritten notes? Email? Tape recordings? What</p> <p>25 other -- what format did you keep notes?</p>

5 (Pages 14 - 17)

<p style="text-align: right;">Page 18</p> <p>1 MS. MILLER-VAN OORT: I'm going to 2 object to the extent it's seeking work product 3 information and just caution the witness: With 4 regard to the contents of your work product or 5 communications with your attorney, you should not 6 disclose that. If you could otherwise answer her 7 question, go ahead. 8 A. I don't think I understand the question. 9 Q. What format did you take notes? Do you 10 understand what I mean by "format"? 11 A. Not really, no. 12 Q. Okay. Did you take handwritten notes? 13 A. No. 14 Q. Okay. So you -- at no time you kept 15 handwritten notes? 16 A. I did not keep handwritten notes. 17 Q. Okay. Did you type notes in a document 18 form? 19 A. Sometimes. 20 Q. Okay. What type of document? Word 21 document? 22 A. Mm-hmm. Yes. 23 Q. Okay. And you said you kept emails also or 24 you put your notes in emails? 25 A. I didn't say I kept emails. I said that I</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. Did you go and look for any 2 potentially relevant documents at that time, 3 including your notes? 4 MS. MILLER-VAN OORT: Just object. 5 Form. I'm not sure what time you're referring to, 6 Ms. Ellingstad. 7 A. You -- when I brought -- okay. So you -- 8 first you asked me about whether I saved my notes. 9 Now are you asking me about other documents? 10 Q. Including your notes, did you go and look 11 for -- you said you're not sure if they're 12 preserved so I want to know what you did to 13 ascertain whether notes are preserved or not. 14 A. I gave -- I didn't look for anything. I 15 gave my notes to my attorneys. They also had them 16 going back quite a ways. 17 And then what is your question about other 18 documents? 19 Q. I'm trying to ascertain what you did when 20 you brought this lawsuit to fulfill your 21 obligations to preserve and search for any 22 potentially relevant documents in the case. 23 A. I gave all of my previous attorney-client 24 privileged communication to Ms. Miller-Van Oort and 25 her team. They had quite a bit of it that they had</p>
<p style="text-align: right;">Page 19</p> <p>1 sent emails with -- 2 Q. That contained your notes? 3 A. To my attorney, yes. 4 Q. Okay. Other than typewritten notes and 5 emails, is there any other format in which you kept 6 notes about Mr. Freeman? 7 A. Not that I can think of, no. 8 Q. Did you share these notes with anyone 9 besides your attorney? 10 A. No. 11 Q. Have you preserved these notes? Do they 12 exist today? 13 A. I don't know if they all exist today. 14 Q. And why don't you know that? Do you 15 think -- did you -- tell me about your process. 16 Did you routinely delete your notes? 17 A. No, I just don't know if they have been 18 retained. 19 Q. Did you look for those when you brought 20 this lawsuit? 21 A. No. 22 Q. Did you understand that when you brought 23 this lawsuit, that you were under an obligation to 24 preserve all potentially relevant documents? 25 A. Yes.</p>	<p style="text-align: right;">Page 21</p> <p>1 received from my previous attorney. And as other 2 documents were requested, I provided them. 3 Q. And your previous attorney is Nick May? 4 A. Right. Well, I have more than one previous 5 attorney. 6 Q. Okay. Who are your other previous 7 attorneys? 8 A. My previous attorneys are Nick May, Mary 9 Cullen, and William Brewer and Sarah Rogers. 10 Q. We'll come back to -- to those attorneys, 11 but I want to make sure I understand: Did you 12 provide your notes regarding Mr. Freeman and 13 Hennepin County to these other attorneys also? 14 A. Yes. 15 Q. Okay. You said they're going back quite a 16 ways. How far did they go back? 17 A. How far does what go back? 18 Q. Your notes. 19 A. I said 2019. 20 Q. Okay. So that's what you meant when you 21 said they go back quite a ways? 22 A. They go back to 2019. 23 Q. Okay. When -- tell me the dates for each 24 of the attorneys in terms of your representation. 25 When were you represented by Nick May?</p>

<p style="text-align: right;">Page 22</p> <p>1 A. From August of 2021 until sometime in 2 May 2022.</p> <p>3 Q. Did Mr. May formally terminate his 4 representation of you in May of 2022?</p> <p>5 MS. MILLER-VAN OORT: Object to the 6 form.</p> <p>7 A. No.</p> <p>8 Q. Did you terminate your relationship with -- 9 or the representation of Mr. May?</p> <p>10 A. We decided together to do that. It was a 11 mutual decision.</p> <p>12 Q. When was that?</p> <p>13 A. I said sometime in May 2022.</p> <p>14 Q. Was there anything that could refresh your 15 recollection as to the specific date in May when 16 you terminated your relationship with Mr. May?</p> <p>17 A. Not that I can think of.</p> <p>18 Q. When were you represented by Mary Cullen?</p> <p>19 A. It was either September or October of 2021 20 until late October of 2022.</p> <p>21 Q. Did you formally terminate your 22 relationship with Ms. Cullen in October 2022?</p> <p>23 A. I don't know if it was formal or not, but 24 it -- we ended it.</p> <p>25 Q. What purpose did -- for what purpose did</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Yes.</p> <p>2 Q. So did you retain Ms. Cullen to represent 3 you with current issues?</p> <p>4 A. I don't know what you mean by "current 5 issues."</p> <p>6 Q. Well, let me ask you: What current issues 7 did you retain Ms. Cullen to represent you in?</p> <p>8 A. Like I said, she represented me in 9 connection with matters concerning my employment 10 and with Mr. Freeman.</p> <p>11 Q. When did Mr. Brewer represent you?</p> <p>12 A. June of 2022 until sometime in October of 13 2022.</p> <p>14 Q. Could you spell his name?</p> <p>15 A. William, W-i-l-l-i-a-m, Brewer, 16 B-r-e-w-e-r.</p> <p>17 Q. Okay. What firm is Mr. Brewer with?</p> <p>18 A. The Brewer firm. It's got his name on it.</p> <p>19 Q. Is he affiliated with Mary Cullen?</p> <p>20 A. I don't know what you mean by affiliated.</p> <p>21 Q. Does he practice with Mary Cullen?</p> <p>22 A. Not -- well, not currently. Not that I 23 know of.</p> <p>24 Q. So they were two separate law firms?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 23</p> <p>1 Ms. Cullen represent you until October of 2022?</p> <p>2 A. The same purpose she represented me all 3 along.</p> <p>4 Q. Well, in 9/21, was she representing you in 5 connection with your charge of discrimination?</p> <p>6 A. That was filed -- well, that was filed 7 in -- yes, she was.</p> <p>8 Q. Okay. That charge ended in a settlement in 9 April of 2022, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So you didn't have an ongoing 12 pending charge or lawsuit at that time -- correct? 13 -- after April of 2022?</p> <p>14 A. Correct.</p> <p>15 Q. So what purpose was Ms. Cullen representing 16 you between April and October 2022?</p> <p>17 A. I kept her as an attorney related to this 18 matter.</p> <p>19 Q. By "this matter," what do you mean?</p> <p>20 A. I mean the past and current issues 21 involving my employment at Hennepin County and with 22 Mr. Freeman.</p> <p>23 Q. You understood when you settled the case in 24 April of 2022 that you had settled and released the 25 past issues with Mr. Freeman, correct?</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Okay. What about Sarah Rogers?</p> <p>2 A. Ms. Rogers works at Mr. Brewer's firm.</p> <p>3 Q. Okay.</p> <p>4 A. Or did anyway.</p> <p>5 Q. And what purpose did you retain Mr. Brewer 6 and Ms. Rogers?</p> <p>7 A. For legal advice.</p> <p>8 Q. Regarding what?</p> <p>9 A. Regarding my employment matters involving 10 Hennepin County and Mr. Freeman.</p> <p>11 Q. When did you first explore suing 12 Mr. Freeman and Hennepin County again after 13 April 19, 2022?</p> <p>14 A. Sometime during the summer of 2022.</p> <p>15 Q. Was there anything that precipitated you 16 deciding or exploring suing the County again in 17 2022?</p> <p>18 A. Yes.</p> <p>19 Q. What was that?</p> <p>20 A. Breaches of the settlement agreement and 21 numerous acts of retaliation.</p> <p>22 Q. Can you be more specific in terms of when, 23 during the summer of 2022, you first explored suing 24 the County and Mr. Freeman?</p> <p>25 A. July of 2022.</p>

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<p style="text-align: right;">Page 26</p> <p>1 (Exhibit 85 was marked for 2 identification.) 3 Q. Showing you what's been marked as 4 Exhibit 85, Ms. Sweasy, you are aware that you were 5 served with discovery requests in this case, 6 correct? 7 A. Yes. 8 Q. And some of those requests asked for the 9 production of documents, correct? 10 A. Yes. 11 Q. Could you turn to Request No. 2 on page 3. 12 That request seeks correspondence between you and 13 any current or former employee or agent of Hennepin 14 County that supports, refutes, or relates in any 15 way to claims made in your complaint, including but 16 not limited to emails, text messages, phone 17 messages, or written communications. 18 Do you see that? 19 A. I do. 20 MS. MILLER-VAN OORT: I only object to 21 the extent you didn't read the full request and 22 summarized it. 23 Go ahead. 24 BY MS. ELLINGSTAD: 25 Q. Did you understand that you were requested</p>	<p style="text-align: right;">Page 28</p> <p>1 responsive to the request, as my attorney said. 2 Q. Okay. Well, I'm asking for your testimony, 3 not Ms. Miller-Van Oort's today. 4 Your counsel produced documents responsive 5 to these requests back in April of 2023. I'll 6 represent that to you. What did you do to search 7 for and produce relevant text messages? 8 A. My phone was imaged and that's -- that's 9 how. 10 Q. Imaged by whom? 11 A. Computer Forensics. 12 Q. Describe the process that you went through 13 to have your phone imaged. 14 A. I brought my phone there, they took it, and 15 they called me when they were done with it. And I 16 went and picked it up. 17 Q. Okay. Was there only one phone that you 18 had used during the relevant time period? 19 A. Yes. 20 Q. Okay. You said the phone was imaged. What 21 is your understanding of what was done to the phone 22 to search for and retrieve potentially relevant 23 text messages? 24 A. I only know what I know imaging of a cell 25 phone to be from my -- my professional experience:</p>
<p style="text-align: right;">Page 27</p> <p>1 to produce text messages that relate to the claims 2 in your complaint, Ms. Sweasy? 3 MS. MILLER-VAN OORT: Object to the 4 extent that mischaracterizes what's written in the 5 request. 6 A. It says, "Correspondence." 7 Q. "Including text messages." Do you see 8 that? 9 A. I do see that, yes. 10 Q. Okay. So my question was: Do you 11 understand that you were obligated to produce text 12 messages if they were responsive? 13 A. Oh, yes. 14 MS. MILLER-VAN OORT: Object to the 15 extent you're mischaracterizing the plain language 16 of the request. 17 Go ahead. 18 A. With that said, I -- it says "text 19 messages." 20 Q. I'm just asking for your understanding of 21 your obligation. And I think you said, yes, you 22 understood you're obligated to produce text 23 messages, correct? 24 A. I understood the obligation to be a 25 requirement that we produce text messages that were</p>	<p style="text-align: right;">Page 29</p> <p>1 that they take, basically, a mirror image of 2 everything on the phone. I didn't discuss it with 3 them. 4 Q. Okay. Once that mirror image is taken, in 5 order to search for and retrieve potentially 6 relevant messages, something additional has to be 7 done, correct? 8 MS. MILLER-VAN OORT: Objection. 9 Foundation. 10 A. I don't know what they do. 11 Q. Okay. So are you aware of what was done to 12 your phone to search for and retrieve relevant 13 messages? 14 A. I don't have firsthand knowledge of that, 15 no. 16 Q. Did your attorneys do that? 17 MS. MILLER-VAN OORT: Objection. 18 Foundation. 19 Answer to the best that you can. 20 A. I don't know. I don't know who did that. 21 Q. Okay. So you -- you do not know who 22 searched your phone for potentially relevant 23 information? 24 A. No. 25 Q. Are you aware of whether there were search</p>

<p style="text-align: right;">Page 30</p> <p>1 terms that were used to search your phone? 2 A. No. 3 Q. Okay. Are you aware of how many text 4 messages were retrieved from your phone? 5 A. No. 6 Q. Did you review any of the text messages 7 that were retrieved from your phone? 8 A. Yes. 9 Q. Okay. Do you know how many -- how many 10 messages you reviewed? 11 A. No. 12 Q. Can you give me an estimate? 13 A. No. 14 Q. Thousands? 15 A. No. 16 Q. Hundreds? 17 A. I don't think so. 18 Q. What was the purpose of your review of 19 those messages? 20 A. I was meeting with my attorneys, and we 21 reviewed them. 22 Q. Did you review them to determine what was 23 responsive in this case? 24 A. No. 25 Q. What was the purpose of your review?</p>	<p style="text-align: right;">Page 32</p> <p>1 the communication, that would be privileged. 2 So I think the witness is saying she 3 doesn't believe she can answer the question as 4 you've asked it without revealing the substance of 5 our communication. 6 MS. ELLINGSTAD: Well, I disagree that 7 I'm not entitled to ask for her understanding. But 8 I'll move on. 9 BY MS. ELLINGSTAD: 10 Q. So you don't -- without revealing the 11 substance of the communication with your counsel, 12 you have no basis for understanding why you were 13 reviewing your text messages; is that correct? 14 A. Right. 15 Q. Okay. Who reviewed your text messages to 16 determine whether they were responsive to our 17 discovery requests? 18 A. My attorneys. 19 Q. Okay. Do you know when you had your phone 20 imaged? 21 A. I don't remember exactly. 22 Q. Was it before April of 2023? 23 A. I remember that it was still cold out when 24 I went to pick it up. 25 Q. Okay.</p>
<p style="text-align: right;">Page 31</p> <p>1 MS. MILLER-VAN OORT: Just going to 2 caution the witness. You can answer the question, 3 but make sure that you're not revealing any 4 attorney-client communications that occurred as 5 part of that process. 6 A. I can't answer your question then. 7 Q. I believe I'm entitled to ask for your 8 understanding of what -- why you were reviewing the 9 text messages. 10 MS. MILLER-VAN OORT: Same instruction. 11 A. I'm afraid I can't answer your question 12 then. 13 Q. So you are refusing to answer on the 14 instruction of counsel? 15 A. No. I'm referring -- I'm refusing to 16 answer on the grounds that the information is 17 covered by the attorney-client privilege. 18 Q. I am entitled to ask your understanding. 19 Just not specific advice that obtained -- that was 20 obtained by your counsel. 21 MS. MILLER-VAN OORT: So I just clarify 22 for the record. If you're asking her a question 23 that requires her to reveal the substance of our 24 communication, she can't provide that under the 25 privilege. If her understanding is encompassed in</p>	<p style="text-align: right;">Page 33</p> <p>1 A. But that's all I remember. 2 Q. So likely before April of 2023. 3 A. No, it was cold well into May. I don't 4 know. 5 Q. Okay. After -- let me ask it this way. 6 Did you have a subsequent imaging of your phones 7 after April of 2023? 8 A. Well, given that I don't know when the 9 first one was done, if your question is, was there 10 a second one? No. 11 Q. So you only had it imaged one time? 12 A. Yes. 13 Q. Okay. Subsequent to the time you had your 14 phone imaged, have you provided to your counsel 15 text messages that might be relevant in this case? 16 A. Yes. 17 Q. How have you done that? 18 A. By taking screenshots of them. 19 Q. Okay. And then what did you do with the 20 screenshots? 21 A. Gave them to my attorneys. 22 Q. How? 23 A. In some cases, I emailed them, and in some 24 cases -- well, no, I think I emailed them only. 25 Not -- I'm not a hundred percent sure on that, but</p>

<p style="text-align: right;">Page 34</p> <p>1 I think so.</p> <p>2 Q. Okay. So as of the time you had your phone</p> <p>3 imaged, the text messages that were retrieved from</p> <p>4 your phone have been in the possession of your</p> <p>5 counsel, correct?</p> <p>6 A. I don't know when they got them from</p> <p>7 Computer Forensics, but...</p> <p>8 Q. So after they got them retrieved from the</p> <p>9 phone by a computer forensic, they've been in the</p> <p>10 possession of your counsel, correct?</p> <p>11 A. As far as I know.</p> <p>12 Q. Ms. Sweasy, we got a number of text</p> <p>13 messages produced to us on Friday, August 18th. Do</p> <p>14 you have any information as to why those text</p> <p>15 messages were not produced to us in April or some</p> <p>16 other time?</p> <p>17 A. No, I don't.</p> <p>18 Q. Were you aware that your text messages were</p> <p>19 not produced in this case in response to the</p> <p>20 discovery requests?</p> <p>21 MS. MILLER-VAN OORT: Objection to the</p> <p>22 extent that mischaracterizes the record.</p> <p>23 BY MS. ELLINGSTAD:</p> <p>24 Q. Did you -- were you aware that the text</p> <p>25 messages had not been produced prior to</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Who is that?</p> <p>2 A. One, for sure. My husband.</p> <p>3 Q. Anyone else?</p> <p>4 A. I would have received text messages</p> <p>5 relating to work that might have had something to</p> <p>6 do with Mr. Freeman, but I can't think of any.</p> <p>7 There might have been some incidental work ones.</p> <p>8 Q. Can you think of anyone else who you might</p> <p>9 have texted with in the nature of complaints about</p> <p>10 Mr. Freeman?</p> <p>11 A. When?</p> <p>12 Q. 2022.</p> <p>13 A. No, not -- not that I can think of right</p> <p>14 now.</p> <p>15 (Exhibit 86 was marked for</p> <p>16 identification.)</p> <p>17 Q. Ms. Sweasy, showing you what's been marked</p> <p>18 as Exhibit 86. This is a PDF document that gathers</p> <p>19 together text messages that were in a spreadsheet</p> <p>20 format produced by your attorneys on Friday,</p> <p>21 August 18th.</p> <p>22 Have you seen these messages before?</p> <p>23 A. I would have seen them at the time that</p> <p>24 they were sent. I don't know if I've seen them</p> <p>25 since.</p>
<p style="text-align: right;">Page 35</p> <p>1 August 18th?</p> <p>2 A. I don't -- I didn't know when they were</p> <p>3 produced, no.</p> <p>4 Q. So I assume you do not have an</p> <p>5 understanding of why the text messages were not</p> <p>6 produced?</p> <p>7 MS. MILLER-VAN OORT: Objection. Asked</p> <p>8 and answered.</p> <p>9 Go ahead.</p> <p>10 A. Right. I said I don't know why.</p> <p>11 Q. The vast majority of text messages that</p> <p>12 were produced to us, Ms. Sweasy, were texts between</p> <p>13 yourself and Jean Burdorf and yourself and Patrick</p> <p>14 Lofton. Are you aware of that?</p> <p>15 A. I'll take your word for it.</p> <p>16 Q. Okay. Did you text during these same time</p> <p>17 periods about Mr. Freeman with others besides</p> <p>18 Patrick Lofton and Jean Burdorf?</p> <p>19 A. What -- I don't know what -- you said "time</p> <p>20 periods." I don't know what time periods.</p> <p>21 Q. Let's say 2022. Were you texting with</p> <p>22 others about Mr. Freeman?</p> <p>23 A. About Mr. Freeman. I can think of one</p> <p>24 person I texted about Mr. Freeman during that</p> <p>25 period of time.</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Okay. They start in July of 2019 on</p> <p>2 page 1. And I apologize there's -- are no</p> <p>3 page numbers, so we're going to just go by date.</p> <p>4 They should be in chronological order.</p> <p>5 Can you read Patrick Lofton's first text to</p> <p>6 you.</p> <p>7 A. On the first page?</p> <p>8 Q. Yep.</p> <p>9 A. "I am actively looking for other jobs. If</p> <p>10 you want to do this together at all, I would love</p> <p>11 that. Let me know. They can fuck off. I'm done</p> <p>12 with them. I can't wait to tell them when I have</p> <p>13 something lined up. You have way more reason to be</p> <p>14 pissed than me, but I'm telling you the pure</p> <p>15 vitriol I feel right now I so real. I hate them.</p> <p>16 They know knowing about the work.</p> <p>17 "I think we should leverage the bullshit</p> <p>18 MOF said to us in that meeting. I also have a case</p> <p>19 against a rich white boy. He made me CWOP."</p> <p>20 That's C-W-O-P. "Those stories are legion. Let's</p> <p>21 ruin him."</p> <p>22 Q. Do you recall why Mr. Lofton is so angry in</p> <p>23 this text?</p> <p>24 MS. MILLER-VAN OORT: Objection.</p> <p>25 Foundation.</p>

<p style="text-align: right;">Page 38</p> <p>1 But answer to the best that you can.</p> <p>2 A. I can't speak to exactly what he was</p> <p>3 feeling, but I do remember what was happening at</p> <p>4 that time.</p> <p>5 Q. Okay. What was happening at that time?</p> <p>6 A. This would have been shortly after the</p> <p>7 meeting that Mr. Lofton and I had with Mr. Freeman</p> <p>8 after Mr. Freeman returned to the office in July of</p> <p>9 2019.</p> <p>10 Q. And what about that meeting was making --</p> <p>11 or -- strike that.</p> <p>12 You just said you know what was happening</p> <p>13 at that time. Do you recall what happened that</p> <p>14 Mr. Lofton was expressing his anger about?</p> <p>15 A. Well, I believe what he was expressing his</p> <p>16 anger about -- again, I can't speak for him -- but</p> <p>17 the meeting -- the remarks that Mr. Freeman made in</p> <p>18 the meeting to Patrick and to me.</p> <p>19 Q. And what remarks were those?</p> <p>20 A. The remarks were that -- he said to</p> <p>21 Patrick, "Big white boys like us aren't going to be</p> <p>22 ruling the world anymore. We have to start</p> <p>23 letting," he said either "Black" or "people of</p> <p>24 color in, particularly men. We already had to let</p> <p>25 the white girls in," and he turned to me, looked at</p>	<p style="text-align: right;">Page 40</p> <p>1 A. I could only guess. I don't know.</p> <p>2 Q. Okay. I'm asking for what you understood</p> <p>3 when you read this.</p> <p>4 A. I assume he means Mr. Freeman and, I don't</p> <p>5 know, perhaps the administration of the County</p> <p>6 Attorney's Office. I don't know, though.</p> <p>7 Q. Who would that be in the administration?</p> <p>8 A. At that time, the administration would have</p> <p>9 been, 2019, Mr. Freeman, Dave Brown, and Lolita</p> <p>10 Ulloa.</p> <p>11 Q. Do you have any understanding of why</p> <p>12 Mr. Lofton was saying "they can fuck off" if this</p> <p>13 was based on remarks by Mr. Freeman?</p> <p>14 A. Not that I can remember today.</p> <p>15 Q. He says in his next message, "We also</p> <p>16 have -- both have so much shit on other people."</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. Did you understand what he meant by that?</p> <p>20 A. Sounds like he meant that we knew things</p> <p>21 about other people in the office that were not</p> <p>22 particularly favorable.</p> <p>23 Q. And did you?</p> <p>24 A. I certainly knew things about other people</p> <p>25 in the office that were not favorable.</p>
<p style="text-align: right;">Page 39</p> <p>1 me and said, "because they're smarter than we are</p> <p>2 and we all need someone to keep our feet warm at</p> <p>3 night."</p> <p>4 Q. So it was -- to your understanding, it was</p> <p>5 that series of comments that Mr. Lofton was</p> <p>6 referring to in this text message?</p> <p>7 A. I think that was one thing he was referring</p> <p>8 to in that text message.</p> <p>9 Q. Did you understand what he meant by</p> <p>10 "leveraging the bullshit MOF said to us"?</p> <p>11 A. I don't know exactly what he meant by that.</p> <p>12 Q. What did you understand him to mean when</p> <p>13 you read it?</p> <p>14 A. Sounds like he's saying we should do</p> <p>15 something about it.</p> <p>16 Q. Had you had conversations with Mr. Lofton</p> <p>17 about doing something about it?</p> <p>18 A. I don't know.</p> <p>19 Q. Did you have Mr. -- Mr. -- have you had</p> <p>20 conversations with Mr. Lofton about ruining</p> <p>21 Mr. Freeman, as he mentions in the text?</p> <p>22 A. I don't know if we had a conversation where</p> <p>23 we talked about ruining him.</p> <p>24 Q. Did you understand who he meant when he</p> <p>25 said "They can fuck off. I'm done with them"?</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Were you keeping notes about other people</p> <p>2 in the office that were not favorable?</p> <p>3 A. No.</p> <p>4 Q. Now, Ms. Sweasy, in the messages that your</p> <p>5 counsel produced to us on Friday, there appears to</p> <p>6 be a gap between these couple of messages in 2019,</p> <p>7 July of 2019, and then it goes to May of 2020.</p> <p>8 Do you see that?</p> <p>9 A. On the first page?</p> <p>10 Q. Yep.</p> <p>11 A. I see that.</p> <p>12 Q. Do you believe that you and Mr. Lofton did</p> <p>13 not discuss Mr. Freeman between July of 2019 and</p> <p>14 May of 2020?</p> <p>15 A. Did we discuss Mr. Freeman?</p> <p>16 Q. Did you text about him, do you think?</p> <p>17 A. I don't know.</p> <p>18 Q. Okay. Well, the lack of any text messages</p> <p>19 between these two dates seems to indicate that</p> <p>20 there were no texts about Mr. Freeman in this</p> <p>21 nature. Do you think that's possible?</p> <p>22 MS. MILLER-VAN OORT: Object to the</p> <p>23 form.</p> <p>24 A. Well, I can see on the last page of what</p> <p>25 you handed me that there's 2019 texts on there, so</p>

<p style="text-align: right;">Page 42</p> <p>1 I don't know that this is totally in chronological 2 order. 3 And other than that -- can you repeat the 4 question? 5 Q. Yeah. I'm asking you if you have any 6 explanation for why there would be no responsive 7 text messages between July of 2019 and May of 2020. 8 A. No, I don't. 9 Q. So this text thread skips to May 31st of 10 2020. It appears to reference the events that were 11 transpiring after the murder of George Floyd. 12 Would you agree with that? 13 A. That's -- 14 MS. MILLER-VAN OORT: And I just 15 caution the witness that you should look at the 16 document to the extent she's referring to something 17 specific to answer the question so that you know 18 what she's asking you about. 19 A. Are we still on the first page? 20 Q. Yep. 21 A. Those 2020 texts on the first page from 22 May 31st, yes, that was the time period after the 23 murder of George Floyd. 24 Q. Ms. Sweasy, you resigned from working on 25 the Chauvin matter on June 3rd; is that right?</p>	<p style="text-align: right;">Page 44</p> <p>1 You believe you gave it to Mr. Freeman in person on 2 June 4th? 3 A. Yes. 4 Q. Do you remember what time of day? 5 A. It was late in the morning. Had a meeting 6 set up by Mr. Freeman's assistant. 7 Q. Did you communicate your intent to withdraw 8 from the case to Mr. Freeman before June 4th? 9 A. At any time, you mean? Or -- I don't know 10 what you're talk -- what time you're talking about. 11 Q. Yeah, you just said you gave him your 12 letter withdrawing from the case on June 4th. Did 13 you communicate your intent to withdraw from the 14 case before that? 15 A. We had -- no. No, I didn't. 16 Q. Okay. If you could turn to the second 17 page of these text messages. 18 In the middle of the page, you text Patrick 19 Lofton on June 1st at 7:29 a.m., and in that text 20 you state that you "spoke to an employment attorney 21 last night for an hour." 22 Do you see that? 23 A. Yes. 24 Q. So that would mean that you spoke to an 25 employment attorney on May 31st, 2020, correct?</p>
<p style="text-align: right;">Page 43</p> <p>1 A. I withdrew from being a prosecutor on the 2 case on June 3rd. 3 Q. Okay. Do you remember when on June 3rd you 4 withdrew from the case? 5 A. I had an early morning phone call with Andy 6 LeFevour where I told him that I would be 7 withdrawing from the case. 8 Q. Do you remember when you communicated that 9 decision to Mr. Freeman? 10 A. I communicated that decision to him -- and 11 I'll just have to tell you: I'm better with days 12 of the week that week than dates. So it was 13 Thursday when we went to the office -- I just 14 remember it better by days of the week -- and I 15 told him in person. 16 Q. Did you hand him a resignation letter? 17 A. It wasn't a resignation letter. It was a 18 letter explaining my decision to withdraw from the 19 case. 20 Q. Okay. Did you hand him that letter on 21 June 3rd? 22 A. No. June 3rd, I think, was Wednesday, when 23 I spoke to Andy LeFevour. And I handed Mr. Freeman 24 the letter when I saw him in person on Thursday. 25 Q. Okay. So the letter is dated June 3rd.</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Yes. 2 Q. What employment attorney did you speak to 3 on May 31st? 4 A. Greg Simpson. 5 Q. I thought you said that you retained 6 Mr. Simpson in August of '21; is that right? 7 A. No. I retained Mr. May in August of 2021. 8 Q. Okay. When did you retain Greg Simpson? 9 A. 2019. 10 Q. 2019. Okay. So you had him retained as 11 your attorney from 2019 through 2021? 12 A. Right. 13 Q. Okay. So in May -- on May 31, 2020, what 14 prompted you to call and talk to Greg Simpson? 15 A. Ethical concerns that involved the 16 decisions being made revolving around who I will 17 refer to as the other three officers, not 18 Mr. Chauvin, who were involved in the death of 19 George Floyd. 20 Q. You specifically state that you talked to 21 an employment attorney in your text to Mr. Lofton. 22 Did you contact an attorney on May 31st for 23 employment reasons or about these ethical concerns? 24 A. They were one in the same at that time. 25 Q. How's -- can you explain that to me?</p>

<p style="text-align: right;">Page 46</p> <p>1 A. Yes. The ethical concerns that I had 2 with -- with what Mr. Lofton and I were being asked 3 to do were directly tied to my employment, which I 4 knew. So that's why. 5 Q. So did you seek advice from Mr. Simpson in 6 connection with your subsequent withdrawal from the 7 case? 8 A. I'm sorry. Can you say that one more time? 9 Q. Did you seek advice from Mr. Simpson with 10 regard to your subsequent withdrawal from the case? 11 A. Well, at that point, on June 1st, the 12 withdrawal situation had not yet occurred. We 13 weren't there yet, so, no. 14 Q. Did you subsequently seek advice regarding 15 your withdrawal from the case? 16 A. From whom? 17 MS. MILLER-VAN OORT: I'm -- 18 Q. Mr. Simpson. 19 MS. MILLER-VAN OORT: Okay. So I'm 20 just going to caution the witness that it's -- you 21 should not answer to the extent that it would 22 reveal the substance of an attorney-client 23 communication. If you can otherwise answer 24 generally, then go ahead. 25 A. I did speak to Mr. Simpson after May 31st.</p>	<p style="text-align: right;">Page 48</p> <p>1 And we were working on all kinds of things. It was 2 absolutely crazy. 3 We had, at that time, all of us, been 4 working around the clock since Tuesday morning. 5 And Mr. Freeman was on a call. Andy LeFevour 6 hooked us up. Patrick, me, Mr. LeFevour, and 7 Mr. Freeman were on the call and he was enraged 8 with Patrick and with me, and I think with 9 Mr. LeFevour. 10 He was screaming at us. He asked whether 11 we had worked out deals in state court with the 12 other three officers. Of course, we had not. He 13 screamed, "What the fuck have they been doing all 14 day?" to Andy LeFevour about Patrick and me. 15 He, I recall, yelled at Patrick during a 16 conversation about -- Patrick had raised the word 17 "optics" at some point. Mr. Freeman screamed into 18 the phone, "I don't give a fuck about your optics. 19 The two of you need to get back to work. You're 20 fucking this up." On and on and on. 21 Q. What was going on in Minneapolis at the 22 time on the 30th? 23 A. The 30th or the 31st? 24 Q. Either. 25 A. What was going on in Minneapolis was that</p>
<p style="text-align: right;">Page 47</p> <p>1 (Exhibits 87 to 91 were marked for 2 identification.) 3 BY MS. ELLINGSTAD: 4 Q. Ms. Sweasy, I'm showing you a series of 5 emails from May 31st through June 15th. Did you 6 receive -- looking at Exhibit 87, did you receive 7 this email from Mr. Freeman on Sunday, May 31st, at 8 6:40 a.m.? 9 A. Yes. 10 Q. Okay. And this email, he is thanking you 11 and Mr. Lofton for your great work, right? 12 A. It's one of the things he says. 13 Q. Okay. He apologizes "for pushing hard 14 yesterday." What did you understand he was 15 apologizing for? 16 A. The previous night -- so that would have 17 been Saturday, May 30th -- we were on a call with 18 Mr. Freeman that I can only describe as wild. We 19 had been working all day. There were numerous 20 balls in the air. 21 Mr. Freeman, I believe, was trying to 22 negotiate a settlement with the other three 23 officers in federal court before they would even be 24 charged. And we had just -- I don't -- I couldn't 25 even tell you how many phone calls we had that day.</p>	<p style="text-align: right;">Page 49</p> <p>1 the whole scene was, you know, crazy. There were 2 riots and fires and protests, and it was absolute 3 chaos everywhere. 4 Q. Stressful situation, would you agree? 5 A. Extremely. 6 Q. Okay. Exhibit 88 has the thread of emails 7 that Mr. Freeman emails you, again, on Sunday, the 8 31st, and he apologized again and thanked you, 9 correct? 10 MS. MILLER-VAN OORT: I would ask that 11 the witness take the time to read the exhibit 12 before answering the question so that you can 13 answer the question to the best of your ability. 14 THE WITNESS: All right. 15 A. Just give me a second to read it. 16 (Reviewing document.) 17 Okay. I'm sorry. Can you repeat the 18 question? 19 Q. In his email at 9:02 a.m. on the 31st, 20 Mr. Freeman apologizes again and thanks you and 21 Patrick, correct? 22 A. Not only. 23 Q. Okay. But he does those two things. 24 A. (No response.) 25 Q. Does he thank you in this email,</p>

<p style="text-align: right;">Page 50</p> <p>1 Ms. Sweasy?</p> <p>2 A. I'm looking for the words.</p> <p>3 Q. Well, how about this: He says, "I'm proud</p> <p>4 of you and thankful."</p> <p>5 Do you see that? End of first paragraph.</p> <p>6 A. Yes, I see that.</p> <p>7 Q. And before that, he says, "Great job last</p> <p>8 week. No other lawyers in the country could do</p> <p>9 this so quickly and justly."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Then the next paragraph, he says, "And I'm</p> <p>13 sorry about yesterday for pushing so hard."</p> <p>14 Do you see that?</p> <p>15 A. I do.</p> <p>16 Q. He goes on to state, "It is really urgent</p> <p>17 to move if we can but we have to follow the law."</p> <p>18 Correct?</p> <p>19 A. Yes.</p> <p>20 Q. And at the end of that paragraph, he says,</p> <p>21 "We can only charge if we have the goods."</p> <p>22 Do you see that?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Okay. Now, you responded and thanked him</p> <p>25 for the apology. Do you see that in your email at</p>	<p style="text-align: right;">Page 52</p> <p>1 you take an opportunity to read the communication</p> <p>2 before she asks any questions.</p> <p>3 BY MS. ELLINGSTAD:</p> <p>4 Q. Actually, before we get to that, one</p> <p>5 question, Ms. Sweasy: So after -- this is at</p> <p>6 9:00 a.m. on the 31st that you respond to</p> <p>7 Mr. Freeman, and then what time that day did you</p> <p>8 contact an employment attorney?</p> <p>9 A. Are we back on 88?</p> <p>10 Q. Yeah.</p> <p>11 A. Oh, it was very late at night.</p> <p>12 Q. I actually want to go to Exhibit 90. This</p> <p>13 is on June 2nd -- Tuesday, June 2nd, 5:54 a.m.,</p> <p>14 from Mr. Freeman to you and Patrick Lofton.</p> <p>15 Subject: "Thinking of you two." And it says, "No</p> <p>16 requests if you guys. Just want you to know I am</p> <p>17 thinking about you and am thankful you are on my</p> <p>18 team. MOF."</p> <p>19 Do you see that?</p> <p>20 A. I do.</p> <p>21 Q. Do you know what prompted this email on</p> <p>22 June 2nd?</p> <p>23 MS. MILLER-VAN OORT: Objection.</p> <p>24 Foundation.</p> <p>25 Answer if you can.</p>
<p style="text-align: right;">Page 51</p> <p>1 the top?</p> <p>2 A. Yes.</p> <p>3 Q. And you conclude, "You are right. We are</p> <p>4 doing the right thing."</p> <p>5 Do you see that?</p> <p>6 A. I do.</p> <p>7 Q. What did you mean by that?</p> <p>8 A. We were -- in light of what he had written,</p> <p>9 which was important to me, particularly the phrases</p> <p>10 that "No other lawyers in the country could do this</p> <p>11 so quickly and justly," the phrase that "these</p> <p>12 three -- these other three cops did not do what</p> <p>13 they should have done but good conduct is not our</p> <p>14 business. Criminal matters are. We can only</p> <p>15 charge if we have the goods."</p> <p>16 And the rest of the email, I agreed with</p> <p>17 those statements, in terms of that that was the</p> <p>18 right thing to do.</p> <p>19 Q. Okay. The praise in this email, praising</p> <p>20 you that you just referred to, was May of 2020.</p> <p>21 That is after your reports of sex discrimination in</p> <p>22 2019, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Can you take a look at Exhibit 89.</p> <p>25 MS. MILLER-VAN OORT: Again, why don't</p>	<p style="text-align: right;">Page 53</p> <p>1 A. I know what was going on Tuesday, June 2nd,</p> <p>2 very early in the morning.</p> <p>3 Q. Okay. What was that?</p> <p>4 A. What was going on was that the day before,</p> <p>5 so Monday, June 1st, had been another absolutely</p> <p>6 crazy day. It was a lost day in this whole effort.</p> <p>7 The day began with the information that the</p> <p>8 governor had stepped in and had taken and given the</p> <p>9 case to Attorney General Ellison, which conflicted</p> <p>10 with what I understood the conditions on the ground</p> <p>11 to have been Sunday night.</p> <p>12 Monday morning, Mr. Freeman got everybody</p> <p>13 on a Teams call who had been involved in the case</p> <p>14 and some people who had not been involved in the</p> <p>15 case and said, "Stop. We're not doing any more</p> <p>16 work on this. We have to behave like grown-ups.</p> <p>17 We have to be big boys and girls. But sometimes</p> <p>18 you have to pick up your toys and go home. So stop</p> <p>19 working on it."</p> <p>20 That was basically the end of it. He cut</p> <p>21 the meeting short because he was going to have a</p> <p>22 meeting with the medical examiner and some lawyers</p> <p>23 from the Civil Division about...</p> <p>24 Well, still that morning, I got a call from</p> <p>25 a contemporary of mine in the Attorney General's</p>

<p style="text-align: right;">Page 54</p> <p>1 Office, Mr. Voigt, who called and said, "Well, what 2 are we doing? When do we start working? What's 3 the plan." 4 And I said, "What on earth are you talking 5 about? We have just been told we're not supposed 6 to work on the case anymore and it's all you." 7 Mr. Voigt was extremely surprised and said, 8 "What are you talking about?" And I said, "Well, 9 we just had this meeting and we're off the case." 10 And he said, "I don't think that's true." 11 And I said, "Well, that's what my boss just 12 told me." 13 I called Mr. LeFevour and told him about 14 that conversation. I think he told me not to speak 15 to Mr. Voigt again. At some point I did speak to 16 Mr. Voigt again and I understood that Mr. Ellison 17 had gotten in his car and went over to the County 18 Attorney's Office to speak to Mr. Freeman in 19 person. 20 I got a call later in the day from 21 Mr. LeFevour saying, "Oh, we're back in. Now 22 you're working on it again." 23 In the meantime, the clock was ticking. We 24 weren't doing anything on the case. Patrick and 25 me, I mean. We couldn't answer any questions from</p>	<p style="text-align: right;">Page 56</p> <p>1 fits and starts and stop and starting, and it was 2 extremely counterproductive. 3 So I assume, given that, that this email, 4 Exhibit 90, at 5:54 in the morning on Tuesday, 5 June 2nd, was kind of Mr. Freeman acknowledging 6 that we were supposed to be back on track, but 7 that's my best guess. 8 Q. Okay. And, again, he says he's thankful 9 that you're on his team. 10 A. Yes, he did. 11 Q. Exhibit 91, Ms. Sweasy, is an email thread 12 on June 15, 2020. That is after you had withdrawn 13 from the case, correct? 14 A. Yes. 15 Q. Mr. Freeman, in this email, tells you that 16 he hopes you had a restful week and were able to 17 recover for -- at least partially for the amazing 18 hard weeks before. 19 Do you see that? 20 A. I see that. 21 Q. You indicate in your response to 22 Mr. Freeman that it's good to be back at your 23 regular job. Right? 24 A. Yes. 25 Q. Were you relieved to be off the case?</p>
<p style="text-align: right;">Page 55</p> <p>1 the BCA. There was a side thing that was blowing 2 up in Brooklyn Center involving another past fatal 3 use of force incident that was about to become 4 nuclear, for back of a better term, kind of a side 5 effect of all of this. 6 So I was trying to help the BCA through 7 that. Patrick was trying to monitor the situation. 8 Whether we were working on the case or not, nobody 9 knew. At some point later in the day, we were told 10 we were back on the case and to start working again 11 with the Attorney General's Office and we would get 12 more guidance in the future. 13 I also spoke to Mr. Ellison on the phone 14 that day myself and he seemed to confirm that we 15 would be -- "we" being Patrick and me -- would be 16 back on the case and that everybody should be, you 17 know, suited up and ready to go the next day. 18 Mr. Ellison told me specifically on that 19 call that if Patrick and I didn't believe there was 20 sufficient evidence to charge the other three 21 officers, we would wait until we had such evidence 22 to do that and we would begin the process of 23 working on that. 24 So we jumped back in. And much valuable 25 time had been lost on Monday in terms of all this</p>	<p style="text-align: right;">Page 57</p> <p>1 A. It wasn't a relief, no. 2 Q. And you were working on other UDF cases, 3 according to this email, correct? 4 A. To my email? 5 Q. Yep. 6 A. It says that I was going to prepare 7 something for him today or tomorrow on the other 8 UDF cases. 9 Q. And you were handling those UDF cases? 10 A. Well -- 11 Q. To go to the grand jury? 12 A. Sort of. 13 Q. Now I'd like you to turn back to 14 Mr. Lofton's text messages, which is Exhibit 86. 15 If you go to the third page, looking at the text 16 messages dated June 3, 2020, at 9:13, it's the last 17 text message on the third page. This was the day 18 before you communicated your intent to withdraw 19 from the case, correct? 20 A. The day before I gave Mr. Freeman the 21 letter, yes. 22 Q. Okay. You say to Mr. Lofton, "Bring a 23 suit." Do you see that? 24 A. I do. 25 Q. What were you referring to?</p>

<p style="text-align: right;">Page 58</p> <p>1 A. That we were going to -- when I spoke to 2 Mr. LeFevour on the morning of June 3rd, he said 3 that I had to communicate my decision to withdraw 4 from the case to Mr. Freeman in person. He would 5 not do it for me is what he said. And that Patrick 6 and I would be -- they'd be in touch with us about 7 when we needed to come in. 8 So that's me telling Patrick that -- "Bring 9 a suit" meant we were going to go to the office. 10 Q. Okay. On the next page, the fourth message 11 down on June 3, 2020, you say to Patrick "And the 12 complaints blow ass." 13 Do you see that? 14 A. I do. 15 Q. And what were you referring to? 16 A. I was referring to the complaints charging 17 the other three officers with second-degree murder. 18 Q. What did you mean that the complaints blow 19 ass? 20 A. I meant that they weren't very good. 21 Q. Who wrote those complaints? 22 A. I don't know. 23 Q. Did you receive any criticism about your 24 complaint that you drafted? 25 A. What complaint?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Do you acknowledge any mistakes in the 2 complaint that you drafted? 3 A. Yes. 4 Q. And Mr. Freeman took criticism for that as 5 well, correct? 6 A. I believe that he did. 7 MS. ELLINGSTAD: Do you need a break? 8 MS. MILLER-VAN OORT: Yeah, if that 9 makes sense in your examination to take a break 10 now, let's do it. 11 THE VIDEOGRAPHER: We are going off the 12 record. The time now is 10:28. 13 (Break: 10:28 a.m. to 10:46 a.m.) 14 THE VIDEOGRAPHER: We are back on the 15 record. This is the start to Media No. 2. The 16 time is 10:46. 17 BY MS. ELLINGSTAD: 18 Q. Ms. Sweasy, what did you do to prepare for 19 your deposition today? 20 A. I met with my attorneys and reviewed some 21 documents and text messages. 22 Q. When did you meet with your attorneys? 23 A. I met with them yesterday. Well, I met 24 with Ms. Miller-Van Oort yesterday. I met with 25 Ms. Miller-Van Oort and Mr. Proczko on Friday,</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. The first complaint that you drafted in the 2 Chauvin case. 3 A. The complaint charging Chauvin? 4 Q. Yes. 5 A. Yes, I did. 6 Q. Okay. And what criticism did you receive? 7 A. There were apparently a couple of typos in 8 there. To this day, I don't know how that 9 happened. That was the most proofread document 10 I've ever been involved in producing. I have 11 absolutely no idea how that happened. 12 We -- I received criticism regarding 13 putting the medical examiner's conclusions in the 14 complaint and I received criticism for what people 15 thought was undercharging that case. 16 Q. Was there any criticism about the complaint 17 regarding the -- the time being wrong about the -- 18 A. Oh, yes. 19 Q. Okay. That was due to a math error; is 20 that right? 21 A. I would not put it that way, no. 22 Q. But it was incorrect in the complaint, 23 correct? 24 A. People thought that it was -- some people 25 thought that it was incorrect.</p>	<p style="text-align: right;">Page 61</p> <p>1 Thursday, Wednesday, and either Monday or Tuesday. 2 I don't remember which. 3 Q. Were all of these meetings in person? 4 A. Yes. 5 Q. And can you tell me how many hours you met 6 each day? 7 A. The Monday or Tuesday meeting was several 8 hours. I know we took a lunch break during that 9 one. Wednesday and Thursday were short. Just a 10 couple hours in the afternoon. Friday, I was there 11 from 10:00 to 4:00, I think; and yesterday, two 12 hours. 13 Q. What documents did you review? 14 A. Some emails. Some other things that I know 15 I provided. 16 Q. Can you be more specific? 17 A. Not really, no. 18 Q. "Some other things." Do you know what -- 19 A. Well, like my resumé, other -- what else 20 did I review? My resumé. I think that might be it 21 of the things that we looked at. And then emails, 22 like I said. 23 Q. Did you meet or speak with Jean Burdorf 24 about your deposition? 25 A. She knows that it's scheduled, but not more</p>

<p style="text-align: right;">Page 62</p> <p>1 than that, no.</p> <p>2 Q. Did you exchange any text messages with her</p> <p>3 over the weekend?</p> <p>4 A. I don't think so.</p> <p>5 Q. If you could look at Exhibit 86 and turn to</p> <p>6 the date of April 9, 2021, please.</p> <p>7 A. (Reviewing document.)</p> <p>8 Q. Actually, if you could go one page before</p> <p>9 April 2021. There's text messages dated</p> <p>10 September 4, 2020, between you and Patrick Lofton.</p> <p>11 Do you see those?</p> <p>12 A. I do.</p> <p>13 Q. Okay. In the middle of those text</p> <p>14 messages, on September 4th, at 12:55, you say</p> <p>15 something about "I remember early on when he said</p> <p>16 this would end careers. Didn't think mine would be</p> <p>17 so fast."</p> <p>18 And then Patrick responds, "Oh, I didn't</p> <p>19 realize it predates GF."</p> <p>20 What is "GF," as far as you understood it?</p> <p>21 A. I'm guessing it's George Floyd.</p> <p>22 Q. Do you refer -- or do you recall what you</p> <p>23 referred to when you said, "He said this would end</p> <p>24 careers"? That predates George Floyd.</p> <p>25 A. Well, that's not what I said. I said,</p>	<p style="text-align: right;">Page 64</p> <p>1 try to get things moving.</p> <p>2 Dr. Baker, I don't remember if he said he</p> <p>3 would do it or not, but he did do it. He called me</p> <p>4 later in the day on that Tuesday and he told me</p> <p>5 that there were no medical findings that showed any</p> <p>6 injury to the vital structures of Mr. Floyd's neck.</p> <p>7 There were no medical indications of asphyxia or</p> <p>8 strangulation.</p> <p>9 He said to me, "Amy, what happens when the</p> <p>10 actual evidence doesn't match up with the public</p> <p>11 narrative that everyone's already decided on?" And</p> <p>12 then he said, "This is the kind of case that ends</p> <p>13 careers."</p> <p>14 Q. Okay. So Dr. Baker is who you attribute</p> <p>15 that sentence?</p> <p>16 A. Yes.</p> <p>17 Q. That statement. Okay.</p> <p>18 Do you know what Patrick Lofton referred to</p> <p>19 in the next message saying that "We have to find</p> <p>20 some way to make Mike pay for this"? And you say,</p> <p>21 "Now you're talking"?</p> <p>22 A. I could only guess what Mr. Lofton was</p> <p>23 referring to.</p> <p>24 Q. Okay. What did you understand him to be</p> <p>25 referring to when you responded, "Now you're</p>
<p style="text-align: right;">Page 63</p> <p>1 "This would end careers." Patrick said --</p> <p>2 Q. Right.</p> <p>3 A. -- it predates George Floyd.</p> <p>4 Q. What were you referring to?</p> <p>5 A. What was I referring to when?</p> <p>6 Q. When you said, "He said this would end</p> <p>7 careers," who -- who is "he"?</p> <p>8 A. Andy Baker.</p> <p>9 Q. Okay. And what were you referring to?</p> <p>10 A. I was referring to a conversation that I</p> <p>11 had with Dr. Baker on Tuesday -- the Tuesday after</p> <p>12 Memorial Day. I don't know the date, but I know it</p> <p>13 was Tuesday. And that was the day that the news</p> <p>14 hit about George Floyd in the morning. I called</p> <p>15 Dr. Baker early that morning to tell him about the</p> <p>16 case and to ask him if he would perform the autopsy</p> <p>17 on Mr. Floyd.</p> <p>18 At that time -- everybody's sort of</p> <p>19 forgotten now, but that was two months into the</p> <p>20 pandemic, and so things were extremely complicated.</p> <p>21 And in order to get that work started and to get it</p> <p>22 prioritized, they were -- I mean, they were</p> <p>23 literally doing autopsies in space suits at that</p> <p>24 time. I wanted to make sure that -- I knew how</p> <p>25 important it was and that -- so I made that call to</p>	<p style="text-align: right;">Page 65</p> <p>1 talking"?</p> <p>2 A. I assumed he was referring to the actions</p> <p>3 that Mr. Freeman took that were retaliatory against</p> <p>4 me and targeted to harm and/or end my career.</p> <p>5 Q. Do you know what he meant that it says "it</p> <p>6 predates GF"?</p> <p>7 A. My -- I don't.</p> <p>8 Q. You do not have any understanding of what</p> <p>9 he referred to when he said, "I didn't realize it</p> <p>10 predates GF"?</p> <p>11 A. I can guess.</p> <p>12 Q. What is your best guess?</p> <p>13 A. Three text messages up, we're talking about</p> <p>14 someone who died in March, which would have</p> <p>15 predated when George Floyd died.</p> <p>16 Q. So you take away from Patrick Lofton's text</p> <p>17 "I didn't realize it predates GF," and he's</p> <p>18 responding about your reference to Andy Baker. And</p> <p>19 then he goes on to say you "have to find a way to</p> <p>20 make Mike pay for this."</p> <p>21 Where do you -- is there any reference in</p> <p>22 these preceding texts to Mike Freeman's retaliation</p> <p>23 of you?</p> <p>24 MS. MILLER-VAN OORT: Only object to</p> <p>25 the extent I think you misread the text.</p>

<p style="text-align: right;">Page 66</p> <p>1 But go ahead.</p> <p>2 A. Well, there's an hour-and-20-some-minute</p> <p>3 gap between that text that we're -- I say the thing</p> <p>4 about ending careers and Patrick says the next</p> <p>5 thing.</p> <p>6 So I am not able to speculate about the</p> <p>7 relationship between those two in the remark about</p> <p>8 it predating.</p> <p>9 Q. So there isn't anything in the text</p> <p>10 messages as they're -- as they were produced to us,</p> <p>11 the ones that we received, that reference Mike's</p> <p>12 alleged retaliation about your career?</p> <p>13 A. I think that's what Patrick was referring</p> <p>14 to when he said, "Make Mike pay for this."</p> <p>15 Q. Okay.</p> <p>16 A. I've already said that, though.</p> <p>17 Q. But there's nothing in these text messages</p> <p>18 that would support that, correct?</p> <p>19 A. I don't agree with that.</p> <p>20 Q. You just said there's a gap between the</p> <p>21 messages.</p> <p>22 A. Right. I don't know what Mr. Lofton was</p> <p>23 doing between 12/25 and 2/22 --</p> <p>24 Q. Okay.</p> <p>25 A. -- and when he responded.</p>	<p style="text-align: right;">Page 68</p> <p>1 gives a context to retaliate Mike Freeman's</p> <p>2 retaliation?</p> <p>3 A. Well, the one I send says, "This is about</p> <p>4 ending careers," and then Patrick responded.</p> <p>5 So, as I said, I assume that's what he was</p> <p>6 referring to.</p> <p>7 Q. And you just said, though, that your</p> <p>8 statement about ending careers was a statement made</p> <p>9 by Dr. Baker, not Mike Freeman, correct?</p> <p>10 A. Mr. Lofton was aware of the significance of</p> <p>11 that statement as it related to Mr. Freeman.</p> <p>12 Q. Okay. My question was: In your text, the</p> <p>13 comment about ending careers was made by Dr. Baker,</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 MS. ELLINGSTAD: And, Counsel, we can</p> <p>18 revisit this later, but I assume you're not taking</p> <p>19 the position that if text messages were produced by</p> <p>20 someone else, that you didn't have an obligation to</p> <p>21 produce responsive text messages?</p> <p>22 MS. MILLER-VAN OORT: I'm not taking</p> <p>23 that position, but I think you stated as you were</p> <p>24 making -- or asking her a question that you only</p> <p>25 have this, and I don't believe that that's an</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. And I'm just asking you -- because all we</p> <p>2 have is the text messages as your counsel chose to</p> <p>3 produce them to us last Friday. And I'm just</p> <p>4 asking: Is there anything in the text messages</p> <p>5 that we have here that would create that context</p> <p>6 for Mr. Lofton's statement?</p> <p>7 MS. MILLER-VAN OORT: And I'll just</p> <p>8 object to the extent that mischaracterizes the</p> <p>9 record since you have Mr. Lofton's phone.</p> <p>10 But go ahead.</p> <p>11 Or at least I thought you did have his</p> <p>12 phone and produced texts from it.</p> <p>13 But go ahead.</p> <p>14 A. You asked me what I thought he was</p> <p>15 referring to and that is what I think he was</p> <p>16 referring to.</p> <p>17 Q. And then I asked if there is any context in</p> <p>18 these text messages that you're looking at in</p> <p>19 Exhibit 86 that would support that inference.</p> <p>20 MS. MILLER-VAN OORT: Objection. Asked</p> <p>21 and answered.</p> <p>22 Go ahead.</p> <p>23 A. Just how I think it played out from what</p> <p>24 I'm reading.</p> <p>25 Q. Is there something you're reading that</p>	<p style="text-align: right;">Page 69</p> <p>1 accurate statement of the record.</p> <p>2 MS. ELLINGSTAD: And for the record,</p> <p>3 I'm looking at Exhibit 86, which is the text</p> <p>4 messages that you produced, and that's what I'm</p> <p>5 referring to.</p> <p>6 BY MS. ELLINGSTAD:</p> <p>7 Q. Ms. Sweasy, would you turn the page now and</p> <p>8 look at April of 2021. In the middle of that page,</p> <p>9 on April 9, 2021, at 2:14 p.m., you write to</p> <p>10 Patrick Lofton that you had "an hour-long meeting</p> <p>11 with Lolita where I laid out everything that is</p> <p>12 wrong with my job and the way I've been treated for</p> <p>13 a year."</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 MS. MILLER-VAN OORT: I want to make</p> <p>17 sure I'm tracking with you. I'm sorry. What was</p> <p>18 the date you just said?</p> <p>19 MS. ELLINGSTAD: April 9th.</p> <p>20 MS. MILLER-VAN OORT: April 9th. Got</p> <p>21 it. Okay. Thank you.</p> <p>22 BY MS. ELLINGSTAD:</p> <p>23 Q. What did you tell Lolita on April 9th,</p> <p>24 2021, that was wrong with your job?</p> <p>25 A. I had sent her an email -- her and</p>

<p style="text-align: right;">Page 70</p> <p>1 Mr. LeFevour an email that she then called me 2 about, and that's what that meeting was. 3 And I explained in the email and reported 4 to her about the -- basically the adverse 5 employment incidents and the things that I had been 6 experiencing since -- in particular but not only, 7 since June of 2020 and the effect that that was 8 having on my ability to get my job done, 9 participate in meetings, provide what I was 10 supposed to provide as a division manager for the 11 people that I supervised, the effect that it was 12 having on me personally, and the overall culture of 13 the office, and in particular how I had been 14 treated. 15 And I sent that email to Lolita and Andy, 16 and she responded either by asking for a meeting or 17 just calling me. I don't remember. The meeting 18 was on Teams. We had a long conversation where I 19 explained how marginalized I had been and hurt and 20 how I was afraid to speak up in meetings, how I 21 wasn't being able -- allowed to do any meaningful 22 work, really. I was -- things were being kept from 23 me. 24 She responded that I only had to stick it 25 out until he was gone, meaning Mr. Freeman. That</p>	<p style="text-align: right;">Page 72</p> <p>1 the email that you sent? 2 A. I don't know offhand. 3 Q. And is "Robot Andy" referring to Andy 4 LeFevour? 5 A. Yes, it is. 6 Q. What was your understanding about when 7 Mr. Freeman would be leaving office at this point? 8 A. At the end of 2022. 9 Q. Okay. And you were looking to sue 10 Mr. Freeman and the County before you experienced 11 any negative treatment from withdrawing from the -- 12 the case, correct? 13 A. No. 14 Q. So your purpose in having employment 15 lawyers had nothing to do with wanting to sue the 16 County? 17 A. My purpose for having employment attorneys 18 was to get legal advice related to my situation and 19 what I was experiencing. 20 Q. You say in the next text, "Maybe they'll 21 fire me for a 'bad reason' and I can sue." 22 Do you see that? 23 A. I do see that. 24 Q. Were you looking to get fired? 25 A. I was not looking to get fired.</p>
<p style="text-align: right;">Page 71</p> <p>1 was a phrase many people had used with me before. 2 She wanted to know how my personal life, 3 and particularly my marriage, was. She asked me 4 how things were with my husband, Joe. 5 I asked her why she was asking me that. 6 And she said that when things are really, really 7 bad at work, one thing you should have is someone 8 to talk to about it at home, like she does with her 9 Michael, is what she said. 10 And then she said, "Why don't we get you 11 some work, you know, that you like doing. Some 12 homicides. Let's get you back doing the things you 13 want to do." 14 And I said that -- as she knew, that 15 Mr. Freeman had threatened my career back on 16 June 4th in the office and that I didn't think that 17 that was a realistic possibility. 18 She said, "We would take care of it," and 19 that things would get better for me. 20 That was the substance of that call. 21 Q. So that would have been April 8th that you 22 met with Lolita? 23 A. Well, this says "I just got off..." on 24 April 9th. 25 Q. Okay. So it was April 9th. And when was</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. Did you do anything to give the County a 2 reason to fire you? 3 A. Never. 4 Q. Were you looking for a way to sue at that 5 time? 6 A. What I knew at that time was that I had 7 been advised by several people that there was no 8 future for me in that office and that they were 9 looking for me to quit. And that they wanted me 10 gone. And I had heard that a number of times. 11 And I -- I got legal advice about that that 12 I'm not going to disclose. 13 Q. And who is the "they" in your assertion 14 there? "They wanted me gone." 15 A. That would have been the administration of 16 the County Attorney's Office. 17 Q. And who do you mean by that? 18 A. That would have been Mike Freeman, Andy 19 LeFevour, and Lolita. 20 Q. Who told you that Mr. Freeman, 21 Mr. LeFevour, and Lolita wanted you gone? 22 A. I didn't say that somebody told me that 23 Mr. Freeman, Lolita, and Andy wanted me gone. What 24 I said was I knew that people wanted me gone from 25 the office, Mr. Freeman in particular. People told</p>

<p style="text-align: right;">Page 74</p> <p>1 me that he wanted me gone.</p> <p>2 Q. Okay. I wrote down that you said "several</p> <p>3 people" -- you had been advised by several people</p> <p>4 that they wanted you gone.</p> <p>5 And you said "they" is Freeman, LeFevour,</p> <p>6 and Lolita Ulloa. And I'm asking: Who are the</p> <p>7 several people that told you that?</p> <p>8 A. Andy LeFevour told me that. Al Harris told</p> <p>9 me that. Jean Burdorf told me that.</p> <p>10 Q. And --</p> <p>11 A. And then over time, after this, many, many</p> <p>12 more people told me that.</p> <p>13 Q. But Andy LeFevour is one of the people who</p> <p>14 told you that, and Andy LeFevour was one of the</p> <p>15 administration who wanted you gone?</p> <p>16 A. He told me that I should start looking for</p> <p>17 a job and that if I needed help doing that, he</p> <p>18 would help me. He told me that I -- in 2021.</p> <p>19 Q. Did he say why he thought you should look</p> <p>20 for another job?</p> <p>21 A. It was understood from the contexts of the</p> <p>22 numerous conversations we had had.</p> <p>23 Q. What was understood?</p> <p>24 A. It was understood that the work environment</p> <p>25 in the Hennepin County Attorney's Office was, at</p>	<p style="text-align: right;">Page 76</p> <p>1 trying to fire me. And like I said, later on, more</p> <p>2 people confirmed that they were trying to force me</p> <p>3 out.</p> <p>4 Q. You were not fired in 2021, correct?</p> <p>5 A. I was not fired.</p> <p>6 Q. You were not fired after you filed your</p> <p>7 charge with the Minnesota Department of Human</p> <p>8 Rights?</p> <p>9 A. Right.</p> <p>10 Q. Okay. And you were not fired after you</p> <p>11 filed this lawsuit in November of 2022, correct?</p> <p>12 A. Right.</p> <p>13 Q. In fact, you were never fired by the</p> <p>14 County, correct?</p> <p>15 A. I was constructively discharged by Hennepin</p> <p>16 County.</p> <p>17 Q. You were never fired by the County,</p> <p>18 correct?</p> <p>19 A. Well --</p> <p>20 MS. MILLER-VAN OORT: Objection. Asked</p> <p>21 and answered.</p> <p>22 BY MS. ELLINGSTAD:</p> <p>23 Q. Nope. You didn't answer my question.</p> <p>24 A. I don't agree with you.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 75</p> <p>1 best, dysfunctional, at worst -- worse, toxic; that</p> <p>2 there were enormous leadership problems in the</p> <p>3 office; that there was enormous unhappiness.</p> <p>4 Mr. LeFevour was one of the people who was</p> <p>5 very unhappy. Both he and Lolita, even before</p> <p>6 that, when I would tell them that I was concerned</p> <p>7 that my career as a prosecutor was over, they would</p> <p>8 validate that by saying, "I can see that," or "I'm</p> <p>9 not going to argue with that."</p> <p>10 Several times I had referred back to the</p> <p>11 meeting they were in on June 4th when Mr. Freeman</p> <p>12 said, "I'm worried about your career now" to me.</p> <p>13 There were -- it was just one thing after another,</p> <p>14 and there was no way out of it.</p> <p>15 Mr. Harris told me in particular in the</p> <p>16 summer of 2020, not long after the George Floyd</p> <p>17 matter -- at least the part of it that I was</p> <p>18 involved in -- that I should start looking for</p> <p>19 another job. They were looking for a way to get</p> <p>20 rid of me and that I should consider working in</p> <p>21 Dakota County.</p> <p>22 Jean told me that Andy told her sometime</p> <p>23 during the time of all the George Floyd stuff that</p> <p>24 she received a phone call from Andy where he had</p> <p>25 said that they were going to fire me or they were</p>	<p style="text-align: right;">Page 77</p> <p>1 A. I think what happened to me is the same as</p> <p>2 being fired.</p> <p>3 Q. Okay. It's the same as being fired. But</p> <p>4 you were never terminated by the County. Whether</p> <p>5 you say you had a reason to quit, you were never</p> <p>6 terminated by the County, correct?</p> <p>7 A. I don't agree with you.</p> <p>8 Q. Okay. And you don't agree with me because</p> <p>9 you're alleging constructive discharge, correct?</p> <p>10 A. I don't agree with you because I was</p> <p>11 constructively discharged.</p> <p>12 Q. Okay. And, in fact, your career as a</p> <p>13 prosecutor was not over in April of 2021, was it?</p> <p>14 A. My career, as I knew it, was over -- knew</p> <p>15 it -- as I knew it prior to 2019, was over in 2021.</p> <p>16 Q. And you continued to be a successful</p> <p>17 prosecutor into 2022, correct?</p> <p>18 A. There were some successes, but it was not</p> <p>19 the way it was.</p> <p>20 Q. What was your position at the Hennepin</p> <p>21 County Attorney's Office in April of 2021?</p> <p>22 A. I was the managing attorney of the</p> <p>23 Community Prosecution Division.</p> <p>24 (Exhibit 92 was marked for</p> <p>25 identification.)</p>

20 (Pages 74 - 77)

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<p>1 MS. MILLER-VAN OORT: Ms. Sweasy, take 2 time to read the document, please, before you 3 answer any questions. 4 A. (Reviewing document.) 5 Q. Have you had time to read your charge, 6 Ms. Sweasy? 7 A. Not yet. 8 (Reviewing document.) 9 I finished it. 10 Q. Okay. Is this the charge that you filed 11 with the Minnesota Department of Human Rights, it 12 looks like, August 24, 2021? 13 A. There were two of them. This is the one 14 against Hennepin County. 15 Q. Okay. Did you file a second charge against 16 Mike Freeman individually? 17 A. Yes. 18 Q. Okay. And in connection with both of those 19 charges, were you represented by Nick May? 20 A. Yes. 21 Q. You allege in your charge that you made 22 reports in June 2019 of Mr. Freeman's sexist 23 remarks. Can you describe the -- the report that 24 you referred to? Who it was made to? 25 A. I reported the comments that Mr. Freeman</p>	<p>1 Q. I'm talking about your report. And I'm 2 asking: Do you believe -- or do you allege that 3 Mr. Freeman retaliated against you in 2019 for 4 making complaints of sexist comments? 5 A. Yes. 6 Q. And in what way? 7 A. After that meeting in particular -- and 8 then there was another one after that. After that 9 meeting, everything was different. He never 10 treated me the same way again. And from then on, I 11 was treated differently than other managers and 12 leaders in the office. 13 Q. When did Mr. Freeman ask you to prosecute 14 the Mohamed Noor case? 15 A. It happened in 2017. 16 Q. When did Mr. Freeman ask you to prosecute 17 Chauvin and the other officers? 18 A. He never asked. It was just assumed, but 19 it would have been that Tuesday in May. 20 Q. In 2020? 21 A. Right. 22 Q. Did you continue to work on use-of-deadly 23 force cases after your report in 2019? 24 A. Yes. 25 Q. And the emails that we reviewed earlier,</p>
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<p>1 made in that meeting that I've already mentioned 2 where he made the foot-warming comment to Deputy 3 County Attorney Dave Brown and Deputy County 4 Attorney Lolita Ulloa. And I believe I also 5 reported it to Managing Attorney Al Harris. 6 Q. And what was the date of that report? 7 A. I don't -- they were not at the same time, 8 and I don't remember the dates. 9 Q. Do you have any knowledge regarding any 10 actions that were taken in response to your 11 reports? 12 A. None. 13 Q. And do you allege retaliation stemming from 14 your report about sexist comments made in 2019? 15 A. I'm sorry. Now? Or are you talking about 16 then or now? 17 Q. Then. 18 A. Can you repeat that? I'm sorry. I didn't 19 understand. 20 Q. Was there any -- do you allege any 21 retaliation by Mr. Freeman in response to your 22 reports that he had made sexist comments? 23 A. In this complaint -- 24 Q. No. 25 A. -- that's what you're asking me.</p>	<p>1 praising you for your work and thanking you for 2 your work, were in 2020 after your report in 2019, 3 correct? 4 A. That's not all those emails said, but, yes. 5 Q. Okay. In that year from 2019 to 2020, 6 specifically what -- how were you treated 7 differently in terms of job duties? 8 A. Well, in -- in the late summer or early 9 fall of 2019, Mr. Freeman made some changes to the 10 Management Committee. And he called me to the 11 office and said, "I hear I'm supposed to make you a 12 manager." 13 And I said -- I'm sure I laughed or 14 something and said, "I'd like to be a manager." I 15 don't remember. 16 And he said, "I'm going to make you a 17 manager without portfolio, meaning you won't manage 18 a team or a division but in the future you might be 19 able to." 20 And I said, "Great." I said that that was 21 something good. 22 And then I got up to -- to leave, and the 23 meeting was over, and I opened the door, and he 24 said, "Come back here a second." 25 And I went back in, and he said, "I'm also</p>

<p style="text-align: right;">Page 82</p> <p>1 going to make Dominick Mathews a manager." 2 And I said, "Okay. Great." 3 And he said, "Do you have a problem with 4 that?" And it wasn't -- it was like "You got a 5 problem with that?" I mean it was like that, kind 6 of, was how he said it. 7 And I said, "No." And then -- then that 8 was that. 9 So then later in -- in early 2020, 10 everybody learned that Dave Brown was going to the 11 bench in Ramsey County. And that would obviously 12 open up his position as deputy. I went to see 13 Mr. Freeman in his office and told him that -- that 14 I was interested in that position as well as if 15 there were going to be changes to the manager of 16 the Adult Prosecution Division, that I would be 17 interested in that. 18 Ms. Ulloa, I -- I'm sure she was present 19 for this meeting. Mr. Freeman said that sounded 20 great. He asked why I thought I was qualified for 21 these jobs. I told him. He asked, "What about the 22 police use-of-force work?" 23 And I said that that was a priority to me. 24 I was very committed to that and that I would like 25 to continue doing that.</p>	<p style="text-align: right;">Page 84</p> <p>1 he became angry again and said -- asked me why I 2 needed time. And I told him that I wanted to think 3 about it and talk about it with my husband. And 4 that was that. 5 And then later that week I went to see him 6 and told him that I would take the position. 7 Q. What week was that? 8 A. It was a week in -- I think it was early -- 9 either very late January or very early 10 February 2020. 11 Q. So I thought you testified earlier that you 12 became manager of Community Prosecution in 2019. 13 Is that incorrect? 14 A. No, in 2019 I was working in the Adult 15 Prosecution Division. I became the manager of 16 Community Prosecution at that time in early -- 17 right before the pandemic. 18 Q. Okay. 19 A. In 2020. 20 Q. So before that, you were in Adult 21 Prosecution. And what was your role in Adult 22 Prosecution? 23 A. I was a senior attorney. 24 Q. Okay. And so moving to Community 25 Prosecution in early 2020 was a promotion for you,</p>
<p style="text-align: right;">Page 83</p> <p>1 I told him that I wanted -- he asked what 2 else I wanted to keep doing, and I said that I 3 wanted to keep doing violent crime work, that 4 that's what I knew and what I liked to do. And I 5 said, you know, "Is there a possibility that 6 that -- the spot in Community Prosecution, which 7 was drugs and property, was going to come up 8 because I did not think that that was a good fit 9 for me." 10 And he laughed -- it was a big laugh -- and 11 said, "You don't have to worry about that." 12 Then within, I don't know, days or weeks of 13 that, he called me to his office to tell me that he 14 was making Andy LeFevour the deputy and that I was 15 going to be the manager of Community Prosecution. 16 I mentioned the conversation that we had 17 had earlier about my interests and all of that. He 18 became very angry and told me that I should take 19 the job. He told me, "If you -- I'm not going to 20 make anyone the head of the Adult Prosecution 21 Division who has not managed another criminal 22 division. So that's the way to do it. So that's 23 where I'm sending you, and that's what I want you 24 to do." 25 I asked him if I could think about it, and</p>	<p style="text-align: right;">Page 85</p> <p>1 correct? 2 A. No. I had already been made a manager back 3 at the end of 2019. A manager without portfolio is 4 what he called it. So at that time, I was moved 5 into the management category, so this was a, you 6 know, transfer. 7 Q. Okay. But you were promoted in 2019 from a 8 senior attorney to a manager without portfolio. 9 That was a promotion, right? 10 A. Yes. 11 Q. Okay. And when was that in 2019? 12 A. I don't know. Like I said, it was -- I 13 think it was late summer, early fall. 14 Q. After your report of sexist comments to -- 15 about Mr. Freeman? 16 A. Yes. 17 Q. What was the last date that you reported 18 that Mr. Freeman had made sexist comments prior to 19 filing your charge in August of 2021? 20 A. I don't know the last date. 21 Q. Were there any reports in 2020? 22 A. Yes. 23 Q. What reports of sexist comments do you 24 claim you made in 2020? 25 A. On June 2nd, which I think is the Tuesday</p>

<p style="text-align: right;">Page 86</p> <p>1 of that week, the George Floyd matter, I reported 2 to Andy LeFevour the comments that Mr. Freeman had 3 made to me in 2019 going back to the we need -- we 4 had to let white girls in because they're smarter 5 than we are and we need someone to keep our feet 6 warm at night. 7 I told Mr. LeFevour that on that day, and 8 that was the first time he had heard that, he told 9 me. 10 Q. Any other reports in 2020? 11 A. Not that I can think of right now. 12 Q. Any reports of sexist comments in 2021? 13 A. I made reports of what I thought was 14 sexually -- sexual discriminatory behavior by 15 Mr. Freeman in late '20 and in 2021. 16 Q. And what was that behavior? 17 A. That behavior was giving work that 18 normally -- in part, work that normally would have 19 come to me to men. 20 Q. And that allegation was part of your charge 21 of discrimination, correct? 22 A. Yes. 23 Q. And those claims were settled in 2022, 24 correct? 25 A. Those claims were settled in 2022.</p>	<p style="text-align: right;">Page 88</p> <p>1 documents that you -- that you disagreed with? 2 A. On -- you mean -- when? On June -- 3 Q. Yep. In that case -- 4 A. No. 5 Q. -- were you required to sign -- 6 A. No. 7 Q. Okay. 8 A. We withdrew before that could happen. 9 Q. You mention in your charge that Mr. Freeman 10 appointed a male ACA as head of APD, correct? 11 A. Yes. 12 Q. And ACA stands for what? 13 A. Assistant county attorney. 14 Q. And APD stands for what? 15 A. Adult Prosecution Division. 16 Q. Who is the male ACA that you referred to? 17 A. Dominick Mathews. 18 Q. You allege that Mr. Mathews had less skill 19 than you. Do you see that? 20 A. Yes. 21 Q. And what did you mean by that? 22 A. I meant that Mr. Mathews was not as 23 experienced, nor had the prosecutorial background 24 that I did, or that was typically required of a 25 division manager up until that time.</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. With respect to your withdrawal from the 2 case against Chauvin and the other officers, did 3 Mr. Freeman in any way prevent you from withdrawing 4 from the case? 5 A. Well, the day before, he had exerted -- 6 well, that Tuesday he had exerted an extreme amount 7 of pressure on Mr. Lofton and me to stay with it. 8 We were -- and -- and we were put in a position 9 where we were completely caught by surprise with 10 the ultimatum that we were given. And I think 11 those were efforts -- well, I know those were 12 efforts that were designed to keep us from 13 withdrawing from the case. 14 Q. But you testified earlier that you didn't 15 communicate with Mr. Freeman your desire to 16 withdraw from the case until Thursday, June 4th, 17 correct? 18 A. I commu- -- that -- that I was 19 withdrawing, that's true, on January 4th -- or I'm 20 sorry -- June 4th. 21 Q. Okay. And did Mr. Freeman prevent you from 22 withdrawing from the case after you informed him 23 that you wanted to withdraw? 24 A. No. 25 Q. Did Mr. Freeman require you to sign any</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. Did you believe that Mr. Mathews was not 2 qualified for the APD job? 3 A. Yes, I did believe that. 4 Q. Did you believe that you were entitled to 5 the APD manager position? 6 A. No. 7 Q. Is there a philosophy in the County 8 Attorney's Office that employees may be assigned to 9 positions or transferred based on the needs of the 10 office? 11 A. There was, yes. 12 Q. Okay. When you say "was," did that change? 13 A. Well, I don't work there anymore and if 14 we're talking about the period of time when 15 Mr. Freeman worked there, that's all in the past. 16 That's why I said "was." 17 Q. Okay. And the elected County Attorney had 18 the discretion to transfer and assign people based 19 on the needs of the office, correct? 20 A. Yes. 21 Q. Now, you agreed to mediate the claims 22 alleged in your charge of discrimination in about 23 December of 2021, correct? 24 A. I think I had agreed to it long before 25 December of 2021.</p>

<p style="text-align: right;">Page 90</p> <p>1 Q. Okay. Is December 2021 when the mediation 2 actually took place?</p> <p>3 A. That was when the first sessions took 4 place.</p> <p>5 Q. Okay. And I think we established you were 6 represented by two sets of counsel at that time: 7 Nick May and Mary Cullen; is that right?</p> <p>8 A. They're separate attorneys. I don't know 9 if they're sets of counsel.</p> <p>10 Q. Okay. Two separate attorneys, not at the 11 same firm?</p> <p>12 A. Not at the same firm.</p> <p>13 Q. Did you agree to Sheila Engelmeier as the 14 mediator?</p> <p>15 A. Yes.</p> <p>16 Q. And how did -- how was she selected, if you 17 know?</p> <p>18 A. I believe that Mr. May communicated with 19 you about that. 20 (Exhibit 93 was marked for 21 identification.)</p> <p>22 Q. Showing you what's been marked as 23 Exhibit 93, this is the agreement to mediate that 24 was provided by Sheila Engelmeier, the mediator in 25 the case. Did you understand that the agreement to</p>	<p style="text-align: right;">Page 92</p> <p>1 THE WITNESS: This is Exhibit 17.</p> <p>2 MS. MILLER-VAN OORT: Thank you.</p> <p>3 BY MS. ELLINGSTAD:</p> <p>4 Q. Ms. Sweasy, in paragraph 2(c), it says in 5 this agreement that "each party should consult 6 their own attorney before signing a mediated 7 settlement agreement or term sheet if they're 8 uncertain of their rights." 9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Did you consult your own attorney prior to 12 signing the settlement agreement in this case?</p> <p>13 A. Yes.</p> <p>14 Q. In paragraph 5(c) and (d), it discusses 15 that "all discussions representations, facts, 16 statements, promises, offers, views, and opinions 17 made during the mediation are confidential and 18 privileged and shall not be made known to any other 19 person and/or entity, unless there is the express 20 written consent of all parties." 21 And paragraph (d) -- or section (d) is 22 similar to that. Go ahead and read that.</p> <p>23 A. (Reviewing document.)</p> <p>24 Q. Have you read it?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 91</p> <p>1 mediate governed the mediation process?</p> <p>2 A. Yes.</p> <p>3 Q. Did you understand that you were obligated 4 to comply with the terms of the mediation agreement 5 as a party to the mediation?</p> <p>6 A. Yes. But this isn't the version that -- my 7 signature's not on this one.</p> <p>8 Q. Do you recall signing a version of this 9 agreement?</p> <p>10 A. I signed something, but I -- without my 11 signature on it, I can't tell you if it's the same 12 one or not.</p> <p>13 Q. Okay. Well, we can go back and use the 14 signed. This is -- I can represent to you that 15 this is the mediation agreement, an identical copy 16 to the version that you signed, and I just want to 17 ask you about some of the conditions.</p> <p>18 MS. MILLER-VAN OORT: Do you want to 19 use the one that she signed or are you -- well, to 20 the best possible...</p> <p>21 MS. ELLINGSTAD: Okay. Let's do that. 22 (Previously marked Exhibit 17 was 23 published.)</p> <p>24 MS. MILLER-VAN OORT: And what's that 25 exhibit number, please?</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. Okay. You shared discussions, 2 representations, facts, statements, offers, views, 3 and opinions made during the mediation with people 4 who are not parties to the mediation, did you not?</p> <p>5 A. I don't believe I did.</p> <p>6 Q. Okay. You shared representations and 7 statements and offers from the mediation with Jean 8 Burdorf, did you not?</p> <p>9 A. I -- I spoke with Ms. Burdorf about people 10 in the county having the principal attorney 11 classification. That's what I spoke with her 12 about.</p> <p>13 Q. Did you not share discussions from the 14 mediation and offers during the mediation with both 15 Jean Burdorf and Patrick Lofton?</p> <p>16 A. I don't believe I discussed offers with 17 them, no.</p> <p>18 Q. Okay. Did you share any information that 19 you learned in the mediation sessions with Patrick 20 Lofton and Jean Burdorf?</p> <p>21 A. Any information that I learned. I don't 22 know what you mean by "any information I learned."</p> <p>23 Q. I don't know how to say it any more clearly 24 than that.</p> <p>25 Did you share information that was</p>

<p style="text-align: right;">Page 94</p> <p>1 represented to you, discussed, during the mediation 2 sessions with Patrick Lofton and Jean Burdorf? 3 A. I didn't share communications with them 4 about the substance of what we were talking about. 5 I'm -- I'm sure I told them what the experience was 6 like for me, if that's information. 7 Q. You didn't receive the consent of all 8 parties to have discussions in which you shared 9 information with Mr. Lofton or Ms. Burdorf, did 10 you? 11 MS. MILLER-VAN OORT: I'm sorry. Can 12 you just read that question back again? 13 (The requested portion was read back by 14 the court reporter: 15 "QUESTION: You didn't receive the consent 16 of all parties to have discussions in which 17 you shared information with Mr. Lofton or 18 Ms. Burdorf, did you?") 19 A. This -- the parts you had me read, (c) 20 and (d), don't say "information." 21 Q. Did you obtain the express written consent 22 of any party to share discussions, representations, 23 facts, statements, promises, offers, views, and 24 opinions made during the mediation with Mr. -- 25 Mr. Lofton and Ms. Burdorf?</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Maybe. I don't know. 2 Q. You don't know? 3 A. No, I don't. 4 Q. You read this section, though, correct? 5 A. I did read this, yes. 6 Q. And this says that if you share those 7 views, offers, promises, et cetera, without written 8 consent, that that was a term of the agreement, 9 correct? 10 A. (c) and (d) are terms of the agreement. 11 Q. And the terms of the agreement are that you 12 shall not, without express consent, share 13 discussions, representations, facts, statements, 14 et cetera, correct? 15 A. That's what -- (c) and (d) say what they 16 say, yes. 17 Q. Okay. And so if you did that, that would 18 be out of compliance with the term of the mediation 19 agreement, would it not, Ms. Sweasy? 20 MS. MILLER-VAN OORT: Objection. Calls 21 for legal conclusion. Asked and answered. 22 Go ahead. 23 A. I can't answer that. 24 Q. Why not? 25 A. Because I've learned a lot about what</p>
<p style="text-align: right;">Page 95</p> <p>1 A. I didn't receive any express written 2 consent of parties at any time for anything. 3 Q. So if you had shared discussions, 4 representations, facts, statements, promises, 5 offers, views, and opinions with those individuals 6 or anyone else outside of the parties, that would 7 be a violation of the mediation agreement, would it 8 not? 9 MS. MILLER-VAN OORT: Objection to the 10 extent it calls for a legal conclusion. 11 But you can answer if you can. 12 A. It's not what I did. 13 Q. That's not my question. 14 MS. MILLER-VAN OORT: Would you read it 15 back, please? 16 (The requested portion was read back by 17 the court reporter: 18 "QUESTION: So if you had shared 19 discussions, representations, facts, 20 statements, promises, offers, views, and 21 opinions with those individuals or anyone 22 else outside of the parties, that would be 23 a violation of the mediation agreement, 24 would it not?") 25 MS. MILLER-VAN OORT: Same objection.</p>	<p style="text-align: right;">Page 97</p> <p>1 people do and do not consider "breach of things" in 2 contracts. So I'm not able to answer that. 3 Q. And I'm not asking about any theoretical 4 breach. I'm asking you to -- as both the witness 5 and -- you are a lawyer, correct? 6 A. I am a lawyer. 7 Q. Okay. 8 A. A prosecutor. 9 Q. And based on the language that we have been 10 reading, you agreed that you would not share the 11 substance of the mediation sessions outside of the 12 mediation without the express consent of the 13 parties, correct? 14 A. I did agree to that. 15 Q. Okay. And so if you shared that 16 information, that would be in violation of your 17 agreement, correct? 18 MS. MILLER-VAN OORT: Objection. Asked 19 and answered. Calls for a legal conclusion. 20 Go ahead. 21 A. I've given you the best answer that I can. 22 Q. Did you participate in mediation sessions 23 on December 15th and -- 2021, and January 17, 2022? 24 A. I take your word for it on the dates. 25 Q. Okay. Do you recall having a premediation</p>

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<p>1 session with the mediator?</p> <p>2 A. Yes, I do.</p> <p>3 Q. Who attended those mediation sessions?</p> <p>4 A. Which ones?</p> <p>5 Q. All of them.</p> <p>6 MS. MILLER-VAN OORT: Okay. Objection.</p> <p>7 Foundation.</p> <p>8 Answer to the extent you can.</p> <p>9 A. I only know who attended on my side.</p> <p>10 Q. And that's what I'm asking you.</p> <p>11 A. Okay. Mr. May, his associate Ms. Binczik,</p> <p>12 Ms. Cullen, and me. Oh, and at the January 1, my</p> <p>13 husband was present by Zoom.</p> <p>14 Q. Were all of the mediation sessions with</p> <p>15 Ms. Engelmeier conducted by Zoom?</p> <p>16 A. No.</p> <p>17 Q. Okay. Were you present with Ms. Engelmeier</p> <p>18 at any point in time?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Why don't you walk me through the</p> <p>21 times you met with her and who was on Zoom and who</p> <p>22 was present.</p> <p>23 A. The premediation session was</p> <p>24 Ms. Engelmeier, me, Ms. Cullen, Mr. May,</p> <p>25 Ms. Binczik, and Ms. Engelmeier's associate, a</p>	<p>1 A. Yes.</p> <p>2 (Exhibit 94 was marked for</p> <p>3 identification.)</p> <p>4 Q. Do you recognize this Exhibit 94 as the</p> <p>5 Settlement Agreement that you entered with</p> <p>6 Mr. Freeman and the County?</p> <p>7 A. Yes.</p> <p>8 Q. And you reviewed this agreement before</p> <p>9 signing it?</p> <p>10 A. Yes.</p> <p>11 Q. The terms of this agreement are very</p> <p>12 specific as to the nonmonetary relief that was</p> <p>13 agreed to in the settlement. Would you agree with</p> <p>14 that?</p> <p>15 A. I don't know if they're very specific.</p> <p>16 Q. Okay. For example, in paragraph 7, the</p> <p>17 settlement agreement itself contains the exact</p> <p>18 language of the announcement of your new position</p> <p>19 following the settlement agreement, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And that language was negotiated between</p> <p>22 the parties, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And the agreement in paragraph 9 spells out</p> <p>25 exactly how much PTO you would receive and when you</p>
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<p>1 young man whose name I don't remember. And we were</p> <p>2 in person.</p> <p>3 On the next -- I think it was the next day,</p> <p>4 we were also in person. It was Ms. Engelmeier,</p> <p>5 obviously, Mr. May, me, Ms. Binczik, Ms. Cullen,</p> <p>6 and my -- no, my husband wasn't on that one.</p> <p>7 Again -- and again, her associate, that young man.</p> <p>8 The January date, it was me, Mr. May,</p> <p>9 Ms. Binczik, and Ms. Cullen, and my husband were on</p> <p>10 Zoom.</p> <p>11 Q. When you were in person, where was that</p> <p>12 held? At Ms. Engelmeier's office?</p> <p>13 A. Right.</p> <p>14 Q. Okay. And where were you -- on the</p> <p>15 January mediation, where did you participate?</p> <p>16 A. Her office.</p> <p>17 Q. That was also in her office?</p> <p>18 A. Right.</p> <p>19 Q. Did you interact directly with Mr. Freeman</p> <p>20 or any of the representatives of Hennepin County</p> <p>21 during the mediation sessions?</p> <p>22 A. No.</p> <p>23 Q. During the mediation sessions, any</p> <p>24 communications between the defendants and your side</p> <p>25 came through Ms. Engelmeier; is that correct?</p>	<p>1 could use it, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And that was negotiated, correct?</p> <p>4 A. Yes.</p> <p>5 Q. You were grand jury manager prior to this</p> <p>6 agreement; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Since August 2021?</p> <p>9 A. I don't know when exactly. That sounds</p> <p>10 right, though.</p> <p>11 Q. In paragraph 4, the agreement provides that</p> <p>12 you would continue to manage the Hennepin County</p> <p>13 grand jury; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. So the settlement agreement did not change</p> <p>16 your role as grand jury manager one way or the</p> <p>17 other, correct?</p> <p>18 A. Not exactly, no.</p> <p>19 Q. Okay. What do you mean?</p> <p>20 A. The plan and the discussions that I had</p> <p>21 with Dan Mabley regarding the role of the grand</p> <p>22 jury manager, when we were discussing my role going</p> <p>23 forward, he asked me before the settlement</p> <p>24 agreement was done to put together a grand jury</p> <p>25 protocol so that we could, basically, hit the</p>

<p style="text-align: right;">Page 102</p> <p>1 ground running when this -- that matter was 2 resolved. 3 And so I did that prior to the settlement 4 agreement. And at one time, Dan said he was 5 actually going to put it in place, even before the 6 settlement agreement was done. 7 So, no, it was contemplated that there 8 would be changes in that role. 9 Q. You had these discussions with Mr. Mabley 10 before the agreement was signed? 11 A. Yes. 12 Q. Okay. Did you negotiate anything about the 13 grand jury protocol as a term of the agreement? 14 A. No. 15 Q. So what the -- as the agreement says, the 16 language that you will continue to manage the 17 Hennepin County grand jury, the agreement itself 18 does not change your role from what it was before 19 the settlement agreement, correct? 20 A. I don't really agree with that, no. 21 Q. How does the language there change your 22 role, Ms. Sweasy? 23 A. The -- well, things change. When -- when 24 you are managing something, if something comes up 25 and you have to change it, you have to be able to</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. In paragraph 3, the settlement agreement 2 specifically provided that the CPU would not handle 3 use of force cases at least through the end of 4 2022; is that correct? 5 A. Yes. 6 Q. Was that a term that you requested? 7 A. Yes. 8 Q. And in paragraph 4, it states that you 9 would no longer serve as the official leader of the 10 police training effort. 11 Do you see that? 12 A. Yes. 13 Q. And is that something that you requested? 14 A. Kind of. Not -- not exactly. 15 Q. What do you mean by that? 16 A. Well, what I mean by that is that the 17 police training effort never really existed. It 18 was an idea that never got off the ground. So 19 there was -- I mean, on a document or two, it might 20 have had my name as being associated with that, but 21 it never -- it didn't -- it didn't exist before -- 22 I wasn't in that job before, anyway, is what I'm 23 saying. 24 Q. But having language in the agreement that 25 clarified that you were no longer -- would no</p>
<p style="text-align: right;">Page 103</p> <p>1 do it or -- you know, giving someone a job of being 2 a manager means that they can manage the job that 3 they're in. 4 So I don't agree that this limited, which 5 is what I think you're suggesting, the assignment 6 to the previous role. 7 Q. I'm saying it doesn't change -- in terms of 8 what it says here and the term of the agreement 9 does not change your role one way or another from 10 what you were doing before. You were the grand 11 jury manager before and you were the grand jury 12 manager after. Would you agree with that? 13 A. Only in so far as the title is the same, 14 yes. 15 Q. Okay. And there's no other language in the 16 settlement agreement regarding the position of 17 grand jury manager, correct? 18 A. I -- no other provision in the whole 19 document, is that it? What you ask? 20 Q. That addresses the title of grand jury 21 manager? 22 A. Let me just look at it. 23 (Reviewing document.) 24 I don't see the words "grand jury manager" 25 again.</p>	<p style="text-align: right;">Page 105</p> <p>1 longer serve as the official leader of the police 2 training effort, that was something that you 3 negotiated to be contained in the agreement, 4 correct? 5 A. It wound up in here somehow. I don't 6 remember there being negotiations over that. 7 Q. Do you know who proposed that term? 8 A. I don't. 9 Q. You also requested that you not serve on 10 the Management Committee; is that correct? 11 Paragraph 1. 12 A. I didn't request that. It was a term of 13 the agreement that I would no longer be on the 14 Management Committee. 15 Q. Okay. A term that you agreed to as part of 16 the settlement agreement? 17 A. I agreed to that. 18 Q. Looking at paragraph 1, do you know where 19 this list of duties came from of principal 20 attorney? 21 A. You're referring to points (a) through (h)? 22 Q. Yes. 23 A. Yes, I do know. 24 Q. Where? 25 A. That is from the civil service job</p>

<p style="text-align: right;">Page 106</p> <p>1 description for principal attorney for Hennepin 2 County. 3 Q. Are there any duties on this list that you 4 did not perform in 2022? 5 A. In 2020- -- any -- when in 2022? 6 Q. After the settlement agreement and you 7 became the head of the CPU. 8 A. Are there any that I did not perform? 9 Q. Yes. 10 A. Let's see. 11 (Reviewing document.) 12 I did all of those things. 13 Q. Did you provide counsel and legal 14 assistance to various county departments and 15 agencies? 16 A. Yes, I believe that I did. 17 Q. The CPU was not a division of the County 18 Attorney's Office; is that correct? 19 A. I don't really agree with that. I think we 20 were a separate division. 21 Q. Okay. But it was called "Unit," correct? 22 A. It was, yes. 23 Q. And under the settlement agreement, the 24 County paid you \$190,000; is that correct? 25 A. Yes.</p>	<p style="text-align: right;">Page 108</p> <p>1 the money, correct? 2 A. Right. 3 (Exhibit 95 was marked for 4 identification.) 5 A. I'm sorry. Can we take a -- can I just get 6 some more water? 7 Q. Sure. 8 (Pause.) 9 Okay. Showing you what's been marked as 10 Exhibit 95. Do you recognize this as the Amended 11 Complaint that you have filed in this action? 12 A. Yes. 13 Q. Let's talk first about your fraudulent 14 inducement claim. I think it is on page 28. 15 Ms. Sweasy, do you understand that the 16 court has dismissed the part of this claim that 17 alleged defendants omitted an intention to 18 interfere with your grand jury duties? 19 A. Are you referring to something on this 20 page? 21 Q. Nope. 22 A. Oh. 23 Q. Are you aware that the court dismissed some 24 of your claims or part of your claims in a motion 25 to dismiss order early in the case?</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. And you received, by my count, 105 days of 2 PTO; is that right? 3 A. If that's how the numbers come out, yes. 4 Q. Did you have accrued PTO when you left the 5 County this spring? 6 A. Yes. 7 Q. And did you receive a monetary payment for 8 that? 9 A. Yes. 10 Q. Do you remember how much that was? 11 A. No. 12 Q. Do you remember how many hours you had 13 banked? 14 A. I had -- there was -- there was a limit 15 to -- I -- combination of vacation and PT- -- or 16 sick time and PTO came out to around -- you know 17 what? I don't. I had -- whatever PTO was there, 18 some vacation time, and a very -- comparatively 19 larger proportion of it was sick time. 20 Q. Ms. Sweasy, although you are claiming that 21 you were fraudulently induced into signing this 22 settlement agreement, you are not seeking to void 23 this contract, correct? 24 A. Correct. 25 Q. You're not seeking to void it and return</p>	<p style="text-align: right;">Page 109</p> <p>1 A. Yes. 2 Q. Okay. And I just want to lay the 3 groundwork for what I'm going to be asking you 4 about. 5 The court dismissed the part of your 6 fraudulent inducement claim that related to 7 allegations that defendants concealed an intention 8 to interfere with grand jury duties. Are you aware 9 of that? 10 A. Yes. 11 Q. Okay. And do you understand also that the 12 court dismissed the part of this claim alleging 13 that defendants concealed an intention to interfere 14 with your CPU duties? 15 A. Yes. 16 Q. Okay. So in paragraph 188, you allege -- 17 what you allege as "material representations, 18 material commitment, and intentions." Okay. 19 And the first -- are you on page -- or 20 paragraph 188? 21 A. Yes. 22 Q. Okay. The first misrepresentation that you 23 claim -- or representation that you claim is that 24 "Sweasy would be reclassified as a principal 25 attorney."</p>

<p style="text-align: right;">Page 110</p> <p>1 Do you see that?</p> <p>2 A. I see the words.</p> <p>3 Q. Okay. So you're alleging in this</p> <p>4 paragraph that the County and Mr. Freeman</p> <p>5 represented the following things: First one is</p> <p>6 that you'd be reclassified as a principal attorney.</p> <p>7 Were you reclassified as a principal</p> <p>8 attorney following the settlement agreement?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. You claim that they represented --</p> <p>11 that you would "be subject exclusively to the</p> <p>12 direction and supervision of Mabley."</p> <p>13 Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. And you were subject only to Mabley's</p> <p>16 direction and supervision, correct?</p> <p>17 A. No.</p> <p>18 Q. Okay. What do you disagree with about --</p> <p>19 well, all right. I'll come back to that. Yeah,</p> <p>20 actually, just go ahead and answer.</p> <p>21 A. They said -- "they" meaning the County and</p> <p>22 Freeman -- said that I would be subject exclusively</p> <p>23 to the direction and supervision of Mabley, but</p> <p>24 there was enormous interference with that --</p> <p>25 with -- with that, such that my work was not</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Some of them.</p> <p>2 Q. Who did not have an opportunity to</p> <p>3 participate?</p> <p>4 A. The people who would have been persuaded by</p> <p>5 Mr. Freeman and others' discouragement from</p> <p>6 applying for or having anything to do with the CPU.</p> <p>7 Q. Just to clarify, Ms. Sweasy, your -- you</p> <p>8 have alleged in this case that Mr. Freeman and</p> <p>9 others discouraged people from applying. Do you</p> <p>10 have any facts to support a claim that someone was</p> <p>11 not allowed to apply?</p> <p>12 A. That someone was not allowed?</p> <p>13 Q. Yes.</p> <p>14 A. No.</p> <p>15 Q. Okay. So the allegation is that</p> <p>16 Mr. Freeman discouraged people from applying?</p> <p>17 A. Not only. Discouragement was one way. One</p> <p>18 person I know was basically threatened that he</p> <p>19 wouldn't be promoted if he joined the unit, so it</p> <p>20 wasn't only discouragement.</p> <p>21 Q. And who was threatened?</p> <p>22 A. Jake Fischmann.</p> <p>23 Q. Okay. Can you identify anyone who did not</p> <p>24 apply to the CPU because of the alleged</p> <p>25 discouragement?</p>
<p style="text-align: right;">Page 111</p> <p>1 exclusively directed by Dan Mabley at all.</p> <p>2 Q. And are you alleging interference with the</p> <p>3 staffing and case assignments as you allege</p> <p>4 elsewhere in the complaint?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Did you report to Dan Mabley after</p> <p>7 the settlement agreement?</p> <p>8 A. You mean, like, was he my boss?</p> <p>9 Q. Yes.</p> <p>10 A. Yes.</p> <p>11 Q. He was your boss? He supervised you?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Did he direct you in your role as</p> <p>14 head of the CPU?</p> <p>15 A. Not much, actually.</p> <p>16 Q. But technically, he -- that was his job to</p> <p>17 direct you?</p> <p>18 A. He was my boss, yeah.</p> <p>19 Q. Okay. The third representation is that you</p> <p>20 would have a newly established CPU in which your</p> <p>21 peers would have an opportunity to participate.</p> <p>22 You did head the CPU, correct?</p> <p>23 A. I did.</p> <p>24 Q. And did your Hennepin County Attorney peers</p> <p>25 have an opportunity to participate?</p>	<p style="text-align: right;">Page 113</p> <p>1 A. I can't prove that negative, but the</p> <p>2 evidence and the fact of the discouragement,</p> <p>3 threats, and all of it was so pervasive -- and this</p> <p>4 was also an environment where people didn't feel</p> <p>5 comfortable coming forward, reporting things that</p> <p>6 were going wrong. And so, no, did people line up</p> <p>7 outside my door and say, "I was discouraged from</p> <p>8 applying to do it"?</p> <p>9 I'm aware of two instances where people --</p> <p>10 senior attorneys did report up the chain that they</p> <p>11 thought this interference was, you know,</p> <p>12 inappropriate and unprofessional and, you know,</p> <p>13 totally outside the bounds of anything that should</p> <p>14 have taken in that workplace.</p> <p>15 So those are two people I know who had the</p> <p>16 courage to come forward and say something about</p> <p>17 that. But, again, it wasn't a place where people</p> <p>18 were encouraged to come forward and certainly not</p> <p>19 to me with anything like that.</p> <p>20 Q. But you -- and I'm not asking you to prove</p> <p>21 a negative. I'm asking: Is there anyone that came</p> <p>22 to you and said, "I didn't apply to the unit even</p> <p>23 though I wanted to apply to the unit because I</p> <p>24 am -- because Mr. Freeman discouraged me from</p> <p>25 applying"?</p>

<p style="text-align: right;">Page 114</p> <p>1 A. One person came to me and said that he was 2 considering not applying because he knew how 3 Mr. Freeman felt about the CPU and about me and 4 that he was afraid that it was harm -- would harm 5 his career. 6 Q. And who was that? 7 A. That was Mike Radmer. 8 Q. Did Mike Radmer apply? 9 A. He did. 10 Q. The fourth representation that you allege 11 in paragraph 188 is that you would -- let's see. I 12 guess the "not" is before -- that you "would not be 13 negatively impacted by the involvement, 14 disparagement, or interference of Freeman in the 15 operations of the CPU." 16 Do you see that? 17 A. I do. 18 Q. And where was that represen- -- who made 19 that representation to you? 20 A. The representation was made that I would 21 be -- that everything would be better because I 22 wouldn't be reporting to Mr. Freeman anymore. He 23 would be completely out. He would have no control 24 over me. I would deal only with Dan Mabley and 25 that I didn't have to worry about what I had been</p>	<p style="text-align: right;">Page 116</p> <p>1 record. The time now is 12:12. 2 (Break: 12:12 p.m. to 1:10 p.m.) 3 THE VIDEOGRAPHER: We are back on the 4 record. This is the start to Media No. 3. The 5 time is 1:10. 6 BY MS. ELLINGSTAD: 7 Q. Ms. Sweasy, could you look at paragraph 193 8 in your amended complaint. 9 A. (Reviewing document.) 10 Q. Have you read it? 11 A. Yes. 12 Q. Okay. As we discussed before, the court, 13 in its order on the motion to dismiss, narrowed 14 this claim and kept in, to the case, small 15 paragraph (i) and (ii) of the claim, regarding "the 16 decision to reclassify and promote all managing 17 attorneys into the principal attorney position; 18 and, ii, the immediate impact and dilution of 19 Sweasy's principal attorney classification." 20 Do you see those allegations in 21 paragraph 193? 22 A. The little (i) and (ii)? 23 Q. Yes. 24 A. Yes. 25 Q. During the mediation, did you propose the</p>
<p style="text-align: right;">Page 115</p> <p>1 experiencing anymore. 2 Q. Who made that representation to you? 3 A. The representation was made to me through 4 the mediator during the mediation process. 5 Q. Okay. And did the mediator convey that 6 that representation was made by a specific person? 7 A. Yes. 8 Q. Who? 9 A. Mr. Hough. 10 Q. And the mediator was conveying terms of the 11 agreement in that respect -- correct? -- that you 12 negotiated? 13 A. Well, they weren't terms of the agreement 14 at the time. 15 Q. Right. They ended up being terms of the 16 agreement in terms of noninterference and 17 nonreporting to Mr. Freeman, correct? 18 A. Well, the -- the terms of the agreement 19 were that he was not supposed to interfere with me 20 or with the CPU, and I'm paraphrasing. Those 21 aren't the exact words. 22 MS. ELLINGSTAD: Okay. We're running 23 out of time on the tape, so let's take a quick 24 break. 25 THE VIDEOGRAPHER: We are going off the</p>	<p style="text-align: right;">Page 117</p> <p>1 idea of a principal attorney classification as part 2 of a settlement? 3 A. Can I just ask a clarifying question? 4 Q. Yes. 5 A. Do you mean -- when you say "during the 6 mediation," you mean during those three times I met 7 with Ms. Engelmeier? 8 Q. Or during settlement -- the settlement of 9 the case. 10 A. Okay. 11 Q. Let me rephrase. 12 A. Please. Thanks. 13 Q. In December and January -- focus on that 14 time frame -- you were in settlement discussions 15 with the County, correct? 16 A. Yes. 17 Q. And those settlement discussions included 18 the mediation sessions with Ms. Engelmeier, 19 correct? 20 A. Yes. 21 Q. As part of the settlement discussions, did 22 you propose the idea of a classification to a 23 principal attorney position? 24 A. Yes. 25 Q. Okay. What was your understanding of a</p>

<p style="text-align: right;">Page 118</p> <p>1 principal attorney position at that time? 2 A. My understanding of the principal attorney 3 position at that time was that it was a civil 4 service management position which included being a 5 division manager in the Hennepin County Attorney's 6 Office and that it was different from the managing 7 attorney position that I was in, in -- well, that 8 it was different from the management -- from the 9 managing attorney position that I was in. 10 Q. And at that time, you were managing 11 attorney for Community Prosecution Division? 12 A. Yes. 13 Q. Okay. How was it different from that? How 14 was principal attorney different from your current 15 position? 16 A. The -- it was different in that it was a 17 permanent civil service classification. 18 Q. What is it -- 19 A. The -- 20 Q. Oh, go ahead. 21 A. Oh, sorry. 22 Q. What does it mean to be a permanent civil 23 service classification? 24 A. The managing attorney classification was 25 temporary, and I think on the -- like, when you</p>	<p style="text-align: right;">Page 120</p> <p>1 division manager permanently as part of your job, 2 not as this temporary overlay on top of the senior 3 attorney position. 4 Q. Okay. And as a managing attorney, if the 5 new elected County Attorney decided you could be 6 demoted, in terms of pay, would your pay go down? 7 A. If -- 8 Q. If you were demoted from a managing 9 attorney, would it go to a senior attorney? 10 A. The -- you could be demoted from a managing 11 attorney to a senior attorney, but I'm not sure 12 that there wasn't some overlap in the pay between 13 the two. So I don't -- you could -- it's possible 14 that you could have been a -- in the senior 15 attorney classification you could have made as much 16 as a manager. I don't know what the overlap was 17 between the two of them. 18 Q. Okay. But you understood that you could be 19 demoted to a senior attorney, correct? 20 A. Yes. 21 Q. Okay. And you understood that the other 22 managing attorneys -- so before December/January, 23 you understood that the other managing attorneys 24 could also be demoted to a senior attorney, 25 correct? Anyone who held that position, right?</p>
<p style="text-align: right;">Page 119</p> <p>1 fill out your time card, it said, "DIFF," 2 "D-I-F-F," after it, which I think was 3 "differential," but I don't know for sure. 4 In any event it was limited in time. It 5 was like a -- like an overlay, like you were a 6 senior attorney, and while you held the managing 7 attorney designation, you also had the 8 responsibilities of -- the responsibilities and the 9 benefits of a managing attorney position. But it 10 wasn't permanent. That was one way in which the 11 managing attorney classification differed from the 12 principal attorney classification. 13 Q. What do you mean that it wasn't permanent? 14 A. That it could be taken away, you know. 15 Q. Okay. So at the time that you held the 16 managing attorney position, you understood that you 17 or any other managing attorney could be demoted to 18 a senior attorney by the elected County Attorney, 19 correct? 20 A. Right. 21 Q. And when you proposed the principal 22 attorney position, you understood that that job 23 title came with civil service protection, meaning 24 that you could not be demoted out of that position? 25 A. What it meant was that it made you a</p>	<p style="text-align: right;">Page 121</p> <p>1 A. Yes. 2 Q. Okay. And you understood that the other 3 managing attorneys did not have the civil service 4 protection of a principal attorney? 5 A. None of them did. 6 Q. Okay. And you knew that when? 7 A. Well, I've always known that. I've known 8 since the last principal attorney left the office 9 in -- I don't know what year it was -- that there 10 were no more in the office. I knew that. 11 Q. Okay. But you also knew from earlier on 12 that the managing attorneys could be demoted, 13 correct? 14 A. Oh, yes. Everybody knew that, yes. 15 Q. Okay. When you proposed the principal 16 attorney as part of the settlement negotiations, 17 what did you understand the benefits of that 18 classification would be for you? 19 A. I understood that the benefits of that 20 classification would be the -- that I would have 21 the job, the security, the responsibilities, and 22 the pay of a principal attorney in the office. 23 I understood that there were no other 24 principal attorneys in the Hennepin County 25 Attorney's Office and that I would be the only one</p>

<p style="text-align: right;">Page 122</p> <p>1 and that I would have that title, the 2 responsibilities, and the benefits of that job into 3 and beyond the end of 2022. 4 Q. That was your understanding at the time you 5 proposed principal attorney to settle your claims? 6 A. Yes. 7 Q. Okay. And did you understand that your 8 salary could not be reduced by the next County 9 Attorney if you had that position? 10 A. I -- I'm -- I could have. I don't -- I 11 don't remember thinking about that but... 12 Q. If you look at paragraph 193 of your 13 complaint, Ms. Sweasy, the alleged intentional 14 concealment that you allege in paragraph 193 does 15 not include anything about -- strike that. 16 How -- did you learn -- you learned in 17 May of 2022 that other managing attorneys were 18 being reclassified as principal attorneys, correct? 19 A. Yes. 20 Q. You are not alleging that those attorneys 21 received a salary increase that you didn't receive 22 from the classification; is that correct? 23 A. That's correct. 24 Q. And you are not alleging that those other 25 attorneys received any other benefits of the</p>	<p style="text-align: right;">Page 124</p> <p>1 you were -- had the same classification as the 2 attorneys who received it on about May 19th, 3 correct? 4 A. Yes. 5 Q. Okay. How did the reclassification of 6 other attorneys dilute your classification as 7 alleged in your complaint? 8 A. Well, the same way anything's diluted. 9 When you add more to it, it takes away from the one 10 that there is. That's the concept of dilution. 11 And so whereas from April 19th till May 19th, I was 12 the only principal attorney in the office, and that 13 had the effect or was starting to have the effect 14 of restoring some of my reputation in the office 15 that had been, you know, destroyed, frankly, before 16 that. 17 By putting everybody else in that category, 18 not only did it dilute it by making it less 19 meaningful, but it was also an obvious act of 20 retaliation that was not remotely concealed, which 21 didn't make me look very good, and served further 22 to dilute my position in the office and make it 23 less valuable than it was. 24 Q. Okay. When you say "when you add to it, it 25 takes away from what there is," did you lose any of</p>
<p style="text-align: right;">Page 123</p> <p>1 classification that you didn't receive, correct? 2 A. Well, they did ultimately receive benefits 3 of the classification that I didn't get. 4 Q. Such as? 5 A. They all remained managers, division 6 managers, supervisors. They participated in hiring 7 and firing -- or not firing, but hiring and all of 8 the things that were in that list in the settlement 9 agreement. 10 So all of them wound up with things that I 11 ultimately did not have. 12 Q. Okay. When you say "ultimately," you mean 13 after the new County Attorney came into office? 14 A. Yes. 15 Q. Okay. So in 2022, after the settlement 16 agreement, were there any benefits or 17 differentiations that those other attorneys had 18 that you didn't have from your reclassification? 19 MS. MILLER-VAN OORT: Objection. 20 Foundation. 21 To the extent you can answer, go ahead. 22 A. Well, they benefited from things that -- 23 they benefited from not having the interference and 24 the retaliation that I suffered. 25 Q. Okay. In terms of your job classification,</p>	<p style="text-align: right;">Page 125</p> <p>1 your job security, benefits, salary, civil service 2 protection when these other attorneys were made 3 principal attorney? 4 A. I didn't lose benefits. I didn't lose 5 salary. I believe that I lost job security. 6 Q. How is that? 7 A. Because of the way that it looked, the way 8 that it made me -- again, it took away this 9 distinction that I had bargained for, which was 10 something separate from what the other managers 11 had, and it just completely took that away. 12 And over time, the effects of -- you know, 13 the death by a thousand cuts on my job and on my 14 reputation ultimately were what undid my entire 15 career and job security. And all of that, over 16 time, made me more vulnerable to continued acts of 17 retaliation from which it was impossible to 18 recover. 19 Q. The job security you testified about 20 earlier, Ms. Sweasy, was that you could not be 21 demoted to a senior attorney in a position of 22 principal attorney the way a managing attorney 23 could at the whim of the new elected County 24 Attorney, correct? 25 A. Not only.</p>

<p style="text-align: right;">Page 126</p> <p>1 Q. Okay. That's one way of job -- of defining 2 job security, right? 3 A. That is one way. 4 Q. Okay. And you did not lose that job 5 security, did you? 6 A. I didn't lose the title of principal 7 attorney at any time. 8 Q. Or the salary? 9 A. I did not lose the salary at any time. 10 Q. How many attorneys work in the County 11 Attorney's Office, if you know? 12 A. I have no idea how many people work there 13 now. 14 Q. Does 230 attorneys sound about right in 15 2022? 16 A. Could be, yes. 17 Q. Can you please turn to paragraph 48 of your 18 complaint. 19 A. Paragraph 48? 20 Q. Yep. Which is on page 9. 21 You allege in your complaint, "Hough 22 himself had boasted the rarity of the principal 23 attorney position in Hennepin County and the 24 benefit this change in title would confer on 25 Sweasy."</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. Okay. So you were told that Mr. Hough said 2 he didn't even know there was a principal attorney 3 classification in existence, right? 4 A. Yes. 5 Q. Okay. And that was wrong? 6 A. That was wrong. 7 Q. Okay. And you educated the County or 8 Mr. Hough about that fact, right? 9 A. Not that day. 10 Q. Okay. 11 A. It was afterwards. 12 Q. So you -- did you do some research? 13 A. Yes. 14 Q. Okay. And you found that there actually 15 were other principal attorneys? 16 A. Right. And if I can just clarify one 17 thing. At the time of the January mediation 18 session, the principal attorney classification was 19 available on the County's website. So that we knew 20 in January. 21 But the research that you referenced had to 22 do with finding out whether other people had been 23 made -- or hired, frankly, as principal attorneys 24 at any time since the time Mr. Connors was the 25 one -- the lawyer I was talking about, since he had</p>
<p style="text-align: right;">Page 127</p> <p>1 Do you see that? 2 A. Yes. 3 Q. What is the factual basis for that 4 allegation? 5 A. The factual basis for that allegation was 6 that the mediator conveyed to me during the 7 January mediation session that Mr. Hough -- well, 8 first, that Mr. Hough denied that the 9 classification even existed. 10 He had said that there was no such thing as 11 a principal attorney anymore, that it was an 12 anachronistic job classification that had been 13 given to -- I believe the words the mediator used 14 were "Freeman's cronies," and that the last time 15 Mr. Freeman had given anybody a principal attorney 16 job, it was a fiasco, and that's why they got rid 17 of it. 18 We produced evidence then that the 19 classification did exist and that the County could 20 offer it to someone. And throughout the mediation 21 that day, what came back was that if I was going to 22 be a principal attorney, I was going to be the only 23 one and that it was unlikely that the County would 24 agree to something like that where I would be the 25 only person who had that title.</p>	<p style="text-align: right;">Page 129</p> <p>1 left the office. 2 Q. And you found that there had been other 3 principal attorneys, correct? 4 A. Yes. 5 Q. Do you know how many? 6 A. Yes. 7 Q. How many? 8 A. Four that I came up with. 9 Q. And through the mediator, you informed the 10 County that other people had been made principal 11 attorney, correct? 12 A. My attorney informed the County -- 13 Q. Okay. 14 A. -- of that. I did not. 15 Q. So if Mr. Hough initially thought there 16 were no principal attorneys -- which is what was 17 represented to you, correct? 18 A. Yes. 19 Q. Okay. Then does it follow that he would 20 also think that principal attorneys would be rare? 21 A. It was two separate things. Like I said, 22 first he denied that the classification existed. 23 Then, when we showed him that it did, or the 24 mediator did, the next part of the conversation was 25 that, well, even if it exists, no one is in that</p>

<p style="text-align: right;">Page 130</p> <p>1 job.</p> <p>2 And what was represented to me that day is</p> <p>3 that it was unlikely that they would give me a job</p> <p>4 that I was the only person in, as part of this</p> <p>5 settlement agreement.</p> <p>6 Q. Okay. So when you talk about what you</p> <p>7 understood, it was represented to you through the</p> <p>8 mediator that because the County didn't think</p> <p>9 anyone held that job, it was unlikely that they</p> <p>10 would agree to give you that job?</p> <p>11 A. No. They were two separate things. First,</p> <p>12 again, the discussion was about whether it even</p> <p>13 existed because when my side proposed that in the</p> <p>14 mediation, we got immediately shut down. Doesn't</p> <p>15 exist. Can't happen. Anachronism. All the things</p> <p>16 that I've already testified about.</p> <p>17 Having received that message, we sent back</p> <p>18 through the mediator, "No, this is a job that</p> <p>19 exists. Check your own website," something to the</p> <p>20 effect of that. "This exists and you can do it."</p> <p>21 At first, Mr. Hough was giving the</p> <p>22 impression that it wasn't even possible. Okay? So</p> <p>23 we were sending back the message, "Yes, this can be</p> <p>24 done. This is on your website. You can give her,</p> <p>25 or me," depending on who was doing the speaking,</p>	<p style="text-align: right;">Page 132</p> <p>1 very interested in who was making the</p> <p>2 representations, so I asked.</p> <p>3 Q. Did you understand when Ms. Engelmeier</p> <p>4 conveyed things that she wasn't purporting to quote</p> <p>5 things verbatim?</p> <p>6 A. Sometimes I think she was quoting things</p> <p>7 verbatim.</p> <p>8 Q. You think she was. Did she say she was?</p> <p>9 A. When she said, "They said this," yes.</p> <p>10 Sometimes I thought that, yes.</p> <p>11 Q. Okay. So is this the January mediation</p> <p>12 that you were told "it's unlikely they're going to</p> <p>13 give you a job like this that no one else is in"?</p> <p>14 A. Right.</p> <p>15 Q. Okay. And, again, that is based on at</p> <p>16 least David Hough's belief that no one else held</p> <p>17 the job?</p> <p>18 MS. MILLER-VAN OORT: Objection.</p> <p>19 Foundation.</p> <p>20 If you know.</p> <p>21 A. I don't know what the other -- I'm sure</p> <p>22 there were other reasons they didn't want to give</p> <p>23 me the principal attorney job. That's the one that</p> <p>24 was made clear to me that day.</p> <p>25 Q. Okay. That that was David Hough's belief?</p>
<p style="text-align: right;">Page 131</p> <p>1 "this job." That message went back to Hennepin</p> <p>2 County.</p> <p>3 Then the message that came back was -- to</p> <p>4 me, was it is extremely unlikely that they are</p> <p>5 going to give you a job like that that no one else</p> <p>6 is in, because it is so rare. But at that time,</p> <p>7 nobody, at least in those discussions, was talking</p> <p>8 about the other four people.</p> <p>9 Q. Okay. So the mediator conveys to you,</p> <p>10 "It's unlikely they're going to give you a job like</p> <p>11 that that no one else is in"? Something to that</p> <p>12 effect.</p> <p>13 A. She conveyed to me that that's what either</p> <p>14 you or Mr. Hough said to her.</p> <p>15 Q. Was Ms. Engelmeier purporting to quote</p> <p>16 anyone when she would convey things to you?</p> <p>17 A. Pretty much.</p> <p>18 Q. What do you mean by "pretty much"?</p> <p>19 A. I asked her directly, almost every time I</p> <p>20 can remember, "Who said that?" Whether it was</p> <p>21 coming from -- it mattered to me a lot whether the</p> <p>22 representations were coming from Mr. Hough or</p> <p>23 Mr. Freeman.</p> <p>24 Now, Mr. Freeman was not there during the</p> <p>25 January one. Or, frankly, you or Ms. Stack. I was</p>	<p style="text-align: right;">Page 133</p> <p>1 A. At least his for sure and perhaps others,</p> <p>2 yes.</p> <p>3 Q. You weren't relying on that belief because</p> <p>4 you knew it was wrong?</p> <p>5 A. Relying on it for what?</p> <p>6 Q. On David Hough's representation or</p> <p>7 statement made through Ms. Engelmeier that there</p> <p>8 was no other one -- no one else held the job?</p> <p>9 A. I knew that was wrong.</p> <p>10 Q. Right.</p> <p>11 Ms. Sweasy, in paragraph 51, you state</p> <p>12 that, "During the mediation and settlement</p> <p>13 negotiations, Hough advised Mabley that he and</p> <p>14 Freeman had decided to 'bump everyone up' to the</p> <p>15 position of principal attorney with the intent to</p> <p>16 devalue and dilute the distinction Sweasy believed</p> <p>17 she was getting in the settlement agreement."</p> <p>18 Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. What is the factual basis for that</p> <p>21 statement?</p> <p>22 A. The factual basis for that statement is</p> <p>23 that on May 19th, when Mr. Freeman put out the</p> <p>24 announcement -- or sent an email to the managing</p> <p>25 attorneys and me that he had reclassified everyone</p>

<p style="text-align: right;">Page 134</p> <p>1 to principal attorney, and it contained other 2 statements in it that were demonstrably false. 3 I read that email. I called Dan Mabley on 4 his cell phone. He answered. I asked him what 5 that was about and Dan told me that during the 6 settlement negotiations, they had discussed that 7 after my settlement agreement was done, they were 8 going to -- the words he used was bump everyone up 9 to the position of principal attorney. 10 I asked him if anyone had ever intended to 11 tell me whether that was something that was going 12 to happen. He said he didn't know. And that was 13 that part of that conversation. 14 Q. You have no firsthand knowledge of any 15 statement by David Hough, correct? 16 A. No. 17 Q. And you have no firsthand knowledge of any 18 conversations between David Hough and Michael 19 Freeman, correct? 20 A. I was not included in those conversations. 21 Q. You put "bump everyone up" in quotes. Did 22 you take notes of your phone call with Dan Mabley? 23 A. I -- I know I communicated with my attorney 24 by email in that -- yes, that is intended to be in 25 quotes.</p>	<p style="text-align: right;">Page 136</p> <p>1 it, but Mr. Hough and I signed it on April 19th. 2 Q. Did you -- are you alleging that Dan Mabley 3 told you that Hough and Freeman decided to 4 reclassify others with the intent to devalue and 5 dilute the distinction? Is that something Dan 6 Mabley told you or is that your allegation here? 7 A. Judge Mabley did not use those words, no. 8 Q. So in your paragraph 51, what you are 9 alleging Dan Mabley said to you is that Hough and 10 Freeman decided to bump everyone up to the position 11 of principal attorney, correct? The rest of that 12 sentence you're not attributing to Dan Mabley, 13 correct? 14 A. He did not use those words, right. 15 (Exhibit 96 was marked for 16 identification.) 17 Q. Before we turn to Exhibit 96, can you 18 recall anything else that Mabley said David Hough 19 had told him? 20 A. About what? 21 Q. About the -- classifying other people as 22 principal attorney. 23 A. You mean in that same conversation? 24 Q. Yep. 25 A. Not offhand, no.</p>
<p style="text-align: right;">Page 135</p> <p>1 Q. Did -- did you normally take notes of your 2 conversations with Mr. Mabley? 3 A. Only when they pertained to matters 4 concerning, well, my employment. I also took other 5 notes about work things when we met. 6 Q. Okay. Are you claiming that any notes you 7 took regarding this conversation with Mr. Mabley is 8 attorney-client privileged? 9 A. I am. And I was on leave from the County 10 Attorney's Office at that time anyway, so there was 11 no other purpose for that call. 12 Q. Right. You called Dan Mabley because you 13 were upset when you saw the May 19th email, 14 correct? 15 A. Yes. 16 Q. Did Dan Mabley tell you specifically when 17 any discussion about reclassifying others was made? 18 A. He said it was during settlement 19 negotiations, before the settlement agreement was 20 done. 21 Q. So sometime before April 19th? 22 A. He didn't mention April 19th. 23 Q. Is that the date the settlement agreement 24 was done? 25 A. I don't know what date Mr. Freeman signed</p>	<p style="text-align: right;">Page 137</p> <p>1 Q. Do you recognize Exhibit 96 as your 2 declaration? 3 A. I do. 4 Q. Can you turn to paragraph 11? 5 MS. MILLER-VAN OORT: You have the 6 opportunity to review the document in it's 7 entirety. 8 A. 11, you said? 9 Q. Yep. 10 A. Okay. 11 (Reviewing document.) 12 Right. 13 Q. Okay. In this paragraph, you talk about 14 the fact that you raised the issue of obtaining the 15 principal attorney title, correct? 16 A. Yes. 17 Q. Okay. And you say you were "initially told 18 that would be considered a promotion and defendants 19 expressed doubt about this being a possibility 20 because such distinction was rare." 21 Who conveyed that to you? 22 A. The mediator. 23 Q. Okay. Did the mediator later convey that 24 the position would not be considered a promotion? 25 A. Did the mediator convey that? No, I think</p>

<p style="text-align: right;">Page 138</p> <p>1 you conveyed that to Mr. May. 2 Q. That it would not be considered a 3 promotion? 4 A. Yes. I didn't see the mediator again after 5 January 7, 2022. 6 Q. Okay. 7 MS. MILLER-VAN OORT: 7th? 8 THE WITNESS: 17th. Sorry. Thank you. 9 BY MS. ELLINGSTAD: 10 Q. Did you understand, prior to signing the 11 settlement agreement, that the County did not 12 consider the position to be a promotion? 13 A. Did I -- yes, I understood that. 14 Q. And whether the title principal attorney 15 represented a promotion is not one of your 16 allegations of fraudulent concealment in 17 paragraph 193, is it? 18 MS. MILLER-VAN OORT: Can you read the 19 question back? I didn't quite get that. Are we -- 20 are we in attorney exhibit now? 21 MS. ELLINGSTAD: I can rephrase. 22 THE WITNESS: Okay. 23 BY MS. ELLINGSTAD: 24 Q. One of your claims of fraudulent 25 concealment in this case is not regarding whether</p>	<p style="text-align: right;">Page 140</p> <p>1 A. Yes. I'm there. 2 Q. Okay. In about the middle of the page of 3 the January 19, 2022, text at 4:00 p.m. -- I'm 4 sorry -- at 3:49 p.m. you text Jean Burdorf and 5 say, "P.S. County admin tells their attorney they 6 were unaware on Monday there was anybody in the 7 entire county system who was a principal attorney." 8 Do you see that? 9 A. I do see it. 10 Q. Okay. Are you conveying representations 11 made during the mediation to Judge Burdorf at that 12 time? 13 A. No. 14 Q. And why do you think this is not conveying 15 representations made during the mediation? 16 A. Because they were made afterwards on 17 January 19th. 18 Q. Didn't you just testify, Ms. Sweasy, that 19 you learned during the mediation session that David 20 Hough was unaware that there was anyone classified 21 as principal attorney? 22 A. Yes, but that's not what I'm referring to 23 in this text. 24 Q. Were you making that distinction when you 25 texted Ms. Burdorf about the settlement</p>
<p style="text-align: right;">Page 139</p> <p>1 the position is a promotion? 2 A. No. 3 MS. MILLER-VAN OORT: Object to form. 4 Go ahead if you understand. 5 A. I don't think -- we're not fighting about 6 whether or not it was a promotion; is that what you 7 mean? 8 Q. Right. 9 A. Right. 10 Q. That's not one of your alleged material 11 facts that were fraudulently concealed by the 12 County? 13 A. I don't think so, no. 14 Q. Okay. 15 Okay. Let's go to some other text 16 messages. 17 (Exhibit 97 was marked for 18 identification.) 19 Q. All right. Ms. Sweasy, like the other set 20 of text messages, I'll represent to you this is the 21 spreadsheet of text messages produced by your 22 counsel last Friday, August 18th, that we have put 23 into a PDF format in order to make it readable. 24 Let's see. Can you turn to January 19, 25 2022, please.</p>	<p style="text-align: right;">Page 141</p> <p>1 negotiations, whether it was statements during the 2 actual mediation session or other communications, 3 settlement communications? 4 A. What do you mean was I making that 5 distinction? 6 Q. Did you make a distinction about what you 7 could and could not text to Jean Burdorf? 8 A. I knew I was texting her something that 9 happened on the 19th. 10 Q. Okay. And she responds in all caps, 11 saying, "LIARS." 12 A. Yes. 13 Q. Did you have an understanding why she would 14 accuse the county administrator, David Hough, of 15 being a liar? 16 A. Because -- well, I can't speak for her, 17 actually. 18 Q. Did you know David Hough at that time? 19 A. Yes. Not well. 20 Q. Do you have any reason to believe that 21 Mr. Hough was not being truthful when he said that 22 he was unaware of others classified as principal 23 attorneys? 24 A. Do I or did I? 25 Q. Did you.</p>

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1 A. At that time I did not have that concern.
2 Q. On the next page, you testify -- or you
3 text to Jean Burdorf about the sticking points in
4 the agreement.
5 Do you see that?
6 A. I don't know which text message you're
7 talking about.
8 Q. The third one down. You say -- she asks
9 "What are the remaining sticking points?" And you
10 say, "Money is the big one."
11 A. I see that text, yes.
12 Q. Actually, if you could turn back, you --
13 when you texted Jean Burdorf, you referenced that
14 the county administrator told the attorney they
15 were unaware on Monday. And Monday would have been
16 January 17th, correct?
17 A. Monday was January 17th.
18 Q. Okay. So you were communicating to Jean
19 Burdorf something that you learned during the
20 mediation session, correct?
21 MS. MILLER-VAN OORT: Objection. Asked
22 and answered.
23 Go ahead.
24 A. No. What I'm telling Jean on the 19th is
25 that county administration said that they were

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1 unaware on Monday.
2 Q. So you're -- you read this as saying you
3 learned something on Wednesday, the 19th, that
4 related back to their knowledge on Monday, the
5 17th, not that you learned something on the 17th
6 that you were sharing with Judge Burdorf?
7 A. Right. I remember it happening on
8 Wednesday, yes.
9 Q. What happened on Wednesday?
10 A. What happened on Wednesday was that I
11 learned that county administration told you,
12 Ms. Ellingstad, that they were unaware on Monday
13 that there was anybody in the entire county system
14 who was a principal attorney.
15 Q. Okay. And the next page where you are
16 telling Jean Burdorf about your settlement
17 negotiations, you state that it looks like a,
18 quote, special projects assignment.
19 What did you mean by that?
20 A. Which text message are you referring to?
21 Q. The one we were just looking at. On the
22 third one down, on the -- on January 23, 2022,
23 3:03 p.m.
24 A. Okay. And the special --
25 Q. Yeah, what were you conveying there about a

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1 special projects assignment?
2 A. That the negotiations is they stood at that
3 time or that the County was offering something
4 called a special projects assignment, which was an
5 open-ended term, and that I would just work with
6 Dan off on the side with any special projects that
7 he assigned to me.
8 Q. And what were your -- did you have concerns
9 about that?
10 A. Significant concerns.
11 Q. And what were those concerns?
12 A. I knew that that had been used in the past
13 with one other manager and -- or one other division
14 manager, in particular, to marginalize her. I knew
15 also that that was vague and that it might end up
16 that I do no work at all.
17 I had concerns that it would also further
18 distance me from the work of my peers and the
19 office. I knew that special projects does not mean
20 prosecution work. I knew that it would be
21 embarrassing to take a position like that, and that
22 I was very, very concerned about anything that
23 would serve to continue any of the treatment that I
24 had received previously.
25 Q. So you wanted to make sure that all the

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1 details of your assignment or your duties were
2 spelled out in the agreement?
3 A. I wanted as many details as I could get in
4 that agreement.
5 Q. Okay. A few texts down on 1/23 at 3:38,
6 you say -- you're responding to Jean Burdorf. And
7 you say, "I still want it to say that it is an
8 agreement, though."
9 Do you know what you meant there?
10 A. Let me just read the previous ones for a
11 second.
12 (Reviewing document.)
13 I'm sorry. What was your question about
14 that?
15 Q. The sentence, it says, "I still want it to
16 say that it is an agreement, though."
17 Did you mean, "I still want it to say that
18 in an agreement" or what did you --
19 A. No.
20 Q. Okay.
21 A. I thought it was very important the way
22 that anything -- and this is back in January --
23 would ultimately be communicated to the office
24 about my role. And I was very concerned that if
25 the County and Mr. Freeman did not represent this

<p style="text-align: right;">Page 146</p> <p>1 as something that everybody wanted, that I would 2 continue to be marginalized. 3 And the reference to -- two up, to the 4 Patty Moses/Gail Baez has agreed to be removed from 5 her leadership position and take on XYZ" text was 6 the kind of thing that I was worried about. 7 Something saying that I had agreed to go into a 8 special projects role, or something like that. Not 9 that we had all agreed that this would be a way 10 forward. 11 Q. So you're saying here that you want it to 12 say what in the agreement? 13 A. I wanted every -- no, no, no. I wanted 14 everyone in the office to know that we, meaning me, 15 the County, and Freeman, had reached an agreement 16 and not that I had agreed on -- to take on an 17 exciting new role as a special assistant to 18 somebody. 19 Q. Okay. And, in fact, as we looked at 20 earlier, you ended up negotiating the very specific 21 language that would be announced to the office 22 about your new role, correct? 23 A. Can I look at that? 24 (Reviewing document.) 25 Yeah, it doesn't contain the words</p>	<p style="text-align: right;">Page 148</p> <p>1 Pete Connors; is that correct? 2 A. Yes, the mediator -- yeah, as part of that 3 same conversation. 4 Q. Okay. And here, again, you're 5 communicating to Jean Burdorf statements that were 6 made in the mediation session, correct? 7 A. I said, "The mediator said terrible things 8 she clearly got from Freeman and Hough." 9 Q. Right. And you learned that during the 10 mediation session with the mediator, right? 11 A. That's when they were said, yes. 12 Q. And you were conveying these to Jean 13 Burdorf, right? 14 MS. MILLER-VAN OORT: Object to form. 15 A. I wasn't conveying that. I just said that 16 the mediator said terrible things. 17 Q. Okay. You were telling Jean Burdorf things 18 that the mediator said during the mediation 19 session, right, Ms. Sweasy? 20 A. I said that the mediator said terrible 21 things that she clearly got from Freeman and Hough. 22 Q. And conveying things to Jean Burdorf that 23 the mediator said during the mediator session is a 24 violation of your mediation agreement, is it not? 25 A. I don't agree with you that that's a</p>
<p style="text-align: right;">Page 147</p> <p>1 "agreement." 2 Q. But you testified earlier that you 3 negotiated for the precise language that would be 4 released to the office, correct? 5 A. I didn't -- I didn't get everything I 6 wanted in that negotiation. 7 Q. Okay. But you negotiated as part of the 8 settlement agreement -- it's an actual term of the 9 settlement agreement what language would be 10 released? 11 A. Yes. 12 Q. Okay. 13 A. And that's where we landed on it. 14 Q. If you turn to February 7, 2022. The fifth 15 text down on the February 20- -- or February 7th 16 emails -- I'm sorry -- the seventh text, 12/26, on 17 February 7th, you say, "It was worse in person. 18 The mediator said terrible things she clearly got 19 from Freeman and Hough." 20 Do you know what you were referring to 21 there? 22 A. Yes. I'm referring to the way that they 23 referred to Pete Connors during the mediation. 24 Q. Okay. So the mediator is relaying things 25 that you are attributing to Freeman and Hough about</p>	<p style="text-align: right;">Page 149</p> <p>1 violation of that agreement. 2 Q. Why not? 3 A. Because we were outside of the mediation 4 and it was something that came up later in a 5 different conversation. 6 Q. But you were communicating to Jean Burdorf 7 things you learned from the mediator during the 8 mediation session, correct? 9 A. The text says what it says. 10 Q. Answer my question, please. 11 MS. MILLER-VAN OORT: She just did. 12 A. I can't answer it any better than that. 13 I've already told you why I disagree with you. 14 MS. ELLINGSTAD: Could you read my 15 question back, please. 16 (The requested portion was read back by 17 the court reporter: 18 "QUESTION: But you were communicating to 19 Jean Burdorf things you learned from the 20 mediator during the mediation session, 21 correct?") 22 MS. MILLER-VAN OORT: Asked and 23 answered. 24 MS. ELLINGSTAD: I didn't hear the 25 answer.</p>

38 (Pages 146 - 149)

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1 MS. MILLER-VAN OORT: Can you read back
2 her answer, please.
3 (The requested portion was read back by
4 the court reporter:
5 "ANSWER: The text says what it says."
6 BY MS. ELLINGSTAD:
7 Q. Okay. After you read back the question,
8 what is the answer? Yes?
9 (Court reporter requested
10 clarification.)
11 A. No. I told her that the mediator said
12 terrible things.
13 Q. And you learned that during the mediation
14 session?
15 A. That's when she said them.
16 Q. Did the mediator make arguments to you,
17 Ms. Sweasy, about the strengths and weaknesses of
18 your case?
19 A. Did she make arguments to me?
20 Q. Did she tell you her thoughts about the
21 strengths and weaknesses of your case?
22 A. She might have. I don't really remember
23 that.
24 Q. Okay. And you understood her role was to
25 help the parties reach an agreement, correct?

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1 A. Yes.
2 Q. And convince both sides to accept terms
3 that would resolve the case, correct?
4 A. That was her job.
5 Q. If you turn to the texts from February 24,
6 2022. In the middle of the page, you say to
7 Ms. Burdorf, "Freeman is pushing back on the
8 agreement Dan and I made on the job. Wants me
9 reassigned to Mabley on a special assignment and no
10 major prosecution team."
11 Do you see that?
12 A. I do.
13 Q. Okay. So once again, you are discussing
14 with Jean Burdorf the terms of a -- the proposed
15 terms of the settlement agreement with the County,
16 correct?
17 A. I don't know what you mean by "once again."
18 Q. Well, we've seen other texts where you've
19 discussed the offers and proposals. So you -- you
20 freely discussed the proposed terms of a settlement
21 agreement with Ms. Burdorf, right?
22 A. Yes.
23 Q. Okay. And Jean Burdorf responds,
24 "Again...POS." What did you understand that to
25 mean?

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1 A. I -- okay.
2 (Reviewing document.)
3 I don't know what that means.
4 Q. You don't?
5 A. No, I don't.
6 Q. And she says, "Of course he's protecting
7 Dominick."
8 And you say, "Exactly."
9 What did you understand about Mr. Freeman
10 not wanting to agree to a major prosecution team
11 because he was protecting Dominick?
12 A. Mr. Freeman was concerned that if I had any
13 role at all in violent crime prosecution or that if
14 I got to head a unit, a division, or anything like
15 that, that it would be perceived as -- his concern,
16 Mr. Freeman's concern, was that that would be
17 perceived or was a slight on Mr. Mathews and that
18 that was his reluctance to agree to any term of the
19 contract that involved me heading a violent crime
20 unit.
21 Q. Did you discuss this with Mr. Freeman?
22 A. No.
23 Q. What is the basis for you to ascribe that
24 belief to Mr. Freeman --
25 A. That came --

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1 Q. -- that concern?
2 A. I'm sorry. That came up in conversations
3 with Dan Mabley while we were trying to hammer out
4 the terms of the agreement about the CPU.
5 Q. So you understood that the reason Freeman
6 was pushing back on the agreement and didn't want a
7 major prosecution team was to protect Dominick from
8 a perceived slight if you were to be doing violent
9 crime?
10 A. There were other reasons. That was one of
11 them.
12 Q. What other reasons did Dan Mabley -- I
13 assume you got the other reasons from Dan Mabley?
14 A. No. I just knew the other reasons.
15 Q. Oh. Okay. What -- how did you know, first
16 of all?
17 A. I knew that based on the history of remarks
18 that Mr. Freeman had made to me about my career and
19 his being worried about it, as well as his prior
20 actions in keeping me away from work that had --
21 the kind of work that I had done before or other
22 high-profile work in the office.
23 I knew that he -- it was made clear to me
24 time and time and time again that he wanted me off
25 the radar and out to pasture.

<p style="text-align: right;">Page 154</p> <p>1 Q. Okay. So Dan Mabley told you that Freeman 2 did not want a major prosecution team because he 3 did not want Dominick to feel slighted, right? 4 A. I don't know if those were his exact words, 5 but he mentioned that that was one of the 6 obstacles. 7 Q. Okay. 8 A. Yes. 9 Q. And did Dan Mabley tell you any other 10 obstacle? 11 A. To what? 12 Q. To heading a major prosecution team? 13 A. Did he tell me... Well, I mean, there were 14 other -- because we were going back and forth on 15 it, so there were all kinds of obstacles. We 16 couldn't agree on the staff. We couldn't agree on 17 the work. I mean, we -- there were all kinds of 18 obstacles. 19 Q. Okay. 20 A. For months, as I remember. 21 Q. Okay. But the obstacles that you said you 22 just knew, based on your past experience with 23 Mr. Freeman, was that he didn't want you to head a 24 unit just -- you knew that based on your 25 experience, not because of anything Dan Mabley told</p>	<p style="text-align: right;">Page 156</p> <p>1 Q. Okay. Did the CPU ultimately take staff 2 away from another division? 3 A. It didn't -- I don't know that it took 4 staff away. I'm not sure I would say it that way. 5 Q. The staff that you hired for the CPU came 6 from what division? 7 A. One came from Juvenile. One came from 8 Community Prosecution. Two came from the Adult 9 Prosecution Division. 10 Q. Okay. 11 A. I think that's everybody. 12 Q. So that staff was moved from those 13 divisions to the new unit, correct? 14 A. With their complete caseloads. 15 Q. Was the idea behind the CPU to handle the 16 same caseloads as other divisions, or was it to 17 have more resources on a smaller number of cases? 18 A. Well, it's not really an either/or that 19 way. There's no way with five attorneys plus me we 20 could have handled the work of any criminal 21 division. I mean, there just -- this division was, 22 at most, 20 percent of the next largest criminal 23 division. I mean, there was no way we could have 24 handled those workloads. 25 The idea -- we certainly didn't have more</p>
<p style="text-align: right;">Page 155</p> <p>1 you? 2 MS. MILLER-VAN OORT: Object to the 3 extent it mischaracterizes her testimony. 4 Go ahead. 5 A. Well, Dan Mabley had said things, you know, 6 long before this about Mr. Freeman not wanting me 7 to have any role in the office whatsoever. Dan 8 told me that on a number of occasions. 9 Q. Okay. And I want to focus on what Dan told 10 you in the context of the settlement negotiations. 11 A. At -- okay. At this time, that's how I 12 remember him telling me what the obstacles were. 13 Q. And what did you mean about "It gives him 14 clearance to say there's no staff for such a unit"? 15 A. By protecting Mr. Mathews, Mr. Freeman 16 could say, "We don't have anybody in Adult 17 Prosecution to give up. That that work in Adult 18 Prosecution is so important and there's so much of 19 it, that there's no way we can give up any staff to 20 support a CPU." 21 Q. And you were speculating that that was 22 something that was going to be stated as a 23 justification? 24 A. It was stated at some point during the 25 settlement negotiations.</p>	<p style="text-align: right;">Page 157</p> <p>1 resources. We had fewer attorneys, but the kind of 2 cases that the CPU was working on needed different 3 resources. And that was one of my goals in coming 4 up with something that would be not only a way to 5 settle this case or that case, the previous case, 6 but a way to really do something good and exciting 7 in an office and try to address some of the 8 manifest problems that prosecutors were having in 9 the office in a way to try and take care of some of 10 that. 11 Q. So is it fair to say part of the idea 12 behind the CPU was to have more resources than 13 could be available for a complex case in a 14 different division? 15 A. Again, it wasn't more resources. We didn't 16 have more people. We didn't have more time. They 17 were different resources. We were using a 18 different model of prosecution and a different way 19 to try to handle these complex cases that couldn't 20 be accomplished the way the other criminal 21 divisions were set up. 22 Q. Could you turn back to Exhibit 86, please. 23 And if you could turn also to February 24, 2022. 24 At the top of the page with the 25 February 24, 2022, texts between you and Patrick</p>

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1 Lofton at 2:31, you convey the same information to
2 Mr. Lofton, that "Freeman is pushing back on the
3 agreement. Wants me reassigned to Mabley on a
4 special assignment and no major prosecution team."
5 Do you see that?
6 A. I see it.
7 Q. Okay. And again you say this was "all to
8 protect Dominick."
9 Do you see that?
10 A. I do.
11 Q. And that you've taken a huge step back in
12 the negotiation I assume you're referring to?
13 A. Probably.
14 Q. You say in your next message, "I forgot to
15 mention future addition staffing if appropriate,
16 Mabley picks them all, and I'm prohibited from
17 recruitment and participation in that process."
18 What did you mean by that?
19 A. That was a term that was proposed by the
20 County and Mr. Freeman as part of the reassigning
21 me to Mabley on a special assignment.
22 Q. And you say you're "as angry now as I've
23 been at any point in this process."
24 Do you see that?
25 A. I do.

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1 Q. And why were you angry?
2 A. I was very, very angry about that because
3 if you go back to the top text on that page, you
4 see my reference to the fact that Freeman is
5 pushing back on the agreement that Dan and I made.
6 When we were finished with the mediation,
7 the instruction to me and to Dan Mabley was to come
8 up with something that would work for the CPU. Dan
9 and I did that pretty quickly. We tweaked it. We
10 sent it to our respective attorneys. We received
11 word that that would work, and then this happened.
12 And all of a sudden, the agreement that we
13 had made about the CPU that Dan and I had put
14 together that we were instructed to do and that we
15 had full agreement on was now being balked at by
16 Mr. Freeman. That's why I was angry.
17 Q. And who told you that Freeman was pushing
18 back on the agreement? Your attorney?
19 A. I think it was either my attorney or it was
20 obvious from emails that my attorney received.
21 Q. Did you have any further conversations with
22 Sheila Engelmeier after January 17th?
23 A. I never spoke to her after that.
24 Q. Okay. Did Nick May speak to her after
25 that?

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1 A. I don't know if he spoke to her.
2 Q. Okay. And at the bottom of this page,
3 Patrick Lofton says, "Damn him. He's such a
4 bastard. Maybe you should just devote the rest of
5 your energy to destroying him."
6 Do you see that?
7 A. I do.
8 Q. Is that something you wanted to do,
9 Ms. Sweasy, is destroy Mr. Freeman?
10 A. No, it is not.
11 Q. Okay. On that same page at 3:20, you
12 say -- this is February 24th. You say, "Keep me
13 marginalized and give me the civil service title.
14 That's all this is. I hate him."
15 Do you see that?
16 A. I do.
17 Q. Okay. So on February 24th, you understood
18 in the negotiations that all the County and Freeman
19 would agree to is to give you civil service
20 protection, a civil service title, but not let you
21 lead the major prosecution unit like you wanted to,
22 correct?
23 A. I think it's important that I -- what I
24 wrote is "the civil service title," not "the civil
25 service protection." And what -- well, there were

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1 a number of terms, as you know, under negotiation.
2 But at that time, we had no agreement on
3 the CPU. Mr. Freeman's insistence on a
4 reassignment to Mabley on a special assignment is
5 what I'm referring to as being marginalized. And
6 by that point, there had been agreement on the
7 principal attorney classification.
8 But there were other terms, you know,
9 unresolved also at that time.
10 Q. There is now a gap in the text messages
11 between February 24th and April 6th.
12 Do you know why that is?
13 A. Well, I do know that you've given me two
14 different sets of stacks of things that contain
15 text messages and that they're not in chronological
16 order.
17 Q. Well, if -- I have been through this and I
18 do not see text messages between February 24th and
19 April 6th. I'm wondering if you know why that
20 would be, that your attorneys did not produce text
21 messages for that period of time.
22 A. No, I don't.
23 Q. And that would have been through the
24 continuing negotiations, correct?
25 A. We're talking about -- just -- I want to

<p style="text-align: right;">Page 162</p> <p>1 make sure. April -- oh, I'm sorry. February 24th 2 to April 6th? 3 Q. Yes. 4 A. Yes, that was during the time period we 5 were still negotiating. 6 Q. And you didn't just stop texting Mr. Lofton 7 for two months there, did you? 8 A. I don't know. 9 Q. On April 6th, the first message there, you 10 say, "At the mediation when that fucking order was 11 thrown in my face, I brought up the fact that it 12 was Freeman they wanted off, not me," and it goes 13 on. 14 What fucking order was thrown in your face, 15 as you write to Mr. Lofton? 16 A. The order that was thrown in my face was 17 that in the mediation session -- it was either in 18 the pre-session with Ms. Engelmeier or the other 19 date in December. What was thrown in my face was a 20 court order from Judge Cahill on the Chauvin case, 21 excluding -- or for lack of a better term, kicking 22 off Mr. Freeman, Mr. LeFevour, me, and Patrick from 23 the case. 24 And that was being offered in support of an 25 explanation that the mediator said that the</p>	<p style="text-align: right;">Page 164</p> <p>1 when you believed you were going to get the 2 civil service title and no major 3 prosecution unit, what, if any, 4 representations were made to you regarding 5 the CPU?") 6 A. Well, I didn't believe that I was going to 7 get the civil service title and no unit. I was 8 never going to agree to that. I didn't believe 9 that that was going to happen. That's where the 10 state of the negotiations were at that time. So I 11 didn't believe that that's what was going to 12 happen. 13 Ultimately, of course, we did agree to 14 terms on the CPU. 15 Q. Your declaration discussed representations 16 that were made to -- 17 A. Is that 96? 18 Q. Please go back to 96 -- on January 17, 19 2022, about the principal attorney position. 20 Do you see that? Paragraph 11. 21 A. Yes. 22 Q. Are there any representations made to you 23 between January 17th and -- strike that. 24 Were there any representations made to you 25 about the principal attorney after January 17th?</p>
<p style="text-align: right;">Page 163</p> <p>1 treatment that I had been receiving from the 2 beginning of all this until then was, in some form, 3 a disciplinary action that I was undergoing for 4 having basically screwed up in the Chauvin case. 5 And that order was offered to Ms. Engelmeier as 6 proof of that. 7 Q. So Ms. Engelmeier was showing you this 8 order as an explanation for the alleged treatment 9 that you had been asserting against Mr. Freeman? 10 A. Well, she wasn't -- she told me -- she was 11 given that, either by Mr. Freeman or by the County 12 or who -- whichever attorney it was, because that 13 was their explanation for why they had been 14 treating me like this. 15 Q. That's what Ms. Engelmeier relayed to you? 16 A. Yes. 17 Q. Okay. After February 24th, when you 18 believed you were going to get the civil service 19 title and no major prosecution unit, what, if any, 20 representations were made to you regarding the CPU? 21 MS. MILLER-VAN OORT: Can you read that 22 back, please. 23 (The requested portion was read back by 24 the court reporter: 25 "QUESTION: Okay. After February 24th,</p>	<p style="text-align: right;">Page 165</p> <p>1 A. Yes. 2 Q. What? 3 A. Representations that were made were 4 that, A, I was going to get that job; and, B, that 5 none of my peers, I believe was the word, would 6 have that job. 7 Q. Okay. When you say none of the -- your 8 peers would have that job, are you referring to the 9 email that I wrote to Nick May? 10 A. Yes. 11 Q. Okay. And that was in January 2022? 12 A. I don't know what the date on it is. 13 Q. Are there -- is there any other 14 representation that you rely on, Ms. Sweasy, for 15 your allegation that you thought you would be the 16 only principal attorney? 17 A. The representations that were made during 18 the mediation of the -- on January 17th, and the 19 assurance that my attorney received from you 20 that -- as far as that term went, that I would get 21 that job, everything that came with it, and no one 22 else would have it, were the things that I relied 23 on. 24 And after that, there were no further 25 discussions about the principal attorney, you know,</p>

<p style="text-align: right;">Page 166</p> <p>1 classification in the settlement because that part 2 was resolved, and that was done. We didn't come 3 back and talk about it again. 4 Q. Okay. So that's -- single email is all you 5 rely on or exclusively what you are relying on for 6 your claim that you were represented that you would 7 be the only one to have that position? 8 MS. MILLER-VAN OORT: Objection. 9 Mischaracterizes the answer and testimony she's 10 just given. 11 BY MS. ELLINGSTAD: 12 Q. Correct? 13 A. No, that's not what I just said. 14 Q. Okay. What else? 15 A. I said that I was relying on the statements 16 that were made during the January 17th mediation, 17 immediately -- well, within days thereafter, during 18 that whole period of time when we were talking 19 about who got the job and who else had it and why 20 they had it, et cetera, et cetera, et cetera, and 21 also the email that confirmed that no one else was 22 going to have that title as a term of the 23 agreement. All of those things. 24 Q. Okay. So we'll look at the email. 25 In addition to the email -- and we'll see</p>	<p style="text-align: right;">Page 168</p> <p>1 concession for the County? 2 A. I have no idea. I know you said that. 3 Q. Okay. Did you communicate to Mr. Freeman 4 and Mr. Hough, who represented the County, that you 5 wanted to be the only principal attorney at the 6 County, in addition to the other -- didn't you tell 7 them that there were other principal attorneys or 8 not at the time? 9 A. I didn't tell them anything. I never spoke 10 to them. 11 Q. Okay. You conveyed through the mediator 12 that there had been other principal attorneys, 13 right? 14 A. No. That came up later. We were done with 15 the mediation sessions when I did that research to 16 find out that there were other people. 17 Q. Okay. So you're relying on a statement 18 that was made prior to you discovering that there 19 were other principal attorneys and informing the 20 County of that? 21 A. Not only. 22 Q. Okay. Did you communicate to defendants at 23 any time that you expected you would be the only 24 other principal attorney at the County? 25 A. I know at the time that I proposed it on</p>
<p style="text-align: right;">Page 167</p> <p>1 what it actually says -- what other statements were 2 you relying on for your contention that you were 3 told you would be the only person to have the 4 title? 5 MS. MILLER-VAN OORT: Objection. Asked 6 and answered, couple times now. 7 BY MS. ELLINGSTAD: 8 Q. You just mentioned statements, so I'd like 9 to have you tell me specifically. 10 A. Okay. They are the statements that 11 Mr. Hough made that "Gee, no one is in that job. 12 That would be a huge deal if we gave that to her." 13 I forgot one other thing. The statement 14 that you made to Mr. May in a later email that said 15 that the principal attorney classification for me 16 was a huge concession for the County. 17 Q. Do you remember what the full sentence 18 said? 19 A. I know there was another -- the monetary 20 term was a huge concession. Is that what -- was 21 that also said? 22 Q. I'm asking. 23 A. I think that was in it. 24 Q. Do you think the monetary concession or the 25 monetary award that you ended up with was a huge</p>	<p style="text-align: right;">Page 169</p> <p>1 January 17th, that when asked why it was important 2 to me and what message should go back to the other 3 side, was that if I wasn't going to be a manager 4 anymore in the County Attorney's Office, that I 5 needed additional protection to protect me both in 6 the current administration and in any subsequent 7 administration. 8 And also, because I wasn't going to be a 9 manager anymore, I needed something for me that was 10 different from what the other managers had. They 11 would be going forward with their management job 12 and their seat at the table and running their 13 divisions, and I wanted something -- it was 14 important to me to have something that -- since I 15 wasn't going to be one of them anymore, that set me 16 apart from them. 17 Q. Okay. 18 A. That was what I conveyed. 19 Q. So just -- I want to make sure I have this 20 very clear. The representations that you made were 21 on January 17th? Is that the only date that you 22 made representations regarding -- 23 A. To whom? 24 Q. -- your principal attorney? 25 The defendants.</p>

<p style="text-align: right;">Page 170</p> <p>1 A. No, I'm sure that's not the only time. 2 Q. Okay. But on January 17th, you said -- 3 through the mediator, I take it? 4 A. Yes. 5 Q. Okay. That you needed civil service 6 protection if you weren't going to be a manager? 7 A. If I was not going to be a manager anymore. 8 Q. Then you would need civil service 9 protection? 10 A. I needed additional civil service 11 protection to protect my job responsibilities. 12 Yes. 13 Q. Okay. 14 A. We were talking about negotiating terms 15 where I was going to leave the Management 16 Committee. 17 Q. Okay. And you also told the mediator that 18 you needed something different than the other 19 managers had -- 20 A. Yes. 21 Q. -- or something to that effect? 22 A. Something like that, yes. 23 Q. Okay. Are there any other communications 24 that you can point to where you conveyed to 25 Mr. Freeman and the County an understanding that</p>	<p style="text-align: right;">Page 172</p> <p>1 why did you not negotiate that as a term of the 2 settlement agreement? 3 A. I wasn't able to negotiate that as a term 4 of the settlement agreement. 5 Q. Why? 6 A. Because the other side wouldn't agree to 7 it. 8 Q. Did you attempt to negotiate that as a 9 term? 10 A. I primarily relied on the representation 11 that I had in writing in the email that you sent, 12 and ultimately took assurance from that and the 13 other representations, as well as the fact that I 14 knew that the other side knew that that was 15 important to me. 16 Q. How did you know that the other side knew 17 that -- and what do you mean by "that" before you 18 answer that question? 19 A. That my having -- because of everything 20 that had happened to me and what I was concerned 21 about happening in the future, I needed different 22 protection than the other managers needed. And I 23 made that abundantly clear in the -- in the 24 mediation. 25 Q. So by "that," you mean different</p>
<p style="text-align: right;">Page 171</p> <p>1 you would be the only principal attorney? 2 A. Any other communications, you said? 3 Q. You've given me two representations that 4 you told Ms. Engelmeier to communicate to 5 Mr. Freeman and the County on January 17th. Are 6 there any similar communications that you can point 7 to where you communicated anything about your 8 expectations around the principal attorney job? 9 A. My attorney may have, but none that I can 10 think of offhand. 11 Q. Okay. Did you ever communicate that it was 12 important to you that the County never classify any 13 other attorneys as principal attorney? 14 A. I didn't think I needed to. 15 Q. Ms. Sweasy, the parties did not agree in 16 the settlement agreement that the County could not 17 classify anyone else to principal attorney, 18 correct? 19 A. That's right. 20 Q. And, in fact, the court dismissed your 21 breach of contract claim on that basis, correct? 22 A. That's what I understand. 23 Q. If it was important to you that you be the 24 only principal attorney and you wanted to preclude 25 the County from reclassifying anyone in the future,</p>	<p style="text-align: right;">Page 173</p> <p>1 protection? 2 A. Yes. 3 Q. Let me go back to your -- you started to 4 say you knew the other side knew that that was 5 important to you and by "that" you mean having 6 different protection? 7 A. Right. I wasn't going to be one of them 8 anymore. Yes. 9 Q. Okay. How did you believe the other side 10 knew that you wanted to be the only person 11 classified as principal attorney going forward? 12 A. Because I assume that Ms. Engelmeier 13 conveyed everything that I said and because you 14 were asked in an email whether that's what was 15 going to happen and you said yes. 16 Q. Now, why did -- if that was important to 17 you, Ms. Sweasy, why did you not negotiate that as 18 a term of the settlement? 19 MS. MILLER-VAN OORT: Objection. Asked 20 and answered. 21 A. I've answered your question. I wasn't able 22 to do that. 23 Q. And I -- I guess I don't understand what 24 you mean by "I wasn't able to do that." 25 A. I put forward a lot of things, but -- in</p>

<p style="text-align: right;">Page 174</p> <p>1 the back-and-forth that ended up not making it into 2 the settlement agreement. 3 Also, honestly, in addition to that, I 4 didn't think I needed to. 5 Q. But you never put this forth as a potential 6 term of the settlement that was rejected, right? 7 MS. MILLER-VAN OORT: Objection. Asked 8 and answered. 9 A. I don't know if -- if it was ever offered 10 as a settlement term that was officially rejected. 11 I don't know that anymore. 12 Q. Do you have any recollection of telling 13 your attorney that you wanted that to be a term of 14 the settlement agreement, that the County couldn't 15 reclassify anyone else? 16 MS. MILLER-VAN OORT: I'm going to 17 object to the extent you're asking for 18 attorney-client communication right now. Do not 19 answer that question. 20 A. I've been instructed by my attorney not to 21 answer. 22 Q. Okay. Did you propose -- as part of the 23 things you wanted to see in the settlement 24 agreement, did you ever propose that it be 25 communicated to defendants that this be a term of</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. Who told you that it was a formidable 2 distinction? 3 A. Mr. -- I don't know if those were the exact 4 words Mr. Hough used, but that came up in the 5 discussions on January 17th. 6 Q. And Ms. Engelmeier used the words 7 "formidable distinction"? 8 A. She may have. 9 Q. And you attributed that to Mr. Hough? 10 A. I -- I don't have it in front of me. I'm 11 not sure how it appears in the complaint. 12 Q. Ms. Sweasy, why was it important to you 13 that your colleagues in the Hennepin County 14 Attorney's Office would not have the same civil 15 service protection as you have? 16 A. Well, it wasn't all of my colleagues in the 17 Hennepin County Attorney's Office. It was the 18 other managers. Is that who you mean? 19 Q. Yep. 20 A. Because they hadn't been retaliated 21 against, discriminated against, marginalized. 22 Every single one of them had their work and their 23 reputation completely intact. They were not having 24 to swim upstream all the time to try to restore 25 something that had been taken away from them. They</p>
<p style="text-align: right;">Page 175</p> <p>1 the agreement? 2 MS. MILLER-VAN OORT: Same instruction. 3 If it's going to require you to disclose 4 attorney-client communication what you discussed 5 with Mr. May, then you can't answer the question. 6 If you can -- if that's not the case, then you can 7 answer the question. 8 A. I can't answer your question. 9 Q. Okay. It's true you never tried to 10 negotiate that as a term of the agreement, correct? 11 MS. MILLER-VAN OORT: Same instruction. 12 A. That's not true. 13 Q. Oh. You did try to negotiate -- you being 14 the only principal attorney and the County not 15 being able to give that classification to anyone 16 else, you tried to negotiate that? 17 A. I can't say any more about that without 18 giving up privileged information. 19 Q. Your attorney has represented in briefing 20 to the court that defendants represented the 21 principal attorney position as a, quote, 22 "formidable distinction," end quote. 23 Is that accurate? 24 MS. MILLER-VAN OORT: Objection. Form. 25 A. Yes, that's accurate.</p>	<p style="text-align: right;">Page 177</p> <p>1 didn't need the extra things that I needed to try 2 to get out of the situation. 3 And that's why I needed something that they 4 didn't have. None of them were in a position that 5 was remotely close to what I had been experiencing 6 and living with and none of them had to try to claw 7 their way back into a good position in that office. 8 That's why. 9 MS. MILLER-VAN OORT: Would you like to 10 take a break, Ms. Sweasy? 11 THE WITNESS: No, I'm fine. 12 THE VIDEOGRAPHER: We have to change 13 the media, Susan. 14 MS. ELLINGSTAD: Oh, I forgot. 15 10 minutes. 16 THE VIDEOGRAPHER: We are going off the 17 record. The time now is 2:43. 18 (Break: 2:43 p.m. to 3:07 p.m.) 19 THE VIDEOGRAPHER: We are back on the 20 record. This is the start to Media No. 4. The 21 time is 3:07. 22 (Exhibits 98 and 99 were marked for 23 identification.) 24 BY MS. ELLINGSTAD: 25 Q. Ms. Sweasy, before the break, I was asking</p>

45 (Pages 174 - 177)

<p style="text-align: right;">Page 178</p> <p>1 you about representations made by defendants 2 regarding the principal attorney designation. Is 3 the email on the first page at the bottom the email 4 you were referring to? 5 A. First page of -- 6 Q. The -- 7 (Simultaneous crosstalk.) 8 A. Of which Exhibit? 9 Q. Exhibit 98. 10 A. Yes. 11 Q. And for the record, that is question by the 12 mediator, Sheila Engelmeier, that I was responding 13 to. And could you read the email starting with 14 "You are correct..."? 15 A. "You are correct on the net-net. She has 16 job security now in a management role, which none 17 of the other peers (like Beth Stack) have." 18 Q. Can you continue? 19 A. "All the other managers are subject to 20 demotion by the next County Attorney." 21 Q. And we talked earlier, Ms. Sweasy, before 22 this mediation, you knew that managers are subject 23 to -- or management attorneys are subject to 24 demotion by the next County Attorney, correct? 25 A. Yes.</p>	<p style="text-align: right;">Page 180</p> <p>1 BY MS. ELLINGSTAD: 2 Q. I'm only asking about this particular 3 email. The rest of the exhibit is not relevant. 4 A. Well, I don't think that sentence -- that 5 last sentence has independent meaning without going 6 with the sentence before it. 7 Q. Okay. Right. They go together. 8 A. Okay. Yes, I knew managers were subject to 9 demotion by the next County Attorney. 10 Q. Okay. And when you were a managing 11 attorney, your peers, like Beth Stack, were all 12 subject to demotion by the next County Attorney, 13 correct? 14 A. When I was a managing attorney? 15 Q. Yes. 16 A. We all were. 17 Q. Right. So you knew that? 18 A. Yes. 19 Q. Okay. Could you look at Exhibit 99. I 20 believe this is another email that you referenced 21 earlier. Could you read the first sentence of the 22 second paragraph, please? 23 A. "The Principal Attorney designation and the 24 unit and other nonmonetary terms were a huge 25 concession for the County."</p>
<p style="text-align: right;">Page 179</p> <p>1 Q. And that with the principal attorney 2 classification, you would have job security, 3 meaning civil service job security, correct? 4 A. With the principal attorney role? 5 Q. Yes. In the principal attorney role, you 6 would have civil service protection, correct? 7 A. That's not what this says, but... 8 Q. Okay. We discussed earlier that civil 9 service rules would prevent demotion, correct? 10 A. We discussed that, yes. 11 Q. Okay. And you testified that one of the 12 reasons you propose the principal attorney is to 13 have job security, correct? 14 A. Yes. 15 Q. And civil service protection, correct? 16 A. Those were two of the reasons. 17 Q. Okay. So based on your earlier testimony, 18 what is being conveyed in this email, which is that 19 man- -- other managers are subject to demotion is 20 something you already knew, correct? 21 MS. MILLER-VAN OORT: Before you 22 answer, I'd like for you to make sure you've read 23 the full exhibit to understand the context of what 24 she's asking you. 25 ///</p>	<p style="text-align: right;">Page 181</p> <p>1 Q. And this is a representation that you rely 2 on as part of your claim that the County 3 fraudulently concealed its intent to classify 4 others as principal attorneys, correct? 5 A. Yes. 6 Q. "The unit" is referring to the Complex 7 Prosecution Unit? 8 A. I assume it does. 9 Q. Okay. And the other nonmonetary terms 10 include things we've already discussed in the 11 settlement agreement, such as PTO, correct? 12 A. Yeah, and obviously I was wrong earlier 13 when I thought it said "monetary terms." It says, 14 "Nonmonetary terms," as I read it now. 15 Q. Okay. You testified earlier that the 16 Complex Prosecution Unit was something that was 17 very difficult to get the County to agree to, 18 correct? Or at least Mr. Freeman, correct? 19 A. I don't know if I said it was difficult. 20 Q. Okay. At one point in time he refused to 21 agree to that, according to your text, correct? 22 A. Yes. 23 Q. Okay. So did you understand that that was 24 a huge concession to create the Complex Prosecution 25 Unit?</p>

<p style="text-align: right;">Page 182</p> <p>1 A. You know, this is the representation that 2 you made about what was a huge concession. 3 Q. Okay. I'm asking if you -- 4 A. And it says for the County, not for 5 Mr. Freeman, so... 6 Q. Okay. I want to talk about your breach of 7 contract claim that remains after the motion to 8 dismiss, the part that remains after the motion to 9 dismiss. The order from the court -- I think we've 10 already discussed this -- dismissed the breach of 11 contract claim as to allegations of diluting and 12 interfering with the principal attorney 13 classification; is that correct? 14 A. I think so, yeah. 15 Q. And the court also dismissed the breach of 16 contract claim as it pertained to the failure to 17 pay PTO as agreed under the settlement agreement. 18 Do you agree with that? 19 A. Yes, I remember that. 20 Q. Okay. What remains under the court's order 21 is the breach of contract claim based on 22 allegations that Mike Freeman interfered with 23 Mabley's decision regarding staffing of the unit, 24 correct? 25 A. Yes.</p>	<p style="text-align: right;">Page 184</p> <p>1 that provision? Anything else? 2 A. Not that I can think of right now. 3 Q. Okay. So I have: Actively discouraging 4 people from applying to the unit himself and 5 indirectly discouraging people from applying 6 through another attorney; is that correct? 7 A. Well, he actively discouraged one person 8 from applying, both by speaking to him and to his 9 wife about it. 10 And then he also -- Mr. Mathews strongly 11 discouraged anybody in Adult Prosecution from 12 applying to the unit after he discussed it with 13 Mr. Freeman. "He" being Mr. Mathews. 14 (Exhibit 100 was marked for 15 identification.) 16 Q. Showing you what's been marked as 17 Exhibit 100, is the bottom of this exhibit -- is 18 that the announcement of your new position leading 19 the Complex Prosecutions Unit? 20 A. Yes. 21 Q. And this is the language that was agreed 22 upon in the settlement agreement, correct? 23 A. Yes. 24 Q. And this particular exhibit shows a 25 response from Dan Allard. Do you see that?</p>
<p style="text-align: right;">Page 183</p> <p>1 Q. And the term of the agreement that cases 2 will be assigned to the unit by Mabley -- 3 A. Yes. 4 Q. -- is that your understanding? Okay. 5 MS. MILLER-VAN OORT: Make sure you let 6 her finish the question, please. 7 THE WITNESS: Sorry. 8 BY MS. ELLINGSTAD: 9 Q. And what facts do you allege to support 10 your claim that Mike Freeman interfered with 11 Mabley's decisions regarding staffing? 12 A. Mr. Freeman interfered with the decisions 13 regarding staffing by actively discouraging people 14 from applying to the CPU. By doing that to them 15 directly, indirectly by himself, indirectly by 16 another manager in the County Attorney's Office. 17 Was that the only part you asked me about? 18 Q. I'm asking you about -- and just so we get 19 this on the record. The settlement agreement 20 provision that is at issue in the breach of 21 contract claim is paragraph 5 where it says, 22 "Freeman shall not interfere with Mabley's 23 decisions regarding staffing of the unit." 24 So I asked you what facts you have to 25 support that the County and/or Mr. Freeman violated</p>	<p style="text-align: right;">Page 185</p> <p>1 A. I do. 2 Q. He was congratulating you and saying it's 3 well deserved. Who is Dan Allard? 4 A. He is a -- as far as I know, still a senior 5 attorney in the Adult Prosecution of the Hennepin 6 County Attorney's Office. 7 Q. Okay. All right. Do you know how many 8 similar responses you got to the announcement? 9 A. Several. 10 Q. Would it surprise you if I told you we 11 counted almost a hundred replies that were 12 expressing excitement and interest in the CPU? 13 A. To me? 14 Q. Uh-huh. 15 A. That would surprise me. 16 Q. Do you know how many applications you 17 received? 18 A. It was in the nature of 30-some, I think. 19 Q. And how many positions were you looking to 20 fill? 21 A. One senior attorney, two line attorneys, 22 and a fellow. Four attorney spots and a paralegal 23 position. 24 Q. So you said one senior, two line attorneys, 25 and a fellow?</p>

<p style="text-align: right;">Page 186</p> <p>1 A. Yes.</p> <p>2 Q. And a paralegal.</p> <p>3 A. Right.</p> <p>4 Q. In addition to that, did you receive</p> <p>5 support from Toni Cammon and Sandy Low?</p> <p>6 A. Yes, I did.</p> <p>7 Q. Okay. And what are their positions?</p> <p>8 A. They were -- and maybe still are -- the</p> <p>9 office manager in Community Prosecution where I</p> <p>10 worked and Sandy Low was the secretarial</p> <p>11 supervisor.</p> <p>12 And one of the things that we had not</p> <p>13 negotiated in the settlement agreement was support</p> <p>14 staff for the unit. And Dan and I talked about</p> <p>15 that. And those two ladies who I had worked with</p> <p>16 in Community Prosecution were very eager to help</p> <p>17 with that.</p> <p>18 Q. So you said there was one senior attorney.</p> <p>19 Had you decided before the CPU was -- was even</p> <p>20 announced in April that you would fill that</p> <p>21 position with Patrick Lofton?</p> <p>22 A. No.</p> <p>23 (Exhibit 101 was marked for</p> <p>24 identification.)</p> <p>25 Q. Showing you what's been marked as</p>	<p style="text-align: right;">Page 188</p> <p>1 attorney.</p> <p>2 And one of the things that Dan and I had</p> <p>3 discussed was that that -- there had been a lot</p> <p>4 that had gone into that process and placing those</p> <p>5 new senior attorneys, and that it would be</p> <p>6 disruptive to the organization if those brand-new</p> <p>7 senior attorneys were moved around right away.</p> <p>8 We also discussed that the senior attorney</p> <p>9 position in the CPU was probably not an ideal place</p> <p>10 for a brand-new senior attorney to work and that</p> <p>11 people should learn the ropes of being senior</p> <p>12 attorney in -- in a larger criminal division.</p> <p>13 And I knew that Mr. Lofton was promoted</p> <p>14 outside that group of brand-new senior attorneys,</p> <p>15 and so I asked him what the date was on that</p> <p>16 because we -- Dan and I were trying to narrow that</p> <p>17 down.</p> <p>18 Q. What were you narrowing down?</p> <p>19 A. The -- what we decided the qualifications</p> <p>20 would be for the senior attorney position.</p> <p>21 Q. And what was the qualification that was</p> <p>22 pertinent to Patrick Lofton's promotion date?</p> <p>23 A. We were trying to decide how many years of</p> <p>24 experience someone needed to have.</p> <p>25 Q. Okay. So you wanted to make sure that it</p>
<p style="text-align: right;">Page 187</p> <p>1 Exhibit 101, this is a number of text messages</p> <p>2 between you and Patrick Lofton. Could you turn to</p> <p>3 Bates No. 3952, please. And just for the record,</p> <p>4 what is the date of Dan Mabley's email announcement</p> <p>5 for the Complex Prosecution Unit in Exhibit 100?</p> <p>6 A. April 25th.</p> <p>7 Q. Okay. At the top of Bates No. 3952, can</p> <p>8 you read the text that you wrote to Patrick Lofton?</p> <p>9 A. It says, "When did you get promoted?</p> <p>10 Writing my and others job description and want to</p> <p>11 narrow it as possible for senior attorney to</p> <p>12 minimize number of qualified candidates."</p> <p>13 Q. And then you have a wink -- a winking emoji</p> <p>14 following that, right?</p> <p>15 A. I do, yes.</p> <p>16 Q. Okay. What did you mean by asking</p> <p>17 Mr. Lofton when he was promoted?</p> <p>18 A. Dan and I were in the process of writing</p> <p>19 the job descriptions for it and one of the trickier</p> <p>20 things was the senior attorney classification,</p> <p>21 because what had happened between December, when I</p> <p>22 first started writing that, and by this point in</p> <p>23 April, a number of the people who -- there had been</p> <p>24 a lot of promotions to senior attorney. Lots --</p> <p>25 many line attorneys were promoted to senior</p>	<p style="text-align: right;">Page 189</p> <p>1 encompassed the years of experience that Mr. Lofton</p> <p>2 had?</p> <p>3 A. That was a good benchmark for the kind of</p> <p>4 candidate that we were looking for, yes.</p> <p>5 Q. You say, "I want to narrow -- I want it as</p> <p>6 narrow as possible for senior attorney to minimize</p> <p>7 the number of qualified candidates." And then you</p> <p>8 have a wink emoji.</p> <p>9 What did you mean by that, Ms. Sweasy?</p> <p>10 A. We were trying to not include the group of</p> <p>11 people that had been recently promoted.</p> <p>12 Q. So you were looking for ways that there</p> <p>13 would be -- strike that.</p> <p>14 What you were seeking to do would reduce</p> <p>15 the number of potential senior attorneys or people</p> <p>16 who had applied for the senior position, right?</p> <p>17 A. It would take out that group of recently</p> <p>18 promoted people.</p> <p>19 Q. Okay.</p> <p>20 A. Yeah.</p> <p>21 Q. And who did you hire for this position?</p> <p>22 A. Patrick Lofton.</p> <p>23 Q. Okay.</p> <p>24 A. Dan and I made that decision together.</p> <p>25 Q. And it looks like this text was sent on</p>

<p style="text-align: right;">Page 190</p> <p>1 April 10, 2022, if you look at the previous page. 2 A. Yes, that's what it says. 3 Q. Okay. And that's before the announcement 4 went out? 5 A. Yes. 6 Q. Ms. Sweasy, your attorneys didn't produce 7 this and some of these other texts to us. Do you 8 know why that would be? 9 A. No, I don't. 10 Q. I'm sorry. Did you say the number of -- of 11 candidates who applied were about 30 people 12 applied? 13 A. I -- roughly. 14 Q. Okay. 15 A. I know the number exists. I just don't 16 know it offhand. 17 Q. And you were pleased with the quality of 18 the candidates who applied for the CPU, correct? 19 A. I was pleased with the -- yes, the quality 20 of the candidates. 21 Q. And you believed that you hired an 22 excellent team for your unit; is that correct? 23 A. It was a great team. 24 Q. And Dan Mabley shared that view, correct? 25 A. I think he did.</p>	<p style="text-align: right;">Page 192</p> <p>1 his wife, Sarah Shah. 2 Q. And you sat through those depositions, 3 correct? 4 A. Yes. 5 Q. Raoul Shah did apply to the unit, correct? 6 A. He did. 7 Q. And you and Dan Mabley made the decision 8 not to hire him? 9 A. Right. 10 Q. I believe -- okay. So other than Raoul 11 Shah, is there anyone else who you allege that 12 Mr. Freeman directly discouraged from applying to 13 the CPU? 14 A. Not that -- not that I know of directly, 15 no. 16 Q. Okay. So just Raoul Shah? 17 A. That's the only one -- word of one that 18 reached me, yes. 19 Q. Okay. And then you said the other way that 20 there was interference with staffing was indirectly 21 by Dominick Mathews; is that correct? 22 A. That's what I said. 23 Q. And what facts do you have to allege that 24 Mr. Mathews discouraged anyone from applying 25 because Mr. Freeman told him to?</p>
<p style="text-align: right;">Page 191</p> <p>1 Q. And I think I asked you this earlier, to 2 identify any attorneys that you believe wanted to 3 apply to the CPU but didn't because of 4 Mr. Freeman's discouragement, and you couldn't 5 identify anyone that you knew of, correct? 6 A. I explained why I couldn't do that, yes. 7 Q. Because -- other than that you're not aware 8 of anyone? 9 A. No. What I said was that the -- that I 10 wouldn't have expected anyone to come to me and 11 say, "Hey, I wanted to apply for your unit, but 12 either Mr. Freeman or Mr. Mathews scared me out of 13 doing it at a meeting, and I want to make sure you 14 hear about it." 15 What I told you was that that message 16 filtered down through the ranks and that I believe 17 people, like Dan Allard, for example, were 18 discouraged from applying. And he, for example, is 19 someone who did not apply, although he had said on 20 April 25th, "This sounds interesting and exciting." 21 So that's where I draw those conclusions. 22 Q. And you mentioned a minute ago that you 23 knew of a couple people who were discouraged 24 directly by Mr. Freeman. Who is that? 25 A. Raoul Shah, and Mr. Freeman also spoke to</p>	<p style="text-align: right;">Page 193</p> <p>1 A. I know that on April 25th, the day that 2 this email that you asked me about in Exhibit 100 3 came out, that Mr. Freeman met with Mr. Mathews and 4 told him that there was going to be an announcement 5 coming out about my -- about me and that my new job 6 that he was going to hear about was not real and 7 that they were just looking for a place to put me 8 until the end of the year. 9 I know also that Mr. Mathews held at least 10 one but maybe more than one meeting with the senior 11 attorneys in Adult Prosecution and warned them that 12 they should not -- they should tell their people -- 13 I believe was the words meaning the attorneys who 14 work on their teams -- not to apply for my team. 15 And also that the attorneys should choose 16 sides, whether they wanted to side with Mr. Freeman 17 or with me and to basically treat us like a 18 divorced couple. And that there would be 19 consequences to anyone from Mr. Freeman who applied 20 for -- or took a position on the CPU. 21 Q. All right. You were not privy to any 22 meeting that Dominick Mathews had with Mr. Freeman, 23 correct? 24 A. I wasn't there, no. 25 Q. Okay. So how do you know what Mr. Freeman</p>

<p style="text-align: right;">Page 194</p> <p>1 told Mr. Mathews about your unit? 2 A. Two ways. The first is that either the 3 20- -- this was the 25th, the day of the 4 announcement. It was -- I think it was the next 5 day, Tuesday, or maybe Wednesday I took the senior 6 attorneys in Community Prosecution and Ms. Cammon 7 out for dinner. 8 And when Mike Radmer arrived, before he 9 even sat down, he said, "You're not going to like 10 this, but I have something to tell you. Dominick 11 is telling everybody that your new job is not real 12 and that Freeman told him" -- Freeman told 13 Mathews -- that my job was not real and that they 14 were just looking for -- they were just looking for 15 a place to put me until the end of the year. And 16 also he told Mr. Mathews, "Don't worry. Other 17 principal attorneys are coming." That's -- that's 18 one way that I know. 19 The other way I know is that I spoke to Dan 20 Mabley about it and asked him if that was true. He 21 told me that it was and that he and Lolita and Beth 22 Stack had met with Mr. Mathews to correct what Dan 23 called misinformation about me and my job and my 24 role. 25 Q. Okay. So just so I'm clear: Mike Radmer</p>	<p style="text-align: right;">Page 196</p> <p>1 Q. Okay. So the fact that Mr. Freeman wanted 2 to talk to somebody before a new unit was announced 3 to the office doesn't in and of itself create 4 interference or discouragement, does it? 5 A. The fact that this meeting took place, yes, 6 absolutely discouraged -- or interfered and 7 discouraged. 8 Q. Which meeting? 9 A. The meeting that he had where he told 10 Dominick Mathews that my job wasn't real and they 11 were looking for a place to put me until the end of 12 the year and that other principal attorneys were 13 coming. That absolutely did, yes. 14 Q. But that meeting you only know about 15 because you heard of that from Mike Radmer? 16 A. And Dan Mabley. 17 Q. But you're saying that Dan Mabley told you 18 Mike Freeman wanted to meet with Dominick before 19 the announcement? 20 A. And that Dan Mabley told me, when I asked 21 him about it, that, yes, Dom- -- Mr. Freeman told 22 Dominick Mathews those things which required Dan 23 Mabley and Lolita and Beth Stack to sit down with 24 Dominick to, you know -- whatever I said -- correct 25 the misinformation.</p>
<p style="text-align: right;">Page 195</p> <p>1 told you that Dominick told him what Freeman had 2 said? 3 A. No. Mike Radmer told me that Dominick was 4 telling "everybody." I don't know if he told 5 Mr. Radmer directly or not. 6 Q. Okay. So we don't each know if Mr. Radmer 7 heard this directly from Dominick? 8 A. That's -- yeah, he said, "Everybody." I 9 don't know. 10 Q. Okay. So Mr. Radmer could have heard from 11 somebody else what Dominick was apparently saying 12 Mike Freeman told him? 13 A. He certainly could have. He said everybody 14 was talking about it. 15 Q. Did Dan Mabley say he was in the meeting 16 with Mike Freeman and Dominick Mathews? 17 A. No. But he told me that on April 25th, 18 that Mr. Freeman was exerting pressure on 19 Mr. Mabley to wait until the end of the day to send 20 out the announcement about the CPU. 21 It had been Dan's plan to send it out first 22 thing in the morning. And Mr. Freeman at least 23 once, but I think he said more than once, told him 24 to hold off on it because there were people that 25 Mr. Freeman wanted to talk to first.</p>	<p style="text-align: right;">Page 197</p> <p>1 Q. And the email from Dan Mabley came out at 2 1:06 p.m. on the 25th. Is there anything nefarious 3 about that? 4 A. Other than that Dan told me that he wanted 5 to send it out at 9 o'clock in the morning but that 6 Mr. Freeman kept telling him not to. 7 (Exhibit 102 was marked for 8 identification.) 9 Q. Ms. Sweasy, Exhibit 102 is an email 10 exchange between you and Dan Mabley on June 6th, 11 correct? 12 A. Yes. 13 Q. And who are Angela and Meg? 14 A. Angela is Angela Erichson; she's a 15 paralegal. And Meg is Meg Hennessy, an attorney. 16 Q. And you offered them positions with the 17 CPU? 18 A. I did. 19 Q. And you were confirming with Subia and 20 Patrick, also offered positions with the CPU? 21 A. Yes. 22 Q. And you indicate to Dan that it was a great 23 experience, correct? 24 A. Yes. 25 Q. Dan replies to you that he agreed. And</p>

50 (Pages 194 - 197)

<p style="text-align: right;">Page 198</p> <p>1 then he says that "Jake also said yes and was very 2 excited." 3 Was Jake hired also? 4 A. Yes. 5 Q. And then Dan says, "He had no reservations 6 or doubts based on his conversation with Dominick." 7 Do you see that? 8 A. I do. 9 Q. And I believe you testified earlier that 10 Jake -- and this is Jake Fischmann we're talking 11 about? 12 A. Yes. 13 Q. That Jake Fischmann was threatened about 14 applying to the CPU, correct? 15 A. He was. 16 Q. How was he threatened? 17 A. Dominick -- well, Dominick told Rachel 18 Kraker to tell Jake that he wouldn't be promoted if 19 he joined the CPU. 20 MS. ELLINGSTAD: I'm sorry. Can you 21 read that answer back. 22 (The requested portion was read back by 23 the court reporter: 24 "ANSWER: Well, Dominick told Rachel Kraker 25 to tell Jake that he wouldn't be promoted</p>	<p style="text-align: right;">Page 200</p> <p>1 A. Because that meeting with the Adult 2 Prosecution seniors took place sometime after April 3 25th, which was when Mr. Freeman was telling 4 Mr. Mathews that my job wasn't real and that they 5 were looking for a place to put me until the end of 6 the year. 7 So it makes sense, if Mr. Mathews was being 8 told that the job wasn't real, that -- that 9 Mr. Freeman also didn't want people to apply for 10 it. 11 The other evidence I have is that 12 Mr. Freeman was actively discouraging people from 13 applying and saying that, in Mr. Shah's case, it 14 wouldn't be good for his career, which is exactly 15 the same thing Mr. Mathews, through Rachel Kraker 16 or otherwise, told Mr. Fischmann. 17 Q. Okay. So your evidence is that it makes 18 sense that Dominick -- that that would have come 19 from Mike Freeman to Dominick because it was after 20 April 25th, when they had a meeting? 21 A. That's -- that's part of it, yes -- 22 Q. Okay. 23 A. -- yes. 24 Q. It's possible that Dominick Mathews came to 25 the conclusion on his own, correct?</p>
<p style="text-align: right;">Page 199</p> <p>1 if he joined the CPU.") 2 BY MS. ELLINGSTAD: 3 Q. Is this the AP -- or ADP [sic] meeting that 4 you referred to a minute ago? 5 A. No. I think those were separate 6 conversations, and I think that Mr. Mathews spoke 7 to Mr. Fischmann directly also. 8 Q. Okay. Regardless of what had transpired 9 earlier, he indicated to Dan Mabley that -- Jake, 10 I'm referring to -- that he had no reservations 11 about applying, correct? 12 A. That's what Dan said. 13 Q. Okay. Now, with respect to the meeting of 14 the Adult Prosecution U- -- or Division that you 15 referred to, you weren't present at that meeting 16 either -- 17 A. No. 18 Q. -- were you? Okay. 19 And do you have any knowledge that the 20 opinions Dominick Mathews were expressing at that 21 meeting were not merely his own opinions as opposed 22 to communicating a directive from Mike Freeman? 23 A. I believe they were a directive from Mike 24 Freeman. 25 Q. Why?</p>	<p style="text-align: right;">Page 201</p> <p>1 A. I suppose it's possible. 2 Q. Okay. And I think you just used plural a 3 minute ago, but I asked you who Mike Freeman 4 directly discouraged, and there's one person, Raoul 5 Shah, right? 6 A. That I know of, yes. 7 Q. Okay. And Mr. Shah testified that Mike 8 Freeman told him he did not think it was a good 9 choice for his career that had -- and he said 10 nothing to do with you; he didn't even bring your 11 name up or say anything disparaging about you. Do 12 you remember that? 13 A. No, I don't remember exactly what Mr. Shah 14 said. 15 Q. Okay. Who made the decision not to hire 16 Raoul Shah? 17 A. Dan Mabley and I made that decision 18 together. 19 Q. And who received the fellow position? 20 A. Meg Hennessy. 21 Q. And did Rachel Kraker apply? 22 A. She did. 23 Q. And who made the decision not to hire her? 24 A. Rachel actually didn't meet the 25 qualifications for the position. She was one of</p>

<p style="text-align: right;">Page 202</p> <p>1 the people who had been very, very recently 2 promoted to senior attorney, which was something we 3 discussed during her interview. 4 Q. You testified that you were not at the APD 5 meeting where Dominick made these statements, 6 correct? 7 A. I think it might have been more than one 8 meeting. 9 Q. Okay. 10 A. But however many there were, I were not -- 11 I was not at them. 12 Q. Did you ever speak to Dominick Mathews 13 directly about his statements to others about the 14 CPU? 15 A. No. 16 Q. Why not? 17 A. Mr. Mathews and I didn't really speak to 18 each other. 19 Q. Okay. You didn't like him, right? 20 A. No, that's not it. We didn't speak to each 21 other. 22 Q. Why not? 23 A. By this point, the roadblocks that had been 24 put up and me, in particular, being pushed further 25 and further out, as well as just a number of other</p>	<p style="text-align: right;">Page 204</p> <p>1 testified -- 2 A. Well, this is a good example, the email 3 that you gave me from Dan Allard. And it reminds 4 me of a second one that would fall into that 5 category. On April 25th, got an email from Thad 6 Tudor, who was another senior attorney in Adult 7 Prosecution, who expressed enthusiasm somehow -- I 8 forget -- on that day and then also didn't apply. 9 So those are two people who -- whose 10 applications I would have expected but did not see. 11 Q. So other than the belief you have that 12 people felt discouraged, you're not aware of a 13 specific decision that Dan Mabley made or -- you 14 know, one way or another on hiring or not hiring 15 someone that Mike Freeman interfered with or became 16 involved with? 17 MS. MILLER-VAN OORT: Objection. Asked 18 and answered. 19 A. And I don't understand the question when 20 you said "one way or another." 21 Q. I mean either to hire or not to hire. 22 MS. MILLER-VAN OORT: Objection. Asked 23 and answered. 24 Go ahead. 25 A. You'd have to start -- you have to do the</p>
<p style="text-align: right;">Page 203</p> <p>1 things, we didn't really have a working 2 relationship other than by email sometimes. 3 Q. You resented him for having the position 4 that you had wanted with Adult Prosecution -- 5 A. No. 6 Q. -- correct? No? 7 So tell me, Ms. Sweasy, what hiring 8 decision pertaining to staffing of the CPU did 9 Michael Freeman interfere with. 10 A. I guess it would be the decision that 11 anybody who wanted to apply for the CPU could and 12 should do that, that we were welcome to everybody. 13 Q. Okay. But the agreement talks about 14 Mabley's decisions regarding staffing of the unit. 15 Are you aware of any decisions that Dan Mabley made 16 to hire or not hire anyone to the unit that Freeman 17 interfered with? 18 A. Again, stay with my answer. The decision 19 that Dan made was that anybody who met the 20 qualifications could and should apply and we would 21 interview absolutely anybody who wanted to. 22 Mr. Freeman interfered with that process once it 23 was set up, which resulted in people not applying. 24 That's what I believe. 25 Q. But you're not aware of anyone, as we've</p>	<p style="text-align: right;">Page 205</p> <p>1 question again. 2 (Exhibit 103 was marked for 3 identification.) 4 Q. Can you explain what Exhibit 103 is, 5 Ms. Sweasy? 6 A. It's two emails: one from Dan to me on 7 May 23rd and then me responding to it. 8 Q. Okay. So Dan emails -- do you know who the 9 "Hi, Heather," who Heather is referring to? 10 A. Yes. 11 Q. And who is that? 12 A. That's Heather Hermann, who was Dan's 13 administrative assistant. 14 Q. Okay. So he emails -- I don't see her 15 copied on here, but he addresses it to you and to 16 her and says, "Set up the below-listed persons 17 (except Thad) for 20-minute interviews." 18 Do you see that? 19 A. I do. 20 Q. And Thad Tudor is on this list, and then it 21 says, "If you think he can even do it given the 22 remote status - up to you." 23 What is that referring to? 24 A. That -- Dan must have cut and pasted this 25 list because that's something that I wrote.</p>

<p style="text-align: right;">Page 206</p> <p>1 Q. So was Thad Tudor interested in the 2 position? 3 A. Thad Tudor did not apply for the position 4 through the formal process. The email, which I 5 don't have in front of me, which I referred to 6 earlier, was him expressing some interest. I 7 didn't know if Dan considered that a -- you know, 8 an application or not. 9 And then also -- well, that's it. 10 Q. Okay. So Thad Tudor expressed interest in 11 applying? 12 A. No. He expressed interest in the unit that 13 same day, like Dan Allard did. I don't know if it 14 was the same day. 15 Q. Okay. He expressed interest in working in 16 the unit? 17 A. Do you have -- I don't know what it says 18 exactly, but... 19 Q. It says -- there's an email from Thad 20 Tudor. "I'd be interested in working in that 21 unit," I'll just represent. 22 Does that sound like what you recollect 23 about Thad Tudor? 24 A. Without looking at it and committing that 25 that's actually it, that sounds right.</p>	<p style="text-align: right;">Page 208</p> <p>1 interest that Dan had asked for, we considered that 2 a -- came to the conclusion that that was a 3 nonapplication. 4 Q. Okay. So if I have this straight, Thad 5 Tudor wrote an email that said he was interested in 6 working in the unit, but he did not write a letter 7 of interest. Is that the same thing as an 8 application? 9 A. I don't -- there might have been more to 10 the application -- 11 Q. Okay. He didn't -- 12 A. -- but he didn't -- 13 Q. -- complete the official application? 14 A. He didn't apply. 15 Q. Okay. But he expressed interest? 16 A. In that email that I don't have in front of 17 me that you keep referencing. 18 Q. Okay. And Dan responds not -- "Let's not 19 interview Thad." And you believe that is because 20 he didn't complete the formal application process? 21 A. I know it is, yeah. 22 Q. Okay. And is there any facts that you have 23 to support what you testified to a minute ago, that 24 he would be an example of someone who didn't apply 25 because of Mike Freeman?</p>
<p style="text-align: right;">Page 207</p> <p>1 Q. Okay. Was Thad Tudor a hundred percent 2 remote? 3 A. Pretty much. 4 Q. Okay. I think I saw somewhere that the CPU 5 is an in-person unit, correct? 6 A. Yes. 7 Q. Okay. So was this your question to Dan 8 Mabley about " if you think he can do it given the 9 remote status"? 10 A. Yes. 11 Q. Okay. And what was Dan's answer for that? 12 A. "Also, let's not interview Thad." 13 Q. Okay. So was Dan Mabley -- did you have 14 discussions about him saying it couldn't be a 15 remote position? 16 A. No, we had discussions about whether 17 Thad's -- that email that you spoke about was an 18 actual application for the CPU. 19 Q. Okay. And Dan Mabley, what did he say 20 about that? 21 A. It's not in this inter- -- it's not in this 22 email. 23 Q. Right. You said you had discussions. Do 24 you recall what was discussed? 25 A. Yes. Since he did not write the letter of</p>	<p style="text-align: right;">Page 209</p> <p>1 A. I know that he was in on those 2 conversations that took place with the Adult 3 Prosecution seniors. 4 Q. Okay. And just so we're clear, Mike 5 Freeman was not in those conversations, correct? 6 A. Right. 7 Q. This was Dominick Mathews? 8 A. Yes. 9 Q. And your assumption is that Dominick 10 Mathews was conveying a directive from Mike 11 Freeman? 12 A. Yes. 13 Q. And that is the support you have, other 14 than Raoul Shah, for your allegation that Mike 15 Freeman interfered with Mabley's decisions 16 regarding staffing? 17 A. And I -- now that I think about it, one of 18 the things that I know Mr. Mathews said was, "Mike 19 isn't going to be happy with anybody who applies." 20 He was very specific about that. That it was 21 Mr. Freeman who wasn't going to be happy. 22 Q. Right. But you don't know if Dominick 23 Mathews was saying that as his opinion, having 24 known Mike, or whether that was something he was 25 instructed or directed to pass on from Mike</p>

<p style="text-align: right;">Page 210</p> <p>1 Freeman; you don't know, do you?</p> <p>2 A. I only have a very strong belief about what</p> <p>3 it was.</p> <p>4 Q. And you testified a minute ago that there</p> <p>5 was discussion about people not being promoted if</p> <p>6 they go to that unit; is that right?</p> <p>7 A. Jake Fischmann.</p> <p>8 Q. Okay. Jake Fischmann was promoted</p> <p>9 eventually in 2022; is that correct?</p> <p>10 A. In the very last days of December.</p> <p>11 Q. Okay. So he was promoted to a senior</p> <p>12 attorney?</p> <p>13 A. Yes, he was. Well, acting senior attorney.</p> <p>14 Q. Okay. Are there other reasons that people</p> <p>15 might have had for not wanting to apply to the</p> <p>16 Complex Prosecution Unit other than Mike Freeman's</p> <p>17 discouragement?</p> <p>18 A. I don't know what other people thought.</p> <p>19 Q. Okay. No one expressed any -- any opinions</p> <p>20 to you or concerns to you that were unrelated to</p> <p>21 Mike Freeman?</p> <p>22 A. Not that I can remember for anybody. The</p> <p>23 only conversation I remember was with Kacy Wothe</p> <p>24 who had only very, very recently been promoted to</p> <p>25 senior attorney and we talked about that.</p>	<p style="text-align: right;">Page 212</p> <p>1 could say or not say, correct?</p> <p>2 A. Can't have imagined, no.</p> <p>3 Q. Let's turn back to Exhibit 97. If you</p> <p>4 could go to April 21st of 2020.</p> <p>5 MR. PROCZKO: I'm sorry. What date?</p> <p>6 MS. ELLINGSTAD: April 21st.</p> <p>7 MR. PROCZKO: Of 2020?</p> <p>8 MS. ELLINGSTAD: Yep.</p> <p>9 BY MS. ELLINGSTAD:</p> <p>10 Q. Have you found it?</p> <p>11 A. I have.</p> <p>12 Q. It's after the gap in texts between</p> <p>13 February and April.</p> <p>14 At 10:26 a.m., you say to Jean Burdorf,</p> <p>15 "Dominick makes me insane. Sick of the voice of</p> <p>16 the people bullshit."</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. What was that referring to?</p> <p>20 A. I don't know.</p> <p>21 Q. Ms. Sweasy, when you testified a few</p> <p>22 minutes ago that Dominick said Mike wouldn't be</p> <p>23 happy with people applying, this was several months</p> <p>24 before Mike Freeman was no longer going to be</p> <p>25 County Attorney, correct?</p>
<p style="text-align: right;">Page 211</p> <p>1 Q. And she would not have been eligible under</p> <p>2 the criteria that you drafted, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Is it possible that Dominick Mathews could</p> <p>5 have thought it wasn't a good idea to apply to the</p> <p>6 CPU regardless of what Mike Freeman thought about</p> <p>7 it?</p> <p>8 A. I don't have any idea what he thought.</p> <p>9 Q. The settlement agreement does not obligate</p> <p>10 Dominick Mathews to do anything, correct?</p> <p>11 A. Well, insofar as he is a manager in the</p> <p>12 Hennepin County Attorney's Office, you know, he</p> <p>13 acts on behalf of the County.</p> <p>14 Q. Right. Does the settlement agreement</p> <p>15 obligate Dominick Mathews to do or not do anything?</p> <p>16 A. It doesn't name him, no.</p> <p>17 Q. Okay. Is it possible that Dominick Mathews</p> <p>18 was not happy to have people being hired out of his</p> <p>19 division?</p> <p>20 A. Well, nobody had been hired out of his</p> <p>21 division at the time he made the remarks.</p> <p>22 Q. But that was going to happen, correct?</p> <p>23 A. Not necessarily.</p> <p>24 Q. There was no script that was agreed upon in</p> <p>25 the agreement regarding what the managing attorneys</p>	<p style="text-align: right;">Page 213</p> <p>1 A. I think so.</p> <p>2 Q. Right? 2022?</p> <p>3 A. Yeah, I don't know how many months before</p> <p>4 exactly, but...</p> <p>5 Q. Okay. But you knew he would be gone by the</p> <p>6 end of the year, correct?</p> <p>7 A. Yes.</p> <p>8 Q. So what ongoing concern would people have</p> <p>9 if Mike Freeman was unhappy?</p> <p>10 A. Well, Mike Freeman ran the office. And so</p> <p>11 it's pretty common for people to believe that if</p> <p>12 the person at the head of the organization is not</p> <p>13 happy with them, that something bad will happen to</p> <p>14 them. And I was living proof of that for anybody</p> <p>15 who was paying attention.</p> <p>16 So when somebody in that institution or</p> <p>17 anyplace I've ever worked, anybody says, "The boss</p> <p>18 is going to be unhappy with you if you do X, Y, or</p> <p>19 Z," that tends to be pretty compelling stuff and</p> <p>20 people tend to take notice of a remark like that.</p> <p>21 Q. Could you go to October 19, 2020.</p> <p>22 MS. MILLER-VAN OORT: Two pages with</p> <p>23 that. Which one are you referring to?</p> <p>24 MS. ELLINGSTAD: The first one.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 214</p> <p>1 BY MS. ELLINGSTAD: 2 Q. Did anyone come to you, Ms. Sweasy, and say 3 that they had taken notice of Mike Freeman -- you 4 know, that Mike Freeman would be unhappy? I think 5 you said people take notice if the boss is going to 6 be unhappy. Did anyone communicate that to you? 7 A. Not to me, no. 8 Q. Okay. Looking at the first text from 9 October 19, 2020, you say, "I'll be setting up 10 Dominick every week like this. Gives me a reason 11 to live." 12 Do you know what you're talking about 13 there? 14 A. No. 15 Q. And prior to that, you are talking about 16 Dominick and "25 minutes and not a peep from 17 Dominick" is the one preceding that. 18 A. By a week. 19 Q. So you don't know what you meant by 20 "setting Dominick up"? 21 A. I don't, no. 22 Q. On the next page at 10:22 a.m., you say, 23 "Cannot stand any of these people except you." 24 Do you know what you meant there or who you 25 were referring to?</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. Would you have ever agreed to report to 2 Dominick Mathews as the head of the APD? 3 A. I don't know. That was never presented to 4 me. 5 Q. Okay. In late 2022, is that something you 6 would have agreed to, report in the new -- the new 7 administration, is that something you would have 8 agreed to is reporting to Dominick Mathews? 9 MS. MILLER-VAN OORT: Objection. Asked 10 and answered. 11 A. I don't know. 12 Q. You testified a minute ago that people take 13 notice when the boss is unhappy, but given that 14 Mike Freeman was leaving office, what future career 15 consequences could he have impacted after he had -- 16 was no longer County Attorney? 17 A. Well, you asked me what -- you mean at the 18 time when he was telling everybody not to apply for 19 the CPU? Is that what you're talking about? 20 Q. Okay. Let's -- for the record, you've 21 testified that Mike Freeman had one conversation 22 with Raoul Shah and told him, as Raoul Shah 23 testified, that he did not think it was a good 24 career move, correct? 25 A. I guess I don't understand your last</p>
<p style="text-align: right;">Page 215</p> <p>1 A. I don't. 2 Q. In the middle of the page on 10/28, you 3 say, "For several reasons, I'm declaring Andy the 4 least innovative man on the planet." 5 Who are you referring to? 6 A. Probably Andy LeFevour. 7 Q. And you say, "Literally updating my resumé 8 while this is going on." 9 What do you mean by that? 10 A. It says that I was updating my resumé while 11 this was going on. 12 Q. Do you know what was going on? 13 A. I don't. 14 Q. Did you start looking for a job? 15 A. Not at that time. 16 Q. Did you have any conversations with Mary 17 Moriarty about Dominick? 18 A. No. 19 Q. It was no secret in the office that you did 20 not care for Dominick Mathews, correct? 21 A. I can't possibly speak for what others 22 thought like that. 23 Q. Did you behave in a way that gave that 24 impression? 25 A. I don't think so.</p>	<p style="text-align: right;">Page 217</p> <p>1 question. 2 Q. Okay. I'm clarifying because you just said 3 he was telling everyone not to apply to the CPU. 4 You have not testified as to anyone else except 5 Raoul Shah, correct? 6 A. And -- 7 MS. MILLER-VAN OORT: Objection to the 8 extent it mischaracterizes her testimony. 9 Go ahead. 10 A. And his wife, Raoul Shah's wife, and 11 Mr. Mathews. That's what I know about. 12 Q. You -- and, again, you know about 13 Mr. Mathews based on something Mike Radmer said 14 Dominick may have said to other people? 15 MS. MILLER-VAN OORT: Objection to the 16 extent it mischaracterizes her prior testimony. 17 Go ahead. 18 A. What Mike Radmer told me and what Dan 19 Mabley told me. 20 Q. So my question is: As he was an outgoing 21 County Attorney, what future career consequences 22 could Mr. Freeman have impacted? 23 MS. MILLER-VAN OORT: Objection. Asked 24 and answered. 25 Go ahead.</p>

<p style="text-align: right;">Page 218</p> <p>1 A. For who?</p> <p>2 Q. These people who you claim would take 3 notice if the boss was unhappy.</p> <p>4 A. He could have done to them what he did to 5 me. An endless list of negative career 6 consequences and adverse employment consequences 7 that could obviously affect future employment.</p> <p>8 Q. Okay. So for the next six months or so 9 that he was in office?</p> <p>10 A. Every day he was in office he had the 11 ability to inflict negative employment consequences 12 on people like he did to me.</p> <p>13 Q. Let's look at paragraph 3 of the Settlement 14 Agreement which is Exhibit 94.</p> <p>15 A. I'm sorry. What paragraph?</p> <p>16 Q. 3. The second piece of the breach of 17 contract claim that remains after the court's order 18 is whether the County or Mr. Freeman interfered in 19 case assignments, and this is -- refers in the 20 order to paragraph 3, where it says, the last 21 sentence, "All matters will be assigned to this 22 unit by Mabley and under Mabley's direction." 23 Do you see that?</p> <p>24 A. I do.</p> <p>25 Q. Okay. What facts do you have to support</p>	<p style="text-align: right;">Page 220</p> <p>1 Q. Okay. Now, just to make clear, the term of 2 paragraph 5 regarding staffing obligates Freeman 3 not to interfere with Mabley's decisions, correct?</p> <p>4 A. Freeman -- yes, that's what it says.</p> <p>5 Q. Okay. Now, there's no obligation in 6 paragraph 3 that -- or no mention of interference 7 in paragraph 3, correct?</p> <p>8 MS. MILLER-VAN OORT: Objection to the 9 extent it calls for a legal conclusion.</p> <p>10 Go ahead.</p> <p>11 A. No, it just says that everything is 12 supposed to be assigned by Mabley.</p> <p>13 Q. "All matters will be assigned to this unit 14 by Mabley," correct?</p> <p>15 A. That's what it says.</p> <p>16 Q. That does not say that Mike Freeman can 17 have no involvement in cases in his office, 18 correct?</p> <p>19 A. It doesn't say that.</p> <p>20 Q. It does not say that Mike Freeman cannot 21 review any cases to be assigned to the unit, 22 correct?</p> <p>23 A. Doesn't say that.</p> <p>24 Q. And we've already established that this 25 agreement says nothing about Dominick Mathews and</p>
<p style="text-align: right;">Page 219</p> <p>1 your claim that the County violated this part of 2 paragraph number 3?</p> <p>3 A. The facts I have that support the County's 4 violation and Mr. Freeman's violation of it are 5 that from the beginning, Mr. Freeman was involved 6 in and directing a list of cases that was supposed 7 to be considered for the CPU. I didn't find that 8 out until much later, but he and Mr. Mathews -- 9 well, Mr. Mathews told the Adult Prosecution 10 seniors to make lists of cases that could go to the 11 CPU.</p> <p>12 My understanding is that some of the APD 13 seniors provided lists and others did not. That 14 list then was first gone over by Mr. Mathews and 15 Mr. Freeman before Dan Mabley ever saw it and it 16 was edited and cases did not appear on that list by 17 the time Dan and I saw the list.</p> <p>18 I know that Mr. Mathews, in particular, was 19 active in, when we would get a case assignment, 20 jumping in and objecting over and over again when 21 we would get particular cases. And also, the next 22 one I can think of offhand is Mr. Freeman's 23 interference and direction that no Operation 24 Endeavor cases be assigned to the CPU.</p> <p>25 Those are the ones I can think of offhand.</p>	<p style="text-align: right;">Page 221</p> <p>1 he is not bound by any term of this agreement, 2 correct?</p> <p>3 A. I don't agree with that.</p> <p>4 Q. Okay. What term binds Dominick Mathews?</p> <p>5 A. He is a manager in the Hennepin County 6 Attorney's Office, so in that -- in that capacity, 7 he acts on behalf of Hennepin County.</p> <p>8 Q. Okay. And what term of this agreement 9 relates to Mr. Mathews in terms of case 10 assignments?</p> <p>11 A. Well, the part about it all being assigned 12 by Mabley and under Mabley's direction is what I'm 13 referring to because what was happening was 14 decisions were being made about case assignments to 15 this unit before they even got to Dan. So they 16 couldn't be under his direction.</p> <p>17 Q. So it is your position that if any decision 18 was made about a case before Dan Mabley had an 19 opportunity to review it, that is a violation of 20 this provision?</p> <p>21 A. If it was a case that was appropriate for 22 referral to the CPU or had already been reviewed -- 23 or referred to the CPU, as were the Operation 24 Endeavor cases, yes.</p> <p>25 Q. Dan Mabley testified that this provision</p>

<p style="text-align: right;">Page 222</p> <p>1 was not violated by the County and he is the one 2 who is going to assign cases to the unit. You 3 heard that, right? 4 A. I'm not sure that's what I heard, but -- 5 Q. Okay. He was asked as to every term in 6 this agreement whether it was violated and he 7 stated that it was not, in particular with the 8 cases. 9 MS. MILLER-VAN OORT: Objection. Asked 10 and answered. 11 A. I don't have an independent memory of that. 12 Q. Okay. 13 A. If that's what you're asking me. 14 Q. Did anyone else besides Dan Mabley assign 15 cases to the CPU? 16 A. I don't think so. 17 Q. Dominick Mathews didn't assign cases to the 18 CPU, did he? 19 A. I think we could argue about that. He sent 20 a list seeming to direct that they were supposed to 21 go to the CPU. There was some controversy about 22 that. 23 Q. Okay. But the cases that were assigned to 24 the CPU were assigned by Judge Mabley, correct? 25 MS. MILLER-VAN OORT: Objection. Asked</p>	<p style="text-align: right;">Page 224</p> <p>1 objection to case assignments violates your 2 agreement? 3 A. Because those decisions were supposed to be 4 made by Dan Mabley. So to the extent that cases 5 were redlined by Mr. Mathews and Mr. Freeman before 6 they even got to Dan, so that they could be 7 reviewed, yes, that violates this portion of the 8 agreement. 9 (Exhibit 104 was marked for 10 identification.) 11 Q. Showing you what's been marked as 12 Exhibit 104. If you look at the email on the 13 second page at the top by Dominick Mathews. 14 MS. MILLER-VAN OORT: Ask you to read 15 the entire exhibit before she -- before you answer 16 any questions, please. 17 A. (Reviewing document.) 18 Okay. I've read it. 19 Q. In this email, the second one that 20 continues on to the top of the second page, 21 Dominick Mathews is asking what criteria were used 22 to determine that a particular case would be 23 assigned to the CPU and he says that "The defendant 24 had two cases pending in APD." 25 Is it a reasonable objection for Dominick</p>
<p style="text-align: right;">Page 223</p> <p>1 and answered. 2 A. Yeah, I've answered that. 3 Q. I can ask you again. 4 A. I -- you know, that's a caveat, though, to 5 that, about that list and those other -- like I 6 said, there was some dispute about that. 7 Q. I just want to make sure the record is 8 clear. 9 All of the cases that were assigned to the 10 CPU were assigned by Judge Mabley? 11 A. I think so -- 12 MS. MILLER-VAN OORT: Objection. Asked 13 and answered. 14 Go ahead. 15 THE WITNESS: Sorry. 16 A. I think so. 17 Q. And the cases that were assigned to the CPU 18 were under Mabley's direction, correct? 19 MS. MILLER-VAN OORT: Same objection. 20 A. Yes. The cases we handled -- yes. 21 Q. Whether Dominick Mathews objected to case 22 assignments does not violate this agreement, 23 correct? 24 A. I don't agree with you about that. 25 Q. Okay. Tell me why Dominick Mathews'</p>	<p style="text-align: right;">Page 225</p> <p>1 Mathews to make -- or not objection, question, for 2 Dominick Mathews to make when cases are being taken 3 from the APD that already exist in the APD? 4 A. This case wasn't taken from the -- from 5 APD. It was assigned to an attorney in the CPU. 6 Q. That had two pending cases with the same 7 defendant, correct? 8 A. It happens all the time. 9 Q. Okay. And all Dominick Mathews is asking 10 in this email is to -- for the criteria used to 11 determine if the case would be assigned to CPU, 12 right? 13 A. Yes. 14 Q. And in the first email, he's also asking 15 questions about the issue of cases being taken from 16 attorneys with open cases and he wants to know the 17 criteria used to determine if a case is assigned to 18 APD or CPU, right? 19 A. If by "first" you mean the one at the top 20 of the page which is actually the last in the 21 chain, by time. 22 Q. Okay. He's asking, and saying, he needs to 23 know the criteria to determine what cases are being 24 assigned to APD or CPU. 25 A. Yes, he is.</p>

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1 Q. Okay. And is there anything that's in
2 violation of your settlement agreement that
3 Dominick Mathews is questioning the criteria?
4 A. No.
5 Q. Okay. And you referenced Operation
6 Endeavor, Ms. Sweasy. You're aware, are you not,
7 that Dan Mabley clarified the process about cases
8 coming from Operation Endeavor and how they should
9 be processed to determine if they're going to be
10 assigned to CPU?
11 A. When? When are you talking -- you mean
12 after this?
13 Q. Yeah. You -- you reference the case
14 assignments in Operation Endeavor?
15 A. I did.
16 Q. Okay. Are you aware that there was some
17 confusion about case assignments in Operation
18 Endeavor and Dan Mabley stepped in and clarified
19 the process?
20 MS. MILLER-VAN OORT: Objection to the
21 form.
22 Go ahead.
23 A. That's not how it happened.
24 Q. No?
25 A. No.

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1 Q. Okay.
2 (Exhibit 105 was marked for
3 identification.)
4 Q. Have you had a chance to review
5 Exhibit 105?
6 A. Yes.
7 Q. There was an email sent out -- I believe it
8 was by Chris Freeman on October 19th regarding
9 Operation Endeavor cases. Do you see that?
10 A. I do.
11 Q. Okay and as to adult violent cases, it says
12 the cases will be sent from Mike Radmer to
13 Dominick, and then Dominick and Amy will consult
14 about if Complex will take them or if they remain
15 in APD.
16 Do you see that?
17 A. I do.
18 Q. Okay. And did you object to that
19 procedure?
20 A. Yes.
21 Q. Okay. Did you talk to Dan Mabley about it?
22 A. I did.
23 Q. And on October 27th, Dan Mabley sends an
24 email that says, "After speaking with MOF," he was
25 "modifying the process as it relates to intake of

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1 Operation Endeavor cases potentially assignable to
2 the CPU." Correct?
3 A. I see that.
4 Q. And were you satisfied with this process
5 for Operation Endeavor cases being assigned to the
6 CPU?
7 A. Not really.
8 Q. What was your objection?
9 A. My objection was that after this email went
10 out, we never got another Operation Endeavor case
11 again.
12 Q. But Dan Mabley states here that he would
13 decide which cases are assigned to the CPU,
14 correct?
15 A. That's what he said.
16 Q. Do you have any information that Dan Mabley
17 did not, after sending this email, decide which
18 cases from Operation Endeavor would be assigned to
19 CPU?
20 A. No, I think something different was
21 happening.
22 Q. Okay. What do you think?
23 A. I think that, like many things over the
24 period of time from the time the CPU began until
25 February of 2023, that there was -- it was so much

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1 of a headache and a constant battle to even try to
2 get cases for us, that these kind of things, when
3 they kept coming up over and over and over and over
4 again, had the effect of making -- making it
5 really -- you know, just everybody thought it's too
6 much of a headache to deal with the CPU. And
7 that's one of the things I think about when I read
8 this email exchange.
9 Q. Do you have any facts on which to base your
10 speculation about why cases didn't come from
11 Operation Endeavor?
12 A. Yes.
13 Q. What?
14 A. There were plenty of other Operation
15 Endeavor cases that were -- that were being worked
16 on from October 27th on that would have been
17 appropriate for the CPU, and we didn't see them.
18 They weren't assigned to us.
19 Q. Okay. Did you talk to Dan Mabley about
20 this?
21 A. I talked to him after this email came out
22 at least once, yes.
23 Q. And what did you say?
24 A. I told him that I was concerned that, after
25 what Mr. Freeman had done, by telling Chris Freeman

<p style="text-align: right;">Page 230</p> <p>1 that cases weren't directly supposed to go to the 2 CPU, that he had pretty much killed it and that 3 there was no real coming back from that. 4 Q. And what did Dan Mabley say? 5 A. I don't think he said anything. 6 Q. Dan Mabley never told you that he was 7 unable to assign an Operation Endeavor case to the 8 CPU that he thought was appropriate -- 9 A. I don't -- 10 Q. -- correct? 11 A. Oh, sorry. I don't know if he got any more 12 CP- -- or Operation Endeavor cases. I don't know. 13 Q. Did he ever tell you that he was unable to 14 assign cases to the CPU that he thought were 15 appropriate? 16 A. No. 17 Q. Could you turn to your amended complaint, 18 please. Could you turn to paragraph 135. 19 Paragraph 135 says, "Prior to February 13, 20 2023, Sweasy rarely had less than 200 cases on her 21 docket to manage." 22 Do you see that? 23 A. I do. 24 Q. So in 2022, is that accurate about the 25 number of cases on your docket?</p>	<p style="text-align: right;">Page 232</p> <p>1 (Exhibits 106 and 107 were marked for 2 identification.) 3 BY MS. ELLINGSTAD: 4 Q. Ms. Sweasy, showing you what's been marked 5 as Exhibit 106. Do you know the case that's being 6 discussed in this email? 7 A. No. 8 Q. Are you copied on these emails? 9 A. Yes. 10 Q. Is this an Operation Endeavor case? 11 A. (Reviewing document.) 12 Yes. 13 Q. And Mike Radmer says it's an Operation 14 Endeavor case that he recommends being sent to CPU 15 for prosecution; is that correct? 16 A. That's the bottom email on that page, the 17 last page? 18 Q. Right. 19 A. Yes. 20 Q. So this is an Operation Endeavor case that 21 was sent to CPU for prosecution, right? 22 A. Yes. 23 Q. Would you look at 107. 24 A. Well, wait a minute. I'm sorry. Can I add 25 something to that? Can I add something to your --</p>
<p style="text-align: right;">Page 231</p> <p>1 A. Yeah -- well, in -- when are you talking 2 about? 3 Q. Well, you allege that prior to February 13, 4 2023, you rarely had less than 200 cases on your 5 docket. 6 A. Right. 7 Q. And prior to February 13, 2023, you were in 8 the CPU, correct? 9 A. Immediately prior to 2023, yes. 10 Q. Well, for -- between 2023 and in May or 11 June of 2022, right? 12 A. Right. 13 Q. Okay. So is that an accurate number of 14 cases that you were managing in the CPU? 15 A. I believe we had more than 200 cases in the 16 CPU, yep. 17 Q. Okay. 18 MS. ELLINGSTAD: Should we -- we have 19 to change the tape. 20 THE VIDEOGRAPHER: We are going off the 21 record. The time now is 4:33. 22 (Break: 4:33 p.m. to 5:15 p.m.) 23 THE VIDEOGRAPHER: We are back on the 24 record. This is the start to Media No. 5. The 25 time is 5:15.</p>	<p style="text-align: right;">Page 233</p> <p>1 Q. Yes. 2 A. This, I believe, stayed in the Juvenile 3 Prosecution Division. 4 Q. Okay. And were you involved in that 5 decision? 6 A. I don't think so, no. 7 Q. Are you copied on all these emails? 8 A. I am copied on the emails. 9 Q. Do you know why it stayed in Juvenile? 10 A. No. 11 Q. Is Mike Freeman on these emails? 12 A. No. 13 Q. Is Dominick Mathews on these emails? 14 A. No. 15 Q. Do you remember if you agreed with the 16 decision to keep the case in Juvenile? 17 A. I don't think I had any contact with it at 18 all after this email. 19 Q. Did you look at Exhibit 107? 20 A. Yes. 21 Q. Is this case from Operation Endeavor? 22 A. (Reviewing document.) 23 Q. Actually, let me rephrase: Are these 24 cases. It looks like this email is referring to 25 two cases: Devon Daniels and Adam Willprecht.</p>

<p style="text-align: right;">Page 234</p> <p>1 A. Daniels and Willprecht, yes.</p> <p>2 Q. Were those Operation Endeavor cases that</p> <p>3 were referred to the CPU?</p> <p>4 A. Yes. On October 3rd.</p> <p>5 Q. Would you look at your amended complaint</p> <p>6 which is Exhibit 95, please. And would you turn to</p> <p>7 paragraph 220. Actually, I'm sorry. Turn to</p> <p>8 page 32 of the complaint. You allege a claim under</p> <p>9 the Minnesota Whistleblower Act. Do you understand</p> <p>10 that?</p> <p>11 A. Yes.</p> <p>12 Q. And in paragraph 217, you state that you</p> <p>13 "made reports of unlawful conduct to Defendant</p> <p>14 Hennepin County regarding the conduct of Freeman in</p> <p>15 2019, 2020, '21, and '22."</p> <p>16 Do you see that?</p> <p>17 A. I do.</p> <p>18 Q. And you understand that any whistleblower</p> <p>19 claim that you had relating to conduct prior to</p> <p>20 April 19, 2022, has been settled and released; is</p> <p>21 that right?</p> <p>22 MS. MILLER-VAN OORT: Objection. Form.</p> <p>23 Go ahead.</p> <p>24 A. Any -- relating to any conduct has been</p> <p>25 released?</p>	<p style="text-align: right;">Page 236</p> <p>1 with my grand jury assignment.</p> <p>2 That's what I can think of. And you said</p> <p>3 only in -- only in 2022?</p> <p>4 Q. Right. Who did you make those reports to?</p> <p>5 A. I made those reports to -- oh, I forgot</p> <p>6 one. The -- I made the report of retaliation in</p> <p>7 the form of another manager refusing to work with</p> <p>8 me because of the settlement agreement. I forgot</p> <p>9 that.</p> <p>10 I made those reports to -- to Dan Mabley.</p> <p>11 I also reported some of that to -- to Jean while</p> <p>12 she was still in the office in 2022. And I made</p> <p>13 reports, also, in the presence of Elizabeth</p> <p>14 Beltaos, who was a managing attorney also.</p> <p>15 Q. So you made reports to Elizabeth Beltaos</p> <p>16 and Jean Burdorf?</p> <p>17 A. I didn't -- well, the reports I made -- I</p> <p>18 made reports to Dan Mabley while Elizabeth Beltaos</p> <p>19 and Jean Burdorf were either in the room or on</p> <p>20 Teams calls with -- with Dan and with me.</p> <p>21 Q. The other manager who refused to work with</p> <p>22 you, is that Vernona Boswell?</p> <p>23 A. Yes.</p> <p>24 Q. And how was Vernona Boswell's refusal to</p> <p>25 work with you Mike Freeman's retaliation for your</p>
<p style="text-align: right;">Page 235</p> <p>1 Q. Correct.</p> <p>2 A. Relating to -- the claims that were</p> <p>3 released were the ones in the -- obviously in the</p> <p>4 MDHR complaint, so those acts of retaliation up</p> <p>5 until the date of settlement agreement.</p> <p>6 Q. Have been released and settled?</p> <p>7 A. Yes.</p> <p>8 Q. What reports do you claim that you made in</p> <p>9 2022 under the Minnesota Whistleblower Act?</p> <p>10 A. And you mean in 2022 after the settlement</p> <p>11 agreement was executed?</p> <p>12 Q. Correct.</p> <p>13 A. I reported a number of instances of</p> <p>14 retaliation, including Mr. Freeman's comments</p> <p>15 immediately when the CPU announcement came out,</p> <p>16 that my job was not real, and that they were just</p> <p>17 looking for someplace to put me until the end of</p> <p>18 the year.</p> <p>19 I reported retaliation in the form of the</p> <p>20 principal attorney announcement of May 19, 2022. I</p> <p>21 reported numerous breaches of the settlement</p> <p>22 agreement, beginning in -- as early as April, up</p> <p>23 until pretty much the end of 2022, relating to</p> <p>24 things involving the staffing decisions for the</p> <p>25 CPU, case assignments to the CPU, the interference</p>	<p style="text-align: right;">Page 237</p> <p>1 prior protected activity?</p> <p>2 A. It was Mike Freeman and Hennepin County's</p> <p>3 retaliation because it was done specifically in</p> <p>4 response to -- well, I believe it was done in</p> <p>5 response to the public reporting on the settlement</p> <p>6 agreement. And she was a manager in the Hennepin</p> <p>7 County Attorney's Office.</p> <p>8 Q. And she explained to you that she was</p> <p>9 offended by things you had said about Dominick</p> <p>10 Mathews, right?</p> <p>11 A. No.</p> <p>12 Q. Okay. She didn't explain that to you?</p> <p>13 A. She wrote me an email, and she didn't say</p> <p>14 about anything that I had said about Dominick</p> <p>15 Mathews. That's not what it said.</p> <p>16 Q. And so you are claiming that Vernona</p> <p>17 Boswell's actions are in retaliation by the County</p> <p>18 for your protected activity --</p> <p>19 A. Yes.</p> <p>20 Q. -- of reporting Mike Freeman?</p> <p>21 A. Reporting Mike Freeman and Hennepin County.</p> <p>22 Q. Okay. And Vernona Boswell was retaliating</p> <p>23 against you for making complaints of discrimination</p> <p>24 against the County and Mike Freeman?</p> <p>25 A. Yes.</p>

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1 Q. In paragraph 220, you discuss the ways you
2 believe you were retaliated against since April 19,
3 2022. Do you see that?
4 A. Yes.
5 Q. You state that the County diverted cases
6 that were supposed to come to you and your CPU
7 group.
8 Is there anything other than you've already
9 testified to support that allegation?
10 A. I -- not that I can think of right now.
11 Q. What specific cases were diverted?
12 A. Well, as I've already explained, there were
13 cases that were supposed to -- that attorneys had
14 suggested should come to the CPU that never got to
15 Dan Mabley or -- for review. So there's those.
16 There were other -- lots of cases that
17 there were disagreements and arguments over that --
18 that we ended up not taking, and then there were
19 the Operation Endeavor cases, as I described.
20 Q. But with respect to Operation Endeavor, we
21 looked at the exhibit. And after initially stating
22 that those should come to Dominick Mathews first,
23 Dan Mabley clarified that they should not go to
24 Dominick Mathews first, correct?
25 So how were those cases diverted from you?

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1 A. We didn't get any more.
2 Q. And who do you claim diverted the cases
3 that were supposed to come to CPU?
4 A. Well, they didn't come to us, so I don't
5 know.
6 Q. Are you aware of any specific cases that
7 someone diverted from the CPU?
8 A. My allegation is that they pretty much all
9 were, from Operation Endeavor after that -- after
10 Mr. Freeman's directive that -- that they be
11 diverted.
12 Q. Just to clarify, Mr. Freeman never made a
13 directive that they be diverted from CPU, did he?
14 A. Well, he made a directive that they not
15 come there.
16 Q. You're referring to the email from Chris
17 Freeman?
18 A. I'm referring to that and what Mr. Chris
19 Freeman told me in a conversation about his
20 conversation with Mike Freeman.
21 Q. Was that before Dan Mabley corrected and
22 sent the email saying, "Here's the process for
23 Operation Endeavor cases"?
24 A. Absolutely.
25 Q. You just said that cases were diverted that

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1 attorneys suggested should come to CPU but never
2 did.
3 What facts do you have to support that
4 allegation?
5 A. Two things: One was that Rachel Kraker, I
6 know, made a list of cases -- or at least gave
7 names of cases to Mr. Mathews that she thought
8 would be appropriate for CPU and that they stayed
9 with her and nothing happened with those.
10 And also Krista White told me, who is a
11 senior attorney in Adult Prosecution, that she had
12 made a list of some cases that she thought were
13 appropriate for the CPU and, in fact, that she
14 wanted to go to the CPU, but that they were taken
15 off the list and not ultimately sent to Dan for
16 consideration.
17 Q. Who did she give the list to, Krista White?
18 A. I assume she gave it to Mr. Mathews.
19 Q. Ms. Sweasy, when -- what is the facts that
20 you have to support your allegation of degrading
21 and disparaging you to your peers and other
22 managers in 20- -- after April 19th of 2022? Is
23 that allegation directed at Mr. Freeman?
24 A. It's directed both at Mr. Freeman and at
25 Hennepin County.

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1 Q. Okay. What disparaging comments were made
2 to your peers?
3 A. The disparaging comments that were made to
4 my peers that I know about are that my new job that
5 I had just bargained for in this settlement
6 agreement was not real. It was disparaging me to
7 say that they just needed a place to put me until
8 the end of the year.
9 It was disparaging to me to say that there
10 were other principal attorney announcements coming.
11 It was disparaging to me to say that I should be
12 treated like someone who was Mr. Freeman's ex-wife
13 in a divorce.
14 It was disparaging to me to say that people
15 should not apply to work on my team. It was
16 disparaging to me when Mr. Freeman told Mr. Shah
17 that he wouldn't be able to get trial experience or
18 worthwhile experience on my team.
19 It was disparaging to me when Mr. Freeman
20 said he wanted to table my grand jury assignment.
21 It was disparaging to me when Ms. Boswell refused
22 to work with me because of my prior reports against
23 Mr. Freeman. It was disparaging when people in
24 Victim Witness were told not to work with me or not
25 provide help to the team.

<p style="text-align: right;">Page 242</p> <p>1 That's what I can think of offhand.</p> <p>2 Q. Who told Victim Witness not to provide help</p> <p>3 to you and your team?</p> <p>4 A. The supervisors in Victim Witness told at</p> <p>5 least one person who was assigned to a case that I</p> <p>6 was on that her job was to go and be a spy and to</p> <p>7 come back to -- come back to the supervisors in</p> <p>8 Victim Witness and tell them what I was up to on</p> <p>9 the CPU, which was disparaging to me.</p> <p>10 Q. But who made the disparaging comment?</p> <p>11 A. I think it was Ms. Boswell and/or a woman</p> <p>12 named Sonita, S-o-n-i-t-a, King.</p> <p>13 Q. What conditions on the management of CPU do</p> <p>14 you allege were imposed in retaliation for your</p> <p>15 complaints under the Whistleblower Act?</p> <p>16 A. The conditions on the management and</p> <p>17 operations of the CPU to cause it not to succeed,</p> <p>18 that people put on it, were not to refer us cases;</p> <p>19 not to collaborate with us; in some situations, not</p> <p>20 to return emails; not provide adequate Victims</p> <p>21 Services support for the cases. Those kinds of</p> <p>22 things.</p> <p>23 Q. And what evidence do you have, Ms. Sweasy,</p> <p>24 that defendant Hennepin County or Mr. -- well,</p> <p>25 defendant Hennepin County put conditions about</p>	<p style="text-align: right;">Page 244</p> <p>1 Do you see that?</p> <p>2 A. I do.</p> <p>3 Q. So it was true that you had a full caseload</p> <p>4 with the CPU, correct?</p> <p>5 A. Nope, we were getting there.</p> <p>6 Q. You were getting there. "Close," you say?</p> <p>7 A. I said we were approaching it. Oh yeah, I</p> <p>8 did say "We are close to accomplishing in only</p> <p>9 about three months' time."</p> <p>10 Q. So by saying only about three months' time,</p> <p>11 it sounds like you thought that was a relatively</p> <p>12 short period in which to establish a close-to-full</p> <p>13 caseload, correct?</p> <p>14 A. When I wrote that, it was September. And</p> <p>15 that was true then.</p> <p>16 Q. And you state -- let me ask you: Is your</p> <p>17 summary of the work in the CPU, is it truthful and</p> <p>18 accurate?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And you state that "there was</p> <p>21 significant enthusiasm and interest from staff in</p> <p>22 working in the CPU." Correct?</p> <p>23 A. Where is that?</p> <p>24 Q. In page 2 under the "Future of CPU."</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 243</p> <p>1 referring cases or not collaborating with CPU?</p> <p>2 A. That would be the actions of other managers</p> <p>3 and Mr. Freeman.</p> <p>4 Q. What other managers?</p> <p>5 A. Those other managers would be, well,</p> <p>6 Ms. Boswell, like I just said, and Mr. Mathews.</p> <p>7 And other senior attorneys in -- I think in Adult</p> <p>8 Prosecution. I think that's the only group of</p> <p>9 seniors.</p> <p>10 Q. Ms. Sweasy, was the CPU a successful unit</p> <p>11 in 2022?</p> <p>12 A. We had some successful outcomes, but</p> <p>13 overall, I would say, no, it was not successful.</p> <p>14 (Exhibit 108 was marked for</p> <p>15 identification.)</p> <p>16 Q. Do you recognize Exhibit 108?</p> <p>17 A. Yes.</p> <p>18 Q. Would you turn to Bates No. 3677, please.</p> <p>19 Did you draft this section on the Complex</p> <p>20 Prosecution Unit?</p> <p>21 A. Yes.</p> <p>22 Q. At the bottom of this page, you talk about</p> <p>23 caseload, and you state, "...even as we approach</p> <p>24 full caseload status, which we are close to</p> <p>25 accomplishing in only about three months' time."</p>	<p style="text-align: right;">Page 245</p> <p>1 Q. And you state that "Mabley determined that</p> <p>2 the unit has been successful." Correct?</p> <p>3 A. Yes.</p> <p>4 Q. What was the purpose of this document,</p> <p>5 Exhibit 108?</p> <p>6 A. That's a good question. I think the</p> <p>7 purpose of it, originally -- well, nobody actually</p> <p>8 told me what the purpose of it was. I assume it</p> <p>9 was for the incoming -- my best information was</p> <p>10 that it was for the incoming County Attorney.</p> <p>11 Q. Okay.</p> <p>12 (Exhibit 109 was marked for</p> <p>13 identification.)</p> <p>14 Q. What is Exhibit 109?</p> <p>15 A. Exhibit 109 is "Complex Prosecution Unit,</p> <p>16 Summary of Work, Contribution, and Accomplishments,</p> <p>17 Prepared by Amy Sweasy, revised 12/1/2022."</p> <p>18 Q. You drafted this?</p> <p>19 A. Yes.</p> <p>20 Q. What was the purpose of you drafting this?</p> <p>21 A. There were a couple of different purposes.</p> <p>22 The first was to be used in the transition memo.</p> <p>23 As I said, no one told me -- nobody asked me to</p> <p>24 write one for the CPU. Every other division</p> <p>25 manager was asked to contribute to that project,</p>

<p style="text-align: right;">Page 246</p> <p>1 except for me. So I went ahead and wrote one 2 anyway, wanting to make sure that the unit and its 3 work was going to be recognized. 4 So that was the reason it was created in 5 the first place. And I think that after that, Dan 6 Mabley asked me to revise it again to make sure 7 that it had -- that it was up to date because, as I 8 said, I think I started writing it in September. 9 This would be a revision on December 1, 2022, that 10 I would have done, I think, at his direction. 11 Q. Is -- are the contents of this truthful and 12 accurate? 13 A. Yes. 14 (Exhibit 110 was marked for 15 identification.) 16 Q. Can you state for the record if you 17 recognize Exhibit 110? 18 A. Yes. 19 Q. Do you know what this is? 20 A. Yes, I can. I do recognize it. 21 Q. What is it? 22 A. This is Dan Mabley's letter to Mr. Freeman 23 and Mr. Hough from December 15, 2022. 24 Q. Did you draft this letter also? 25 A. No.</p>	<p style="text-align: right;">Page 248</p> <p>1 achieved positive results in investigating, 2 prosecuting, and sometimes declining complex 3 criminal cases." 4 Do you see that? 5 A. I do. 6 Q. Do you agree that the CPU achieved positive 7 results? 8 A. Yes. 9 Q. And do you agree that the CPU declined 10 cases? Complex criminal cases? 11 A. I know that I declined one case. 12 Q. Why was that? 13 A. There was insufficient proof to prove the 14 allegations beyond a reasonable doubt. 15 Q. And based on all of these accomplishments, 16 Dan Mabley recommended to Hough and Freeman that 17 the CPU continue into the next administration with 18 you as its leader. 19 Do you see that -- 20 A. I do. 21 Q. -- at the bottom? 22 (Exhibit 111 was marked for 23 identification.) 24 Q. Showing you what's been marked as 111, this 25 is a memo to Mary Moriarty from Michael Freeman and</p>
<p style="text-align: right;">Page 247</p> <p>1 Q. Did you review this letter? 2 A. I don't think I reviewed it before it was 3 final, if that's what you mean. 4 Q. Did you review this letter after it was 5 final? 6 A. It was sent to me, yes. 7 Q. Okay. Do you believe that this letter 8 written by Dan Mabley is truthful and accurate? 9 A. I think so. 10 Q. Okay. And in this letter, Dan Mabley says 11 that he recommends to Freeman and Hough -- he's 12 informing them of the determination that the unit 13 has been successful, correct? In the first 14 paragraph? 15 A. (Reviewing document.) 16 Yes. 17 Q. And Dan Mabley's view was that "the CPU 18 exceeded or met goals established for the unit"; is 19 that correct? 20 A. Where does it say that? 21 Q. Second paragraph. 22 A. Oh, yes. 23 Q. In number 5, under "Investigation and 24 Prosecution of Complex Cases," he gives examples of 25 cases. And he says, "Most importantly, the CPU has</p>	<p style="text-align: right;">Page 249</p> <p>1 signed by David Hough, dated December 5, 2022. 2 Have you seen this before? 3 A. Yes. 4 Q. And was this a term of the settlement 5 agreement that you entered with the County? 6 A. Was what a term? This -- 7 Q. A recommendation? 8 MS. MILLER-VAN OORT: Object to form. 9 Go ahead, if you can. 10 A. It was a term of the settlement agreement 11 that if Dan Mabley agreed that the CPU was 12 successful, that he would recommend to Freeman and 13 Hough that it continue with me as its leader. 14 Q. Actually that's not quite -- let me find 15 it. 16 All right. If you look at paragraph 4 of 17 the agreement, the last sentence says, "If Mabley 18 determines the unit has been successful and makes 19 sense as structured within the HCAO, the County and 20 Freeman agree to recommend to the incoming County 21 Attorney that the unit continue as constituted with 22 Sweasy as its leader." 23 Do you see that? 24 A. Yes. 25 Q. Do you agree that Exhibit 111 satisfies the</p>

<p style="text-align: right;">Page 250</p> <p>1 obligation under the settlement agreement to make a 2 recommendation to the incoming County Attorney? 3 A. Kind of. 4 Q. Why kind of? 5 A. Well, first of all, it predates the -- Dan 6 Mabley's recommendation that it continues, which is 7 dated December 15th, so there's that. 8 The other thing is that I really don't 9 consider this a recommendation that the unit 10 continue from Mr. Freeman or from Mr. Hough. 11 Q. Could you read the second paragraph of this 12 memorandum? 13 A. "Chief Deputy Mabley has determined that 14 the unit has been successful and makes sense as 15 structured within the HCAO. Therefore, I am 16 recommending that the unit continue as constituted 17 with Sweasy as its leader." 18 Q. Could you tell me how that does not comply 19 with the obligation set forth in paragraph 4 of the 20 settlement agreement? 21 A. Well, again, Dan Mabley had not made the 22 recommendation on December 1st, when this is dated. 23 He didn't do that until December 15th. 24 And, secondly, I know -- I can tell when 25 Mr. Freeman is behind something and when he's not.</p>	<p style="text-align: right;">Page 252</p> <p>1 you've alleged, in the County and Mr. Freeman's 2 recommendation to the new elected -- 3 MS. MILLER-VAN OORT: Objection. 4 Compound. I think it's been asked and answered. 5 I'm not really sure what the question is. 6 BY MS. ELLINGSTAD: 7 Q. Can you point out any -- anything about 8 this memo that does not comport with the settlement 9 agreement that we just read, Ms. Sweasy? 10 A. Not in particular, no. 11 Q. Okay. You allege in connection with your 12 whistleblower claim, Ms. Sweasy, that you were 13 constructively discharged. 14 A. Can you tell -- 15 Q. Are -- 16 A. I'm sorry. 17 Q. It's in paragraph 220. 18 Are you alleging that the new County 19 Attorney, Mary Moriarty, took any actions in 20 retaliation for your prior reports about Michael 21 Freeman? 22 A. Yes. 23 Q. Okay. What facts do you have to support 24 that Ms. Moriarty took actions in retaliation for 25 your reports against Michael Freeman?</p>
<p style="text-align: right;">Page 251</p> <p>1 I've known him a long time and I didn't consider 2 this an actual recommendation. 3 Q. Okay. And that wasn't my question. 4 And first of all, you have no knowledge of 5 whether there was -- you have no knowledge of 6 whether there were conversations outside of Dan 7 Mabley's written letter regarding whether the unit 8 was successful, correct? 9 A. I don't think that there were. 10 Q. How do you know? 11 A. Because Dan Mabley and I discussed that on 12 a number of different occasions, and one of the 13 reasons he wanted the document from -- that I 14 wrote, on December 1st, was that he was working on 15 whether or -- his actual -- what he was going to 16 say. So that's the information I had. 17 Q. Okay. And back to my question. Does the 18 language in Exhibit 111 comply with the obligation 19 in the settlement agreement? 20 A. Well, like I said, sort of. 21 Q. Okay. It's verbatim what is obligated in 22 the settlement agreement, so I'm not asking whether 23 you think it's a glowing recommendation. I'm 24 asking you if there's any violation of this 25 language in paragraph 4, which I don't believe</p>	<p style="text-align: right;">Page 253</p> <p>1 A. When I met with Ms. Moriarty in February, 2 the first time when I met with her and I asked her 3 why she was doing this to me, "this" being taking 4 away my team, my managerial responsibilities, my 5 grand jury responsibilities, my work in violent 6 crime, et cetera, she said it was because of my 7 history and the conflict and the people involved. 8 Q. Did she say anything else? 9 A. Yes. 10 Q. What else? 11 A. She said that I couldn't work with anybody 12 in APD and so that's why she was doing this. I 13 mean, there were other things we discussed during 14 the meeting. 15 Q. Had she told you that she decided to move 16 the CPU under the Adult Prosecution Division? 17 A. Yes, she did. 18 Q. Okay. Did she tell you why she decided to 19 do that? 20 A. Yes. 21 Q. And what did she tell you? 22 A. She said that it couldn't be a 23 free-standing unit and it was too separate from the 24 rest of the organization. I think that's all she 25 said.</p>

<p style="text-align: right;">Page 254</p> <p>1 Q. Have you known the new County Attorney 2 for -- well, let me ask it this way: How long have 3 you known Mary Moriarty? 4 A. We worked together at least 25 years. 5 Q. Okay. 6 A. On opposite sides, of course. 7 Q. Prior to her decision to transfer the CPU, 8 had you been in any meetings with her about her 9 priorities for the office? 10 A. One -- one meeting with the CPU, and I 11 don't know if she had had all staff meetings over 12 Teams. I know she had them. I don't know if they 13 were before or after. 14 Q. What did she tell you about why she was 15 transferring you to wage theft work? 16 A. She told me that it was because of my 17 history and the conflict and the people involved. 18 Q. Did she say what people involved? 19 A. Not at first she didn't. 20 Q. And when was this conversation? 21 A. That date in February. Was it the 6th? I 22 don't know offhand. 23 Q. At some point did you have a conversation 24 where she explained what she meant by "people 25 involved"?</p>	<p style="text-align: right;">Page 256</p> <p>1 Q. Do you have any other evidence to support 2 that allegation? 3 A. Well, it came up again in the next meeting 4 that we had. 5 Q. When was that? 6 A. It was about a week later. 7 Q. And what was that meeting about? 8 A. She asked me to come and see her. She 9 didn't tell me what it was going to be about ahead 10 of time. 11 Q. Had you already been informed that you were 12 being transferred by this point? 13 A. Oh, yeah. 14 Q. Okay. And what happened at that meeting? 15 A. She called me back into the office. She 16 had Ms. Johnson there from -- the County Attorney's 17 representative to HR. She told me that she had 18 wanted to give me some time. She knew that I was 19 angry. She said she wanted me to get on board with 20 the new assignment. 21 She told me that she thought I was being 22 disrespectful to her in a meeting the previous 23 week. After my involuntary demotion and transfer, 24 there was a meeting that we had about Brady things. 25 And then she told me to get on board. She gave me</p>
<p style="text-align: right;">Page 255</p> <p>1 A. No. I told her what I thought. 2 Q. And what did you tell her? 3 A. I told her that it was because of the way I 4 had been treated in the previous administration, 5 and that that had created a situation where it had 6 been difficult, if not impossible, to work with 7 Adult Prosecution, and that none of those senior 8 attorneys liked me. And that it -- it wasn't fair 9 to me because of things that Mr. Freeman and the 10 prior administration had done to treat me that way. 11 Q. And why did you tell the new County 12 Attorney about the way you believe you were treated 13 by the prior administration? 14 A. A number of reasons, but one of them was 15 that she had already said earlier in the meeting 16 that she had read the complaint in my case, and 17 that she wanted to apologize for what had happened 18 to me. And what -- I think what she specifically 19 said what Mr. Freeman did and that he shouldn't 20 have done any of those things to me. 21 Q. So despite her apparently saying that she 22 wanted to apologize, you are alleging that she was 23 motivated to retaliate against you for your 24 complaints about Mr. Freeman? 25 A. Yes.</p>	<p style="text-align: right;">Page 257</p> <p>1 kind of a pep talk. 2 Q. Do you agree that you were being 3 disrespectful in that prior meeting? 4 A. No. 5 Q. How did you respond to her telling you 6 about her interest in priorities in prosecuting 7 wage theft? 8 A. I told her, I think in the first meeting, 9 that I had no experience in that or anything like 10 it. That wasn't what I wanted to be doing. 11 That -- I think that was it. 12 Q. Did you say Ms. Moriarty told you that she 13 had read your complaint? 14 A. That's what she said. 15 Q. Okay. And was that the current complaint? 16 A. That's what I assumed. 17 Q. Other than having read your complaint, do 18 you have any basis to believe that she is aware of 19 any other reports you have made about Mr. Freeman? 20 A. I assume that she read the -- whatever was 21 published in the media. 22 Q. You understand that the settlement 23 agreement, in terms of the CPU, in your role with 24 the CPU, were not binding on the new County 25 Attorney, correct?</p>

65 (Pages 254 - 257)

<p style="text-align: right;">Page 258</p> <p>1 A. Yes.</p> <p>2 Q. Do you have any facts to believe that</p> <p>3 Ms. Moriarty and Michael Freeman had discussions</p> <p>4 about you and your role with the CPU?</p> <p>5 A. I have no idea.</p> <p>6 Q. Okay. Your claim, Ms. Sweasy, that you</p> <p>7 were constructively discharged is based upon the</p> <p>8 decision of Ms. Moriarty to transfer you to</p> <p>9 white-collar crimes; is that correct?</p> <p>10 A. In part.</p> <p>11 Q. Okay. What else is it based on?</p> <p>12 A. It's based on the involuntary transfer, and</p> <p>13 it's based on my removal from any supervisory</p> <p>14 responsibilities, and it's based on me having none</p> <p>15 of the responsibilities that are in the contract</p> <p>16 settlement agreement or in the job description for</p> <p>17 principal attorney.</p> <p>18 Q. You retained your title as principal</p> <p>19 attorney; is that right?</p> <p>20 A. Yes.</p> <p>21 Q. Did you retain your salary as principal</p> <p>22 attorney?</p> <p>23 A. Yes.</p> <p>24 Q. You were not demoted to senior attorney?</p> <p>25 A. I don't agree with that.</p>	<p style="text-align: right;">Page 260</p> <p>1 which I had performed over 30 years. All of it.</p> <p>2 Q. So you make -- you conclude, by what you</p> <p>3 perceive the transfer represented, that she did</p> <p>4 this with the intention of forcing you to quit.</p> <p>5 That's your conclusion?</p> <p>6 A. Yes.</p> <p>7 Q. And other than what you've just described,</p> <p>8 do you have any basis to know that that was her</p> <p>9 intention?</p> <p>10 A. Not other than everything she did and said.</p> <p>11 (Exhibit 112 was marked for</p> <p>12 identification.)</p> <p>13 Q. Do you recognize Exhibit 112?</p> <p>14 A. Yes.</p> <p>15 Q. What is it?</p> <p>16 A. It's a letter I got from Ms. Moriarty on</p> <p>17 April 6, 2023, by email.</p> <p>18 Q. Okay. She says in this letter that she</p> <p>19 disagrees with the way you are characterizing your</p> <p>20 assignment, correct?</p> <p>21 A. Where is that?</p> <p>22 Q. First paragraph.</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And she assured you -- or she</p> <p>25 represented to you that it was not a line attorney</p>
<p style="text-align: right;">Page 259</p> <p>1 Q. In title, you weren't -- in title or pay,</p> <p>2 you were not demoted to senior attorney?</p> <p>3 A. In title and pay, I was still a principal</p> <p>4 attorney.</p> <p>5 Q. What facts do you have, Ms. Sweasy, to</p> <p>6 believe that the new County Attorney made the</p> <p>7 decision to transfer you to white-collar crimes</p> <p>8 with the intention of forcing you to quit your job?</p> <p>9 A. Because it wasn't just a transfer to white</p> <p>10 collar. It was a complete stripping of anything</p> <p>11 resembling a principal attorney job. It was the</p> <p>12 complete stripping of anything resembling a</p> <p>13 managing attorney job. It didn't resemble a senior</p> <p>14 attorney job. There was no path forward.</p> <p>15 It was done without any conversation with</p> <p>16 me at all about it. No inquiry into what I wanted</p> <p>17 or what I could do or how I could contribute to the</p> <p>18 office. It was embarrassing. It was basically</p> <p>19 falsely communicated to the office.</p> <p>20 Ms. Moriarty said that she would be my</p> <p>21 supervisor, which was extremely bizarre under the</p> <p>22 circumstances of that. She then proceeded to have</p> <p>23 no contact of any kind with me for two months. I</p> <p>24 was not given any meaningful work, particularly,</p> <p>25 certainly not for somebody at -- at the level at</p>	<p style="text-align: right;">Page 261</p> <p>1 or low-level position or a demotion. That was her</p> <p>2 representation to you, correct?</p> <p>3 A. That's what it says.</p> <p>4 Q. And she reiterated that you retained your</p> <p>5 principal attorney classification along with</p> <p>6 salary, benefits, and job protections, right?</p> <p>7 A. That's what she said.</p> <p>8 Q. Okay. Now, she said here that when you</p> <p>9 first met, she asked you -- or she originally</p> <p>10 assigned you to handle complex crime and</p> <p>11 white-collar work because of your experience with</p> <p>12 complicated cases.</p> <p>13 Do you see that in the second paragraph?</p> <p>14 A. I see that.</p> <p>15 Q. Okay. She also states that she did not</p> <p>16 rule out the possibility of managing and</p> <p>17 supervising a team. Correct?</p> <p>18 A. That's part of a sentence in the middle of</p> <p>19 that paragraph, yes.</p> <p>20 Q. Okay. You said you were stripped from</p> <p>21 supervision and management and she is telling you</p> <p>22 that she has not ruled that out, correct?</p> <p>23 A. Well, I was stripped from managing and</p> <p>24 supervision. She took away my team -- she was very</p> <p>25 clear. The team was going to be supervised by</p>

<p style="text-align: right;">Page 262</p> <p>1 Patrick and I would no longer have any supervising 2 responsibilities. 3 Q. At the current time? 4 A. Yes. 5 Q. Okay. How long did you give your new role 6 an opportunity before you resigned? 7 MS. MILLER-VAN OORT: Objection to 8 form. 9 A. Well, I didn't resign; I was forced out. 10 And I gave it from that day in February until the 11 date of the letter that I wrote her -- 12 Q. Okay. 13 A. -- in April. 14 Q. How long? 15 A. So that's like two months. 16 Q. Two months. Do you think that was a 17 sufficient enough time to see what you could 18 develop in this new role? 19 A. Absolutely. 20 Q. And she discusses that you had a negative 21 reaction to handling the wage theft and workers' 22 rights cases; is that accurate? 23 A. Where does it say that? 24 Q. Second paragraph. 25 A. Yes, that's what it says.</p>	<p style="text-align: right;">Page 264</p> <p>1 I didn't consider this a sincere request to do 2 that. And the other is that when I sent my letter 3 to her -- two days, 48 hours before I got this 4 letter, roughly, I sent the letter. 5 Then I stepped away from the computer. I 6 came back a couple minutes later and I went into 7 the -- you know, the payroll system or whatever 8 where you have to submit termination. And I did 9 that. 10 And when you do that, you can see what 11 happens to it. Like a performance review. And 12 while I was sitting there, when I had just done 13 that, I could see that Ms. Moriarty had approved it 14 in under one minute. 15 And all of my experience as a supervisor 16 for 16 years and a manager is that if you don't 17 want someone to leave, and they say they're going 18 to leave, you act immediately. You call them or 19 you say, "What's this? Don't do this. Can we talk 20 about this? Why is this happening?" if you want 21 them to stay. 22 And none of that happened here. So she had 23 already accepted, you know, the letter and the 24 decision two days before I got this letter. 25 (Exhibit 113 was marked for</p>
<p style="text-align: right;">Page 263</p> <p>1 Q. Would you agree that you had a negative 2 reaction? 3 A. I had a negative reaction to everything in 4 that meeting in February. 5 Q. She also denies in the third paragraph that 6 she had an objective to force you to quit. And she 7 goes on -- 8 A. Well, where -- 9 Q. -- to -- third paragraph. 10 A. Where? I'm sorry. 11 Q. "Nor was my objective to force you to quit 12 as you stated in your email today." And my 13 question is: She is -- actually gives you an 14 opportunity to reconsider and withdraw your 15 resignation, correct? 16 A. At the bottom, she said, "I hope you will 17 consider and withdraw your resignation." 18 Q. "Reconsider." 19 A. "Reconsider." Sorry. 20 Q. Okay. So how is it that somebody is 21 forcing you to quit while at the same time asking 22 you to reconsider and withdraw your resignation and 23 stay? 24 A. Well, there's a couple reasons. The first 25 is that -- well, a couple of reasons. The first is</p>	<p style="text-align: right;">Page 265</p> <p>1 identification.) 2 Q. Showing you what's been marked as 3 Exhibit 113. This is an email exchange between you 4 and Mary Moriarty. April 5th is her note and April 5 6th. Despite having accepted it in the system, she 6 emails you and says, "Would you be willing to talk 7 to me about your decision?" Correct? 8 A. That's what it says. 9 Q. And then she sends you a letter, also, 10 saying, "I hope you will reconsider and withdraw 11 your resignation." So those communications came 12 after she accepted it in the system, right? 13 A. Both communications came after that. 14 Q. And you declined to meet with her and 15 discuss your decision, correct? 16 A. I didn't want to talk to her anymore about 17 my decision, true. 18 Q. Okay. And you chose not to reconsider and 19 not to withdraw your resignation? 20 A. Well, to be clear, in that communication of 21 April 5th, she's not asking me to reconsider or 22 withdraw; she's asking if I would talk to her about 23 my decision. 24 Q. Right. And in the letter, she asks you to 25 reconsider and withdraw and you declined to do</p>

<p style="text-align: right;">Page 266</p> <p>1 that, correct?</p> <p>2 A. She says, "I hope you will." It's not</p> <p>3 really a request. It just says, "I hope you will."</p> <p>4 Q. But you didn't, right?</p> <p>5 A. She didn't.</p> <p>6 Q. You were done?</p> <p>7 She also states in this letter that she had</p> <p>8 no knowledge of any specific allegations against</p> <p>9 Mr. Freeman. Do you have any evidence that that is</p> <p>10 not correct.</p> <p>11 A. I don't know what -- what part of the</p> <p>12 letter are you referring to?</p> <p>13 Q. In the third paragraph, toward the bottom.</p> <p>14 A. She says, "I have no knowledge of your</p> <p>15 specific allegations."</p> <p>16 Q. Do you have any reason to believe that that</p> <p>17 is not true?</p> <p>18 A. Yes.</p> <p>19 Q. Why?</p> <p>20 A. She said she'd read the complaint.</p> <p>21 Q. Okay. And she said other than the current</p> <p>22 lawsuit, she doesn't have any specific knowledge.</p> <p>23 So you're saying based on the complaint, that's her</p> <p>24 knowledge, as far as you know?</p> <p>25 A. I think there's more than one question in</p>	<p style="text-align: right;">Page 268</p> <p>1 MS. ELLINGSTAD: Let's go off the</p> <p>2 record for a second.</p> <p>3 THE VIDEOGRAPHER: We are going off the</p> <p>4 record. The time now is 6:15.</p> <p>5 (Break: 6:15 p.m. to 6:24 p.m.)</p> <p>6 THE VIDEOGRAPHER: We are back on the</p> <p>7 record. This is the start to Media No. 6. The</p> <p>8 time is 6:24.</p> <p>9 (Exhibit 114 was marked for</p> <p>10 identification.)</p> <p>11 BY MS. ELLINGSTAD:</p> <p>12 Q. Ms. Sweasy, you have alleged today and in</p> <p>13 your complaint that the manager of Victim Services</p> <p>14 would not work with you in the CPU because of your</p> <p>15 prior charge of discrimination and the settlement</p> <p>16 agreement. Is that your allegation?</p> <p>17 A. I'm sure the actual language is in the</p> <p>18 complaint.</p> <p>19 Q. Do you understand that that's what you're</p> <p>20 alleging, or you're alleging something else?</p> <p>21 A. No, that's about the gist of it.</p> <p>22 Q. Okay. And tell me who Vermona Boswell is.</p> <p>23 A. She --</p> <p>24 Q. Is she an attorney?</p> <p>25 A. No. She was the manager of the Victims</p>
<p style="text-align: right;">Page 267</p> <p>1 there.</p> <p>2 Q. Okay. Her knowledge is based on reading</p> <p>3 the complaint, correct?</p> <p>4 MS. MILLER-VAN OORT: Objection.</p> <p>5 Foundation.</p> <p>6 But answer if you can.</p> <p>7 A. She told me she read the complaint.</p> <p>8 Q. Okay. And she goes on to say that she made</p> <p>9 the assignments based on the needs of the office.</p> <p>10 Do you see that?</p> <p>11 A. I do.</p> <p>12 Q. And based on her administration's</p> <p>13 priorities and goals, correct?</p> <p>14 A. I see that.</p> <p>15 Q. And you testified earlier that attorneys</p> <p>16 can be transferred and reassigned based on the</p> <p>17 needs of the office, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And assignments -- any assignment</p> <p>20 that you had to the CPU was not binding on her,</p> <p>21 right?</p> <p>22 A. Right. But it wasn't just those two</p> <p>23 things. It wasn't the transfer -- it wasn't just</p> <p>24 the transfer and the CPU.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 269</p> <p>1 Services Unit in the County Attorney's Office at</p> <p>2 this time.</p> <p>3 Q. Okay. Showing you what's been marked as</p> <p>4 Exhibit 114, have you seen this document?</p> <p>5 A. Yes.</p> <p>6 Q. Did she explain -- did she explain in this</p> <p>7 email why she did not want to work with you?</p> <p>8 A. She offered an explanation.</p> <p>9 Q. And she said that she's read articles a few</p> <p>10 weeks ago. Do you know what that refers to?</p> <p>11 A. Not in particular, no.</p> <p>12 Q. Okay. And she did not -- or she said she</p> <p>13 "can't respect how Dominick was publicly humiliated</p> <p>14 and disrespected."</p> <p>15 Do you see that?</p> <p>16 A. I see that.</p> <p>17 Q. Okay. And she also clarifies here that</p> <p>18 this is not Dominick's feelings, but this is her</p> <p>19 feelings, correct?</p> <p>20 A. That's what she said.</p> <p>21 Q. Okay. Do you -- did you understand, when</p> <p>22 you got this, that Ms. Boswell's feelings were</p> <p>23 based on what she perceived to be an attack on</p> <p>24 Mr. Mathews related to how you characterized his</p> <p>25 promotion to APD manager?</p>

<p style="text-align: right;">Page 270</p> <p>1 A. How I characterized it? 2 Q. Yep. 3 A. To some extent, yes. 4 Q. Okay. 5 A. In the MDHR complaint. 6 Q. She's entitled to have her opinion about -- 7 and feelings about that, right? 8 A. Sure. 9 Q. Okay. She goes on to encourage you to work 10 with any of her Victim Witness supervisors for any 11 advocacy services you might need, right? 12 A. Right. 13 Q. And did you work with other Victim Witness 14 supervisors in the CPU? 15 A. Yes. 16 Q. Okay. Were you provided services by those 17 people in the Victim Witness Services? 18 A. We were provided some services. There were 19 services that only Ms. Boswell could provide that 20 we were not provided -- 21 Q. And what -- 22 A. -- in the CPU. 23 Q. What was that? 24 A. In particular -- well, as the manager of 25 the unit, sometimes there were things that I needed</p>	<p style="text-align: right;">Page 272</p> <p>1 your status as a principal attorney? 2 A. She was a member of the Management 3 Committee. 4 Q. Okay. But not an attorney? 5 A. Not an attorney. 6 Q. And she clarified with you that it was the 7 way she felt Dominick was disrespected, not the 8 fact that you filed a charge, that led to her view, 9 right? 10 A. I don't know what you mean by "clarified." 11 Q. Okay. She clarifies or she explains, if 12 you understand that better -- she explains in this 13 email the reason for her opinion. And she doesn't 14 say that she has an opinion about not working with 15 you or a desire not to work with you because you 16 filed a charge, does she? 17 A. I don't agree with you that that's what 18 this means. That's not how I interpret it, no. 19 Q. Okay. Tell me where she says she refuses 20 to work with you because you filed a charge of 21 discrimination? 22 A. Well, the only reason there were articles 23 that she would have read a few weeks ago were 24 because the settlement agreement became public, 25 which disclosed the fact that I had made the MDHR</p>
<p style="text-align: right;">Page 271</p> <p>1 to speak with her about at a level of the manager. 2 And she wouldn't do that. 3 Q. Did Mabley agree that you couldn't get -- 4 strike that. 5 Did you talk to Mabley about this? 6 A. I did. 7 Q. Okay. And what was his response? 8 A. I told him that -- that I considered this 9 to be retaliation for filing the MDHR complaint and 10 that although she may have held these personal 11 opinions, which it was her right to have, there's a 12 difference between that and bringing one's personal 13 opinions into the workplace. 14 I told him that many times over the years, 15 this had seemed less and less like a workplace to 16 me and more and more like a place where people 17 could say anything to or about other people and 18 that that was a problem. 19 I told him that it would be necessary for 20 me to work with Ms. Boswell in the future and that 21 I thought this was going to affect negatively 22 the -- the CPU and its work. 23 He told me that he would follow up and get 24 back to me about that. 25 Q. What was Ms. Boswell's status compared to</p>	<p style="text-align: right;">Page 273</p> <p>1 complaint. 2 And I don't -- like I said, I don't know 3 what articles she read in particular, but I do know 4 that the article in the Star Tribune went into some 5 level of detail about the -- what was in the 6 original MDHR charge. 7 Q. Okay. And so assuming it's that or another 8 article, she is offended by the way Dominick was 9 described in the charge, right? 10 MS. MILLER-VAN OORT: Objection. 11 Foundation. 12 BY MS. ELLINGSTAD: 13 Q. That's what she's telling you? 14 A. She says she can't respect that. 15 Q. Okay. And, again, my question is: Is 16 there any basis for what she explains in this email 17 to say that she refused to work with you because of 18 the fact that you filed a charge of discrimination 19 against the County -- 20 MS. MILLER-VAN OORT: Objection. Asked 21 and -- 22 Q. -- versus what she explains is the reason 23 and that's how Dominick Mathews was treated? 24 Do you see the distinction, Ms. Sweasy? 25 MS. MILLER-VAN OORT: Objection.</p>

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1 Compound.

2 A. I understand your two questions, and, no, I

3 don't agree that this wasn't because of the

4 complaint. If I had never filed the complaint, she

5 would never have sent me this email.

6 Q. But she says right in the email that "I

7 understand you felt like you had to do what you

8 felt was necessary. I can respect that." Right?

9 Do you see that?

10 A. I do see that.

11 Q. Okay. Does that refer to filing your

12 charge?

13 A. I don't know exactly.

14 Q. Okay. Did you release your charge to the

15 press?

16 A. I did not. Do you mean did I give it to

17 them?

18 Q. Yes.

19 A. No.

20 Q. Do you know how the press got the charge?

21 A. I assume they got it from the MDHR when it

22 became public data after I withdrew the complaint.

23 Q. Ms. Sweasy, in my last couple of minutes,

24 you had alleged in your complaint -- you alleged in

25 your complaint that you suffered monetary damages.

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1 And I want to ask you: Prior to the damages that

2 you claim you have incurred as wage loss damages

3 since you left Hennepin County, what monetary

4 damages did you -- are you claiming that you

5 incurred as a result of your claims?

6 A. So you mean not the lost income?

7 Q. Correct.

8 A. Okay. Damages for damage to reputation.

9 Damages for attorneys' fees. Damage for what was

10 alleged at the time of the complaint in terms of

11 specific performance and emotional distress.

12 Q. What do you mean by "specific performance"?

13 A. Well, at the time the complaint was filed,

14 as you know, I still worked there, so insofar as

15 there were contract terms or things that had been

16 breached or not done that could still be done,

17 that's what I mean. Of course, that remedy is moot

18 now.

19 Q. Okay. Could you look at Exhibit 101.

20 Could you turn to page 3951.

21 MS. MILLER-VAN OORT: I'm sorry. Did

22 you say 351? 951? What --

23 MS. ELLINGSTAD: 3951.

24 MS. MILLER-VAN OORT: Thank you.

25 ///

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1 BY MS. ELLINGSTAD:

2 Q. Looks like the text messages on 3951 are

3 from Thursday, April 7, 2022. These are text

4 messages with you and Patrick Lofton, correct?

5 A. Yes.

6 Q. The third text from you down, you say, "I

7 swear, if I see that man, I'm going to kill him

8 with my bare hands."

9 Do you see that?

10 A. I do see that.

11 Q. And who are you referring to there?

12 A. I don't know.

13 Q. Are you referring to Mike Freeman there?

14 MS. MILLER-VAN OORT: Objection. Asked

15 and answered.

16 A. I don't know.

17 Q. Do you think that's an appropriate comment

18 to make about anyone in your workplace, much less

19 the County Attorney?

20 A. Well, I told you that I don't know who I

21 was making it about.

22 Q. Are there more -- are there -- how many

23 people do you feel like you're going to kill with

24 your bare hands?

25 A. I don't know.

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1 Q. Do you say that a lot?

2 A. I don't think so.

3 Q. Okay. And right below that, you're talking

4 about the settlement agreement, right?

5 A. (Reviewing document.)

6 Q. Lofton says, "Let me know when you can

7 update me. God, he sucks."

8 And then you talk about the other side and

9 "I signed the settlement agreement."

10 Do you see that?

11 A. I do see that.

12 Q. So this is -- seems to be regarding the

13 settlement agreement, right?

14 A. That does, yes.

15 Q. Okay. So it's likely you're referring to

16 Mike Freeman when you say "I'm going to kill him

17 with my bare hands."

18 A. I answered your question. I don't -- I

19 honestly don't know --

20 Q. If --

21 A. -- who I was talking about.

22 Q. If it was about Mike Freeman, do you think

23 that's an appropriate thing to say as an employee

24 of the County Attorney's Office?

25 A. I was saying it to somebody -- I mean,

<p style="text-align: right;">Page 278</p> <p>1 not -- I wasn't saying it to him in the workplace. 2 And, again, I don't have -- I don't know who that's 3 about or why I said it. 4 Q. And Patrick Lofton's your coworker, 5 correct? 6 A. He is my coworker. 7 Q. Also reported to Mike Freeman? 8 A. He reported to Mike Freeman. 9 Q. Okay. 10 A. Yes. 11 MS. ELLINGSTAD: I have nothing 12 further. I will state on the record, though, my 13 associate is eight and a half months pregnant, and 14 the staff is -- I don't think it's fair to ask 15 people to stay here until 10 o'clock. And so I 16 would repeat the request that we can reconvene 17 another day for the sake of everyone in this room, 18 including my staff. 19 And I know Mary has a right to her time 20 and is willing to proceed, but I think -- it is 21 already 6:40, and it would be reasonable and 22 civilized to come back a second day to finish this, 23 so renewing my request to be reconsidered. 24 MS. MILLER-VAN OORT: We would like to 25 get the deposition done today as was noted. That's</p>	<p style="text-align: right;">Page 280</p> <p>1 was noted for a one-day deposition. I would have 2 been happy to have discussed two days had you 3 raised it before. It was not raised before. You 4 reconfirmed that you would only need a few hours 5 likely. You just said it again. We're all here. 6 There's so far been no stipulation to 7 extend the discovery schedule. We can't even get 8 the depositions that need to be done scheduled, and 9 pushing this to another day doesn't make any sense. 10 MS. KNOBLAUCH: I'm totally available 11 this week, and Ms. Sweasy is -- 12 MS. MILLER-VAN OORT: Well, I'm not, 13 so -- 14 MS. KNOBLAUCH: Ms. Sweasy's not 15 employed right now, as I understand it. She's at 16 every other deposition. We should be able to 17 easily get this -- I can -- 18 MS. MILLER-VAN OORT: We cannot. 19 MS. KNOBLAUCH: I can do this on a 20 Saturday. I can do this on a Sunday. 21 MS. MILLER-VAN OORT: And you can do it 22 right now. You said you have two or three hours. 23 We're all here. We're available. 24 I will note that both the videographer 25 and the stenographer has indicated that they are</p>
<p style="text-align: right;">Page 279</p> <p>1 what we would like to do. 2 MS. KNOBLAUCH: Yeah, and I will say I 3 noticed a deposition that we continue forward -- 4 continuing -- starting after Ms. Ellingstad's done. 5 And that's what my deposition notice indicated, and 6 that was the appropriate way to do this in these 7 circumstances. 8 I am entitled to one day of a 9 deposition of seven hours. And I do not intend to 10 repeat anything duplicative. And I -- but I do 11 have a couple hours probably, three, maybe, hours, 12 three and a half hours of time. 13 And I think it's completely reasonable 14 that in this case in which the plaintiffs are -- 15 your office is taking multiple, multiple 16 depositions of multiple days, of dozens of hours, 17 that in this kind of a case when the defendants are 18 taking one deposition, each party is entitled to 19 that deposition. 20 And I think it's appropriate to -- and 21 we have good reason for me to be -- for me to be 22 able to take my deposition on a day that begins not 23 at 6:40 after we've been here all day. 24 MS. MILLER-VAN OORT: So noted. I 25 think that I've already explained the bases that it</p>	<p style="text-align: right;">Page 281</p> <p>1 able to continue. Every other person is here. 2 I apologize, Counsel, that you're 3 pregnant, that that's the situation. But I think 4 that -- throwing that out as the reason right now 5 after all the other discussion we've had right now, 6 I don't -- I don't think that that's fair to 7 everybody who's here and the ability to proceed. 8 MS. KNOBLAUCH: Okay. 9 MS. ELLINGSTAD: All right. Just -- 10 you haven't provided any reason other than, I mean, 11 saying no. That we can't -- 12 MS. MILLER-VAN OORT: No, that's not 13 true. I've said we don't have time to schedule a 14 second deposition. We've had extreme difficulties 15 scheduling the ones that we've asked for. 16 MS. ELLINGSTAD: We've given you -- 17 MS. KNOBLAUCH: We've given you tons of 18 dates. Just -- 19 (Simultaneous crosstalk.) 20 MS. ELLINGSTAD: We've given you dates 21 for every single deposition. 22 MS. MILLER-VAN OORT: Well, it don't 23 work for us, and we'll come back with other dates. 24 And there's been no agreement. 25 MS. ELLINGSTAD: Well, that's not --</p>

71 (Pages 278 - 281)

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1 (Simultaneous crosstalk clarified by
2 the court reporter.)
3 MS. ELLINGSTAD: We have tons of dates
4 out there.
5 MS. MILLER-VAN OORT: It doesn't matter
6 right now.
7 MS. KNOBLAUCH: It doesn't matter?
8 MS. MILLER-VAN OORT: It doesn't matter
9 right now with regard to this. Let's -- we're
10 ready to move on. Let's move on.
11 MS. KNOBLAUCH: Again, I think
12 Ms. Ellingstad's made a decision, and I'm going to
13 abide by that decision as well. And I think it's
14 appropriate. I've actually never had this kind of
15 difficulty. And for you to somehow say it's an I
16 gotcha because we didn't, like, negotiate this
17 somehow.
18 I mean, my view is: In every other
19 situation I've had like this, counsel worked this
20 out; it's a very cooperative process. Everybody
21 should get their opportunity to question this
22 witness. And I think you're taking an unreasonable
23 position.
24 MS. MILLER-VAN OORT: You have the
25 opportunity to do it right now. You're choosing


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1 not to exercise that ability. That is a choice
2 that you are making right now when, even at the
3 beginning of this deposition today, you said you
4 would be able to proceed today. And now -- and you
5 repeated it just a bit ago. And so for whatever
6 reason, which seems to be you're not prepared -- I
7 don't know what the reason is.
8 MS. KNOBLAUCH: I'm totally prepared.
9 MS. MILLER-VAN OORT: Then we should
10 proceed at least for another hour and a half.
11 (Simultaneous crosstalk.)
12 MS. MATSON: It's 6:45. I would
13 appreciate -- as the debilitated person in the
14 room, I would appreciate if we could stop and start
15 again. I'm Susan's second chair. I think it's
16 important that I'm here. I would appreciate
17 resuming on another day.
18 MS. ELLINGSTAD: They're declining, so
19 I guess we will --
20 MS. MILLER-VAN OORT: If Ms. Knoblauch
21 is deciding she doesn't want to continue, then
22 that's what the record will reflect, and we will
23 adjourn.
24 MS. KNOBLAUCH: And I'm reserving my
25 right to take the deposition of the plaintiff and

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1 take as much time as I need, although, again, I'm
2 pretty efficient. I'm prepared. There's no
3 question I am prepared.
4 We have -- Ms. Ellingstad, I think, did
5 a thorough job that moved through the material
6 quickly. Depositions can take longer than you
7 really anticipate. Yours all have.
8 We've plowed a ton of ground with
9 yours. And I think it's only fair and reasonable
10 that I, as representing a defendant in this case,
11 have an opportunity to question this witness at
12 some other time other than when it's a quarter to
13 7:00 at night when other people in the room have
14 requested not to continue.
15 We can go off the record.
16 MS. MILLER-VAN OORT: Okay.
17 THE VIDEOGRAPHER: We are going off the
18 record. The time now is 6:46 p.m.
19 (Time Noted: 6:46 p.m.,
20 August 21, 2023.)
21 ---
22
23
24
25

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1 REPORTER'S CERTIFICATE
2
3 STATE OF MINNESOTA)
4) ss.
5 COUNTY OF HENNEPIN)
6
7 I hereby certify that I reported Volume 1 of
8 the videotaped deposition of Amy Sweasy Tamburino,
9 on August 21, 2023, in Minneapolis, Minnesota, and
10 that the witness was by me first duly affirmed to
11 tell the whole truth;
12
13 That the testimony was transcribed by me and
14 is a true record of the testimony of the witness;
15 That the cost of the original has been
16 charged to the party who noticed the deposition,
17 and that all parties who ordered copies have been
18 charged at the same rate for such copies;
19
20 That I am not a relative or employee or
21 attorney or counsel of any of the parties, or a
22 relative or employee of such attorney or counsel;
23
24 That I am not financially interested in the
25 action and have no contract with the parties,
attorneys, or persons with an interest in the
action that affects or has a substantial tendency
to affect my impartiality;
That the right to read and sign the
deposition by the witness was preserved.
WITNESS MY HAND AND SEAL THIS 27th day of
August, 2023.

Heilee Johnson
Notary Public, Hennepin County, Minnesota
My commission expires January 31, 2026

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1 Veritext Legal Solutions
1100 Superior Ave
2 Suite 1820
3 Cleveland, Ohio 44114
4 Phone: 216-523-1313

5 August 31, 2023

6 To: Sonia Miller-Van Oort, Esq.

7 Case Name: Tamburino, Amy Sweasy v. Freeman, Michael O., et al.

8 Veritext Reference Number: 5989149

9 Witness: Amy Sweasy Tamburino, Volume I

10 Deposition Date: 8/21/2023

11 Dear Sir/Madam:

12 Enclosed please find a deposition transcript. Please have the witness
13 review the transcript and note any changes or corrections on the
14 included errata sheet, indicating the page, line number, change, and
15 the reason for the change. Have the witness' signature notarized and
16 forward the completed page(s) back to us at the Production address
17 shown
18 above, or email to production-midwest@veritext.com.

19 If the errata is not returned within thirty days of your receipt of
20 this letter, the reading and signing will be deemed waived.

21 Sincerely,

22 Production Department

23
24
25 NO NOTARY REQUIRED IN CA

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1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2 ASSIGNMENT REFERENCE NO: 5989149

3 CASE NAME: Tamburino, Amy Sweasy v.
Freeman, Michael O., et al.

4 DATE OF DEPOSITION: 8/21/2023

5 WITNESS' NAME: Amy Sweasy Tamburino, Volume I

6 In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
7 my testimony or it has been read to me.
8 I have made no changes to the testimony
as transcribed by the court reporter.

9 Date _____ Amy Sweasy Tamburino, Volume I

10 Sworn to and subscribed before me, a
Notary Public in and for the State and County,
11 the referenced witness did personally appear
and acknowledge that:

12 They have read the transcript;
13 They signed the foregoing Sworn
Statement; and
14 Their execution of this Statement is of
their free act and deed.

15 I have affixed my name and official seal
16 this _____ day of _____, 20____.

17 _____
18 Notary Public
19 _____
Commission Expiration Date

20
21
22
23
24
25

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1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2 ASSIGNMENT REFERENCE NO: 5989149

3 CASE NAME: Tamburino, Amy Sweasy v.
Freeman, Michael O., et al.

4 DATE OF DEPOSITION: 8/21/2023

5 WITNESS' NAME: Amy Sweasy Tamburino, Volume I

6 In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
7 my testimony or it has been read to me.
8 I have listed my changes on the attached
Errata Sheet, listing page and line numbers as
9 well as the reason(s) for the change(s).
10 I request that these changes be entered
as part of the record of my testimony.

11 I have executed the Errata Sheet, as well
12 as this Certificate, and request and authorize
that both be appended to the transcript of my
13 testimony and be incorporated therein.

14 Date _____ Amy Sweasy Tamburino, Volume I

15 Sworn to and subscribed before me, a
Notary Public in and for the State and County,
16 the referenced witness did personally appear
and acknowledge that:

17 They have read the transcript;
18 They have listed all of their corrections
in the appended Errata Sheet;
19 They signed the foregoing Sworn
Statement; and
20 Their execution of this Statement is of
their free act and deed.

21 I have affixed my name and official seal
22 this _____ day of _____, 20____.

23 _____
24 Notary Public
25 _____
Commission Expiration Date

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1 ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST

2 ASSIGNMENT NO: 5989149

3 PAGE/LINE(S) / CHANGE /REASON

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 Date _____ Amy Sweasy Tamburino, Volume I

21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____

22 DAY OF _____, 20____.

23 _____
24 Notary Public
25 _____
Commission Expiration Date

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Minnesota Rules of Civil Procedure

Part V. Depositions and Discovery

Rule 30

Rule 30.05 Review by Witness; Changes; Signing

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by Rule 30.06(1) whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

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VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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