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1 CAUSE NO. 2007-54438
 2 DAVID AND KATHLEEN PLUCHINSKY,) IN THE DISTRICT COURT OF
 INDIVIDUALLY AND AS)
 3 REPRESENTATIVES OF THE JOHN)
 ALBERT PLUCHINSKY ESTATE,)
 4 PLAINTIFFS,)
)
 5 VS.) HARRIS COUNTY, T E X A S
)
 6 HOUSTON RACQUET CLUB, STEPHEN)
 GRIFFIN, DAVID LAMKIN,)
 7 GUILLERMO PALMER, AND)
 LG Supv,)
 8 DEFENDANTS.) 281ST JUDICIAL DISTRICT

9 *****

10 ORAL VIDEOTAPED DEPOSITION
 11 CD
 12 June 4, 2008
 13 *****

14
 15 ORAL VIDEOTAPED DEPOSITION OF CD,
 16 produced as a witness at the instance of the Plaintiffs
 17 and duly sworn, was taken in the above-styled and
 18 numbered cause on June 4, 2008, from 10:33 a.m. to
 19 6:56 p.m. before Roxanne K. Smith, Certified Shorthand
 20 Reporter in and for the State of Texas, reported by
 21 computerized stenotype machine at the offices of Tucker,
 22 Taunton, Snyder & Slade, P.C., 10370 Richmond Avenue,
 23 Suite 1400, Houston, Texas, pursuant to the Texas Rules
 24 of Civil Procedure and the provisions stated on the
 25 record or attached hereto.

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

2
3

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FOR THE DEFENDANTS:

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Also Present:

Mr. Derek Martin, Videographer
Mr. Stephen Griffin
Mr. David Lamkin

* * * * *

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1 THE VIDEOGRAPHER: Today's date is
2 Wednesday, June the 4th, 2008. The time is 10:33 a.m.
3 We're on the record.

4 CD,
5 having been first duly sworn, testified as follows:

6 EXAMINATION

7 BY MR. PLETCHER:

8 Q. Ma'am, could you introduce yourself to the
9 ladies and gentlemen of the jury?

10 A. Yes. My name is CD.

11 Q. Ms. CD, my name's Matt Pletcher; and I
12 represent David and Kathleen Pluchinsky, the parents of
13 John Pluchinsky who drowned at the family pool while in
14 the care and custody of the Houston Racquet Club. Do
15 you understand that?

16 A. Yes.

17 Q. You were employed with the Racquet Club on
18 July 18th, 2007, that tragic day, weren't you?

19 A. Yes.

20 Q. Before we get started, you've never done this
21 before, have you?

22 A. No.

23 Q. Okay. I want you to know that if you need to
24 take a break for any reason, if you just want to stretch
25 your legs, go to the ladies' room or talk to your

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1 lawyer, just let me know. Okay?

2 A. Okay.

3 Q. It's not going -- we can take as many breaks as
4 you want. Okay?

5 A. (Witness nodding head)

6 Q. And the other thing, did you have a chance to
7 talk to Mr. Reese about what a deposition is and what
8 this process is today?

9 A. With Mr. Snyder.

10 Q. Okay. So, you understand what a deposition is.

11 A. Yes.

12 Q. You understand that you are here to tell the
13 truth today, aren't you?

14 A. Correct.

15 Q. You're here -- even though we're in an informal

16 conference room -- we're not in a courtroom -- you
17 understand that this deposition will be typed up and
18 it's being taped, too, and it can be played to the jury
19 and to the Judge in a court of law.

20 A. I understand that.

21 Q. And you're under the same oath in this room as
22 if we were down at the district courtroom.

23 A. Correct.

24 Q. Okay. I need a couple of agreements that will
25 make this deposition go smoother. Okay? If you will
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1 wait to give your answer until I have finished my
2 question, I'll give you the same courtesy. I won't ask
3 my next one until you have completely finished your
4 answer. Okay?

5 A. Okay.

6 Q. And also if for some reason I cut you off,
7 please let me know and just say, "Matt, I wasn't
8 finished with my answer. Can I finish, please, sir?"
9 And I'll be more than happy to let you finish. Okay?

10 A. Okay.

11 Q. And then the one agreement that I need from you
12 is that if for any reason you don't understand one of my
13 questions, be it you don't hear it or it doesn't make
14 any sense to you or I just, you know, butcher the
15 question, will you tell me that you don't understand it
16 before you answer the question?

17 A. Yes, sir.

18 Q. And if you answer a question without telling me
19 you didn't understand it or asking me to rephrase it, is
20 it fair for me to assume that you did understand it when
21 you gave your answer if you don't ask me to repeat it?

22 A. Yes.

23 Q. Okay. Great. You held the title of camp
24 director on July 18th, 2007, correct?

25 A. That's correct. The assistant camp director.

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1 Q. Okay. You were the assistant camp director?

2 A. We shared -- we shared the camp director
3 duties.

4 Q. Okay. Who -- was there another assistant camp
5 director?

6 A. No. I was under David Lamkin.

7 Q. Okay. Well, we deposed Mr. Lamkin. And he had
8 testified that you were kind of informally the camp
9 director, but he was essentially -- or he was

10 responsible for everything to do with the summer camp of
11 2007 --

12 A. Correct.

13 Q. -- is that correct? Then, so, now you have
14 clarified it even further, that your real title was
15 assistant camp director?

16 A. Camp -- yes.

17 Q. That was your official title.

18 A. I was really never given an official title,
19 but --

20 Q. Okay. Well, one thing that we do know is that
21 this man sitting over here to your left, Mr. David
22 Lamkin, was your direct supervisor, correct?

23 A. Correct.

24 Q. And he was the one who gave you instructions --

25 A. Correct.

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1 Q. -- correct? He was the one who oversaw your
2 day-to-day activities, correct?

3 A. Correct.

4 Q. He was the person that you would go to if you
5 had problems or needed solutions for problems, correct?

6 A. Correct.

7 Q. Could you also go to the general manager,
8 Mr. Steve Griffin, who is also sitting to your left in
9 this deposition today? If you had a problem or a
10 concern or an issue, could you go to him?

11 A. I would go to David Lamkin.

12 Q. Okay. Did you ever during your entire career
13 with the Racquet Club ever go to Mr. Griffin personally
14 with an issue or a problem?

15 A. No, sir.

16 Q. Never had a meeting with him?

17 A. No.

18 Q. So, all of your meetings, all of your
19 discussions on how to do your job, issues that may come
20 up in the performance of your job, you would go to David
21 Lamkin?

22 A. Correct.

23 Q. Well, did you as assistant camp director also
24 have an assistant who helped you? Was there somebody
25 under you -- directly under you that helped you in the

0009

1 operation of the summer camp in 2007?

2 A. We had some of the other counselors that might
3 have assisted in the upstairs at the craft room or

4 something like that. If I was at the house, I would let
5 them know where I'm going to be on the grounds --

6 Q. Okay.

7 A. -- just to make sure somebody always knew --

8 Q. Okay.

9 A. -- where I was at.

10 Q. And those other counselors that you have
11 identified would be camp counselor supervisors?

12 A. No. Just --

13 Q. Regular counselors.

14 A. Just the counselors.

15 Q. You did in 2007 have counselors who held the
16 title of counselor supervisors, correct?

17 A. Correct.

18 Q. Okay. I'm going to get to the identity of
19 those folks in a minute. Well, there's a -- there is a
20 lady who has been referred to in these depositions that
21 we've taken in this case. Her name is even referred to
22 in some of the documents who I was of the impression was
23 an assistant camp director. And her name is SUPV ?

24 A. Yes.

25 Q. What is SUPV 's full name?

0010

1 A. I don't recall her last name. I just knew
2 her -- it would be a David question. I'm not sure what
3 her last name was.

4 Q. Okay.

5 A. I just knew her as SUPV or SUPV .

6 Q. SUPV was her full name, first name? Can
7 you describe her? What age was she? Older or younger
8 than you?

9 A. I'd say younger.

10 Q. Okay.

11 A. We never discussed her age.

12 Q. And was she also given the title assistant camp
13 direct --

14 A. Uh-huh.

15 Q. -- director?

16 A. I don't recall that. She was just at the camp
17 to help me.

18 Q. To help you.

19 A. Uh-huh.

20 Q. Okay. So, she was one person directly under
21 you that assisted you as assistant camp director.

22 A. Pretty much.

23 Q. Okay. And when you say "pretty much," what do

24 you mean by that?

25 A. Just -- we didn't have her on Wednesdays. She

0011

1 had other duties with the Racquet Club.

2 Q. What other duties?

3 A. Payroll, as far as I know.

4 Q. All right. Now, David Lamkin hired you,

5 correct --

6 A. Yes, sir.

7 Q. -- originally? Did you go through an interview
8 with him?

9 A. Yes, two years -- two or three years ago.

10 Q. And did you -- did you fill out a written

11 employment application --

12 A. Yes.

13 Q. -- for that position? You wouldn't happen to
14 have a copy of that, would you?

15 A. (Witness shaking head)

16 Q. Do you recall -- you said it was two or three
17 years ago?

18 A. Three years ago.

19 Q. What year was it? Was it in '05?

20 A. '05 or '06 and '07.

21 Q. So, you would have applied and interviewed in
22 2005.

23 A. Correct.

24 Q. And do you know what your hire date was? When
25 did you start, approximately what month?

0012

1 A. June.

2 Q. June of 2005?

3 A. Uh-huh.

4 MR. REESE: Yes.

5 A. Yes. Sorry.

6 Q. (By Mr. Pletcher) Thank you. You do have to
7 give me verbal answers, yes or no.

8 A. Sorry.

9 Q. Uh-huhs don't work.

10 A. Sorry.

11 Q. That's okay.

12 I've requested your application, but I

13 haven't got it. So, I just want to ask you a couple of
14 questions about it. Is it -- was it a typical job

15 application that asked you questions about your personal
16 information, Social Security number, drivers' license

17 and then asked you about your work history? Did you

18 list the jobs that you had had before applying for the
19 position at the Racquet Club, to the best of your
20 recollection?

21 A. I don't recall. I remember giving all my
22 information, as you said, Social Security, drivers'
23 license.

24 Q. But you don't -- you're not sure if the
25 application asked you for prior work history?

0013

1 A. I think.

2 Q. I mean, that's typically what's on an
3 application.

4 A. It's normally -- a normal application.

5 Q. So, the best of your recollection, the
6 application was a normal application?

7 A. Correct.

8 Q. Okay. And when you interviewed, did you
9 interview in June of 2005 or did you interview a few
10 months before?

11 A. I don't recall.

12 Q. Okay. Did you interview with anybody other
13 than David Lamkin?

14 A. No.

15 Q. Okay. Had you had any prior relationship
16 either socially or through another job with David
17 Lamkin?

18 A. Yes.

19 Q. You did.

20 A. Yes.

21 Q. And what was that prior relationship? Can you
22 describe that?

23 A. Our daughters go to the same high school.

24 Q. And what high school is that?

25 A. **Privilege HRC Designation as Confidential**

0014

1 Q. Okay. And that's your daughter CC-B, correct?

2 A. Yes.

3 Q. While I'm at it, do you have any other
4 children?

5 A. Yes, sir. I have a 14-year-old.

6 Q. Okay.

7 A. And a 21-year-old, both girls -- all three
8 girls.

9 Q. Now, CC-B was 17 in the summer of 2007,
10 correct?

11 A. Correct.

12 Q. And I think she turns 18 this October, is that
13 correct, or she just did?
14 A. '07 she turned -- October 4th she turned 18.
15 Q. All right. She's already 18.
16 A. Yes, sir.
17 Q. Now, who is your 14-year-old? Is that a boy or
18 girl?
19 A. Girl.
20 Q. Name?
21 A. **Privilege HRC Designation as Confidential**
22 Q. And is **Priv** at **Priv**-- in the
23 A. In the **Priv** district.
24 Q. -- Independent School District?
25 A. Yes.

0015

1 Q. Okay. She would be in middle school, I guess.
2 A. She's going into the ninth grade.
3 Q. Just finished eighth.
4 A. Yes.
5 Q. And your 21-year-old, what is -- what is --
6 A. She's in her --
7 Q. -- her name?
8 A. **Privilege HRC Designation as Confidential**
9 Q. And what does she do?
10 A. She's a student at **Privilege HRC Designation as Confidential**
11 Q. Okay. When you originally applied for your
12 position at the Houston Racquet Club, did you apply for
13 the position of camp director or did you apply as -- for
14 a different position?
15 A. As an assistant camp director.
16 Q. Okay. And the interview that you had with
17 David, did he go through your work history during the
18 interview process?
19 A. Yes.
20 Q. Did he explain to you what your duties and
21 responsibilities would be as assistant camp director --
22 got to wait until I finish.
23 A. Sorry.
24 Q. Sometimes I'm slow. Let me start over.
25 A. Sorry.

0016

1 Q. Did Mr. Lamkin explain to you your duties and
2 responsibilities as assistant camp director before you
3 accepted the position?
4 A. Yes. DS and David did at that time. DS
5 and David both of them at that time --

6 Q. Okay. So --
7 A. -- explained the position.
8 Q. All right. DS is DS,
9 Mr. Lamkin's ex-wife, correct?
10 A. Correct.
11 Q. She attended the interview along with you and
12 Mr. Lamkin?
13 A. Yes.
14 Q. Okay. And did both DS and David explain to
15 you what their expectations were of you as -- in the
16 position of assistant camp director?
17 A. Yes.
18 Q. Do you agree that knowing what their
19 expectations were and what your day-to-day duties and
20 responsibilities is an important thing, particularly for
21 a position such as assistant director of a summer camp,
22 correct?
23 A. Correct.
24 Q. You need to know exactly what you will be doing
25 on a daily basis, how to do it and the details of your
0017
1 day-to-day work, right?
2 A. Correct.
3 Q. So, you held that same position, assistant camp
4 director, from June 2005 until you left in 2007,
5 correct?
6 A. Correct.
7 Q. Did you at any time during that period receive
8 any sort of pay raise or bonus?
9 A. I don't recall.
10 Q. Do you recall what your rate of pay was in
11 2007?
12 A. No.
13 Q. Okay. I have a document here that I'll show
14 you that has your name on the top of it. And it
15 indicates that on July 25th, you were issued a check in
16 the amount of -- gross amount of **Privilege HRC Designation as Confidential**
17 Can you look at that real quick?
18 A. (Witness peruses document)
19 Q. Does that refresh your recollection of what
20 your pay rate was as of July of 2007?
21 A. Yes.
22 Q. Okay. And what was it?
23 A. A **Privilege HRC Designation as Confidential**
24 Q. For every month or two-week period? Must have
25 been every two weeks.

0018

- 1 A. I think so.
- 2 Q. Or was that a weekly pay rate?
- 3 A. I don't recall. Because we got paid at the
- 4 third week of -- at end of the month because camp ran
- 5 three weeks in June, three weeks in July.
- 6 Q. Okay.
- 7 A. So, I received my check usually in the third
- 8 month.
- 9 Q. Okay. Now --
- 10 A. I mean the third week.
- 11 Q. -- the check for a **Privilege** that you
- 12 would receive -- that you did receive in July of '07,
- 13 would that be for the entire three-week period?
- 14 A. I would believe so.
- 15 Q. That's your best recollection?
- 16 A. Yes, sir.
- 17 Q. Okay. Could I have that back? Thank you.
- 18 Prior to June of 2005, had you had any
- 19 other work experience as a director or supervisor at a
- 20 day camp, summer camp or any type of camp or day center
- 21 that watched over young children?
- 22 A. Yes, sir.
- 23 Q. And where -- what experience did you have?
- 24 A. How far would you like me to go back?
- 25 Q. Let's go all the way back.

0019

- 1 A. Okay.
- 2 Q. I'll tell you what: Why don't we do this. Go
- 3 ahead and give me a general answer on what your
- 4 experience was as a camp supervisor, director or
- 5 assistant director before you were hired in June of '05
- 6 by the Racquet Club?
- 7 A. I've been a Sunday school teacher for the last
- 8 14 years at the Christ the Redeemer Church in the pre --
- 9 pre-K.
- 10 Q. Okay. Are you still a preschool teacher at
- 11 Christ Redeemer Church?
- 12 A. Yes.
- 13 Q. And you've been there for 14 years?
- 14 A. As a parish member, I've been there 22 years.
- 15 Q. Okay. And as a preschool teacher, have you
- 16 done that for 14 years?
- 17 A. Yes.
- 18 Q. Okay. And did you or have you worked as a
- 19 preschool teacher during the school year at that

20 church --

21 A. Yes.

22 Q. -- during these 14 years?

23 A. Yes, sir.

24 Q. And what is the school year?

25 A. Roughly about September through April.

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1 Q. Okay. Why don't you tell me what a typical day
2 is like at that preschool at Christ Redeemer Church.

3 A. It runs during services. I do it for an hour
4 during services at 11:00 o'clock, usually arriving about
5 10:15-ish to get my room together, get the crafts that
6 we're going to have, the warm-up sheets when they come
7 in.

8 Q. Sure.

9 A. And just organize myself before the kids get
10 there.

11 Q. Sure. Now, how many days a week did you -- did
12 you do that?

13 A. Sundays. Once a week.

14 Q. Okay. Okay. So, you were a preschool
15 Sunday --

16 A. Sunday school teacher.

17 Q. Sunday school teacher. Okay. And was that
18 preschool Sunday school for a term of, like, 25 weeks,
19 26 weeks maybe?

20 A. Less than that.

21 Q. Okay.

22 A. Because of holidays, the church would not allow
23 us to have Sunday school on those weekends.

24 Q. Sure. So, less than 25, less than 20?

25 A. It roughly was about three Sundays a month.

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1 Q. Okay. So, just a little over 20 days during
2 the semester, correct?

3 A. Something like that.

4 Q. Now, at the Christ Redeemer Church where you
5 were a Sunday school teacher, y'all didn't have swimming
6 there, did you?

7 A. No, sir.

8 Q. Did you have any outdoor activities for the
9 preschoolers during Sunday school, or was it all
10 classroom work?

11 A. Classroom work.

12 Q. Not even recess, correct?

13 A. No, sir.

14 Q. That is correct?

15 A. Correct.

16 Q. Okay. Certainly you would agree that that
17 experience as a Sunday school teacher was a lot
18 different than the experience that you had at the
19 Houston Racquet Club working as an assistant camp
20 director where they had outdoor activities including
21 sports activities and swimming, correct?

22 A. Correct.

23 Q. When you were a Sunday school teacher during
24 these 14 -- 13 years -- 12 years before you were
25 employed with the Racquet Club, did you have any

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1 assistants that helped you?

2 A. Yes.

3 Q. How many?

4 A. Usually one to two.

5 Q. Okay. Any other experience that you had prior
6 to being employed by the Racquet Club that you
7 considered to be similar to being a camp director at the
8 Club?

9 A. In my years past, not so much a camp director;
10 but I volunteered many places like the YMCA.

11 Q. Yes.

12 A. Even when I was going through high school, I
13 did service hours over at the YMCA where we did -- I
14 did -- was basically I would call -- I don't remember a
15 title there. But we did have kids at the YMCA. I also
16 coached volleyball.

17 Q. Okay. What age group?

18 A. Volleyball?

19 Q. Yes.

20 A. This past season it was 13-year-olds. Last
21 summer it was fourth and fifth graders, and this summer
22 it's fourth and fifth graders.

23 Q. So, kids between the ages of 9 and 11?

24 A. Something like that.

25 Q. Does that sound right?

0023

1 A. Yes.

2 Q. Okay. Now, the volunteer work that you said
3 that you did for the YMCA, how often would you do that
4 volunteer work?

5 A. When I was in high school, quite often.

6 Q. Okay.

7 A. We did a lot of service hours.

8 Q. That was many years before you employed -- you
9 applied for your job at Racquet Club, though.

10 A. Yes.

11 Q. Okay. And what position did you have or what
12 role did you play during that volunteer work at the
13 YMCA?

14 A. I would say counselor.

15 Q. Okay. And how much time did you spend doing
16 that? Was that a once a week, three times a week, once
17 a month situation where you volunteered? Or was it two
18 months out of the year? Can you describe that for me?

19 A. During the summer when we were out of school.

20 Q. Okay. So, from June to August?

21 A. Yes.

22 Q. Okay. And did you work every day of the week
23 or just a few days during the week? Just give me a
24 general description.

25 A. Of course it seemed every day. But I think we
0024

1 had scheduled days that we were doing our service --
2 because we were doing service hours pretty much. And I
3 would say probably three, four days a week during the
4 summer.

5 Q. Okay. And you said you did service hours.
6 What does that mean?

7 A. Just where you don't get paid for it. You go
8 and just help out.

9 Q. And was this part of a school curriculum at
10 your high school that you did this?

11 A. No. It was just us in the neighborhood.

12 Q. And what age range of children did you act as
13 counselor for at the YMCA?

14 A. Pretty much young, 3-, 4-year-olds on up.

15 Q. Okay. And how many summers did you do that at
16 the YMCA?

17 A. I recall one summer.

18 Q. Okay. So, your best recollection is that you
19 did your volunteer work at the YMCA for three or four
20 days a week during the summer months for one summer; is
21 that correct?

22 A. Correct.

23 Q. Okay. And can you describe to us what sort of
24 activities you would -- you would oversee as a counselor
25 for the YMCA, a volunteer counselor?

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1 A. It would be crafts, basketball, occasionally

2 field trips that we went on, story time, lunch time.
3 Q. Sure. No swim time, though?
4 A. No.
5 Q. No swim lessons, correct?
6 A. No, sir.
7 Q. You're not a swim instructor and never have
8 been, correct?
9 A. Correct.
10 Q. What year did you do this summer volunteer work
11 at the YMCA? You said you were in high school. Can you
12 give me the approximate year?
13 A. I would say somewhat about '79, 1979.
14 Q. Okay. Now, the volleyball coaching that you've
15 done in the past, you said you coached the 13-year-old
16 team. Was that your daughter's team?
17 A. No, sir.
18 Q. Okay. Where was that team located?
19 A. Texas Tornados volleyball facility.
20 Q. Is that a club?
21 A. Yes, sir.
22 Q. Volleyball club?
23 A. Yes, sir.
24 Q. Do tournaments and stuff like that?
25 A. Yes, sir.

0026

1 Q. Did y'all play over off the Toll Road there at
2 I-10?
3 A. Yes, Houston Juniors.
4 Q. Yes. Was that just for one year?
5 A. I've coached volleyball probably for at least
6 10 or 15 years. I was a volunteer coach over at the
7 YMCA as well.
8 Q. Okay. Would you agree, ma'am, that being a
9 coach of a volleyball team of 13-year-olds or even 9 and
10 11-year-olds, fourth and fifth graders, is apple and
11 oranges to being a camp counselor, director of a camp --
12 summer camp or an assistant director of a summer camp?
13 A. Can you repeat the question --
14 Q. Sure.
15 A. -- at the beginning?
16 Q. Ma'am, would you agree that there are very few
17 similarities, if any, between acting as a volleyball
18 coach as compared to being an assistant director,
19 director or a camp counselor for a summer camp?
20 A. Yes.
21 Q. Okay. Are there any similarities between the

22 two different activities?

23 A. In what regards?

24 Q. In any regard.

25 A. I don't understand.

0027

1 Q. Okay. Well, you just told me -- or you agreed
2 that there were few similarities being between being a
3 volleyball coach and overseeing a volleyball team as
4 compared of being a director or assistant director or
5 camp counselor for summer camp, correct?

6 A. Correct.

7 Q. So, I'm just wondering: Are there any
8 similarities between the two?

9 A. They're each -- they vary in different --

10 Q. Right. Well, for example, when you're coaching
11 a volleyball team, don't a lot of the mothers and
12 fathers attend the practices or show up early -- either
13 stay throughout the practice or come early to pick up
14 their child to watch?

15 A. Yes.

16 Q. Okay. So, that's different than being a camp
17 counselor or an assistant director at a summer camp
18 where parents are dropping children off into the care
19 and custody of the club or facility that's offering the
20 camp, correct?

21 A. Yes.

22 Q. And the activity involved in being a volleyball
23 coach is one thing.

24 A. Correct.

25 Q. Playing volleyball. Whereas, a summer camper

0028

1 who goes to a summer camp has a number of activities.
2 That's the whole goal of the camp, is to keep them
3 active and doing different things, correct?

4 A. Correct.

5 Q. Well, what else in your past work history do
6 you think was similar to being an assistant director at
7 a summer camp like the one that you worked at at the
8 Racquet Club from 2005 to 2007? Was there anything that
9 was similar to it?

10 A. My answer would be just always working with
11 kids.

12 Q. Okay. But you would agree that your work with
13 children prior to working at the Racquet Club was
14 associated with being a Sunday school teacher for just
15 an hour or two on three Sundays a month. And the other

16 experience would have been being a volleyball coach and
17 a counselor at the YMCA just for one summer, correct?

18 A. Correct.

19 Q. At no time prior to your employment with the
20 Houston Racquet Club did you have any experience where
21 you acted as a counselor, a supervisor, an assistant
22 director of any type of daycare facility or summer camp
23 where parents dropped their children off in the sole and
24 exclusive care of the facility offering the camp,
25 correct?

0029

1 A. Correct.

2 Q. Okay. Zero experience, right?

3 A. Other than being a mom myself.

4 Q. Sure. Right. Did you at any time during your
5 employment with the Houston Racquet Club work under
6 anybody other than David Lamkin? Did you understand my
7 question?

8 A. Yes. DS as well.

9 Q. DS ?

10 A. Uh-huh.

11 Q. Okay. Yeah. I think that David testified --
12 David Lamkin testified that in 2006, you and DS
13 his ex-wife, acted as co-assistant
14 directors.

15 A. Correct.

16 Q. And that was in '06. So, in '05 you worked
17 directly under her.

18 A. Correct.

19 Q. So, in 2005, DS and David Lamkin
20 supervised you.

21 A. Correct.

22 Q. And they trained you.

23 A. Correct.

24 Q. And would you agree that all of your experience
25 being a assistant director or in any sort of supervisory

0030

1 role of a summer camp was on-the-job training at the
2 Houston Racquet Club?

3 A. Correct.

4 Q. You never -- did the Houston Racquet Club ever
5 send you to any sort of seminar or lecture or course
6 related to operating or overseeing a day camp, a day
7 center or a summer camp?

8 A. No.

9 Q. Have you ever been a member of any sort of

10 organization such as the American Campers' Association
11 that involves the operation -- that involves an industry
12 that includes -- let me rephrase it. Bad question.
13 You're looking at me like I'm from Mars.

14 Have you ever been a member of any sort of
15 organization like the American Campers' Association that
16 is an organization involving the operation of any type
17 of camp, be it a day camp, summer camp or --

18 A. Yes.

19 Q. -- other? And what organization did you belong
20 to?

21 A. Girl Scouts.

22 Q. And when did you belong to that organization?

23 A. When the girl were in elementary starting with
24 my oldest child.

25 Q. And did you function as den leader?

0031

1 A. It's called a Girl Scout leader.

2 Q. Were you a Girl Scout leader for your
3 daughter's group?

4 A. Yes. Well, co-Girl Scout leader because we had
5 several parents that shared the duties as the Girl Scout
6 leader.

7 Q. And what school was that through?

8 A. Fiest Elementary.

9 Q. Fiest?

10 A. F-i-e-s-t.

11 Q. And that's here in Houston?

12 A. Yes, sir, in the Cy-Fair district.

13 Q. Have you always lived in Houston?

14 A. Yes, sir.

15 Q. Born and raised?

16 A. Yes, sir.

17 Q. Me, too. There's very few of us.

18 A. That's right.

19 Q. Okay. How many years did you act as a Girl
20 Scout leader for your daughter's group?

21 A. Let's see.

22 Q. Your two daughters' groups.

23 A. Three.

24 Q. Three daughters' groups.

25 A. Do you want overall?

0032

1 Q. Just give me approximate. Did you do it three
2 or four years?

3 A. Yes, because we did it during -- when they were

4 Brownies to Girl Scouts. And that ended somewhat about
5 when they were 12 because they didn't want to -- once
6 they got into junior high, they didn't want to go into
7 Girl Scouts anymore.

8 Q. You said that you were a co-leader. So, you
9 helped other moms with this activity. Did you ever get
10 any sort of certifications through the Girl Scouts --

11 A. The Girl Scouts --

12 Q. -- organization?

13 A. I believe so.

14 Q. What certifications?

15 A. We got little cards just that we were Girl
16 Scout leaders.

17 Q. Okay. Did you have to go through any class
18 work to obtain that card, or did you -- did they just
19 give you one when you agreed to be a leader?

20 A. Yes.

21 Q. And that was just through the -- was it a
22 troop?

23 A. Girl Scouts -- yes, through a troop.

24 Q. Okay. Did you as a co-leader of your
25 daughters' girl scout troops ever supervise the kids on
0033

1 a camp-out?

2 A. Yes.

3 Q. How many camp-outs did you go to?

4 A. At least four or five because I was the only
5 mom that really wanted to go to camp.

6 Q. Sure.

7 A. Some of the other parents -- so, I would be the
8 one that would be sent to the camps.

9 Q. Did you actually sleep in the tents with them?

10 A. Yes, I did.

11 Q. Okay. Did y'all follow the buddy system there
12 through Girl Scouts?

13 A. Yes.

14 Q. Okay. And can you explain to the jury what the
15 buddy system is?

16 A. You have a buddy that whatever you do, you're
17 together. You have the girls pair up together.

18 Q. Yes.

19 A. And they're -- you'll sleep in the same bunk
20 and you do activities together and --

21 Q. Sure.

22 A. -- you're just paired up with other kids.

23 Q. And one of the important roles or functions of

24 the buddy system in Scouts is so that Scouts can keep
25 track of each other and they don't get lost or wander

0034

1 off, correct?

2 A. Correct.

3 Q. And also it's so that the Scouts can look out
4 after each other in case they run across a poisonous
5 snake or an alligator that's wondering the lake side,
6 right?

7 A. Correct.

8 Q. On any of these camp-outs, did y'all ever have
9 swimming?

10 A. Yes.

11 Q. You did.

12 A. Yes.

13 Q. What places did you swim at or what camp-outs
14 were those?

15 A. I don't recall.

16 Q. Was it Huntsville State Park? Was it one of
17 the other state parks nearby town? What do you
18 remember?

19 A. I don't remember the name of the camp because
20 the Girl Scouts camp, they had the lake. So, we didn't
21 swim at that camp grounds. But I remember one year we
22 did go, and I don't recall the name of the camp.

23 Q. So, one year you had a swimming activity at a
24 camp-out.

25 A. Yes.

0035

1 Q. Okay. Was that in an open water lake?

2 A. The swimming?

3 Q. Or was it a swimming pool?

4 A. Swimming pool.

5 Q. Okay. And did you -- were you responsible for
6 watching the children while they swam or were there
7 lifeguards on duty?

8 A. There were lifeguards and myself and the other
9 co-leaders.

10 Q. How old were the girls when y'all did that,
11 approximately?

12 A. Probably -- because it was only one of my
13 daughters and I want to say probably about the age of
14 ten.

15 Q. Okay. And I just want to make certain that's
16 the only time that you acted as a co-leader of a Girl
17 Scout troop where there was a swimming activity.

18 A. Correct.
19 Q. And they were about 10-years-old.
20 A. Correct.
21 Q. And when you and the other co-leaders were
22 watching the children in the pool, did y'all split up
23 the kids you were going to watch?
24 A. No.
25 Q. Or did all the leaders watch everybody?
0036
1 A. We just got all in the water with the kids.
2 Q. You got in the water with the kids.
3 A. Uh-huh. Uh-huh.
4 Q. Okay. And none of those kids were
5 non-swimmers, were they?
6 A. Correct.
7 Q. All of them were --
8 A. All of them were --
9 Q. -- swimmers.
10 A. -- swimming by that age.
11 Q. Didn't the Girl Scouts have some sort of rule
12 or regulation about swimming at camp-outs in regard to
13 determining the swimming abilities of the children
14 before swimming activities were conducted?
15 A. I don't recall.
16 Q. You don't remember?
17 A. Huh-uh. It's been so long ago.
18 Q. That would have been in the early '80s?
19 A. Something like that.
20 Q. Okay. And when you did this swim activity, do
21 you recall how many 10-year-old girls got in the pool
22 and how many leaders there were who got in the pool with
23 them?
24 A. I don't recall that.
25 Q. Can you approximate it?
0037
1 A. Probably about ten girls and three counsel --
2 or three leaders. Because our troop ran sometimes from
3 about 10 girls to 15, and not all of them went to camp,
4 so.
5 Q. You said ten --
6 A. About ten girls.
7 Q. Ten girls?
8 A. Uh-huh.
9 Q. Total?
10 A. About -- that I can recall.
11 Q. That was just --

12 A. That I can recall.

13 Q. That was just in your daughter's group, though,
14 right?

15 A. Correct.

16 Q. And how many leaders?

17 A. Three.

18 Q. Okay. And was the daughter who you went to
19 this camp-out where they were swimming, was she in
20 fourth or fifth grade?

21 A. Ten years old. I would say fifth grade.

22 Q. Okay. Now, what led to that discussion was my
23 question about whether or not you were a member of any
24 organizations that had camp-related activities. And you
25 were not a member of the Girl Scouts in the sense that
0038

1 you were certified by the Girl Scouts of America to be a
2 troop leader. You were just a volunteer den leader for
3 your daughter's den, right?

4 A. Correct.

5 Q. In other words, you didn't pay dues. You
6 didn't have to go to meetings with the American Girl
7 Scouts Association, right?

8 A. Correct.

9 Q. Okay. Well, other than volunteer experience
10 with that group, are there any other organizations that
11 you have either done volunteer work for or been an
12 actual member of that have camp-related activities?

13 A. Not that I can recall.

14 Q. And camp-related activities to me in my
15 question intended to describe camp activities that
16 include going on a camp-out or camp activities similar
17 to those that you supervised while you were an assistant
18 director at the Houston Racquet Club. Did you
19 understand my question in that sense?

20 A. Yes.

21 Q. Okay. Good. During your employment with the
22 Houston Racquet Club, did either David Lamkin or DS
23 ever counsel you, reprimand you or
24 discipline you for your job performance?

25 A. No.

0039

1 Q. Did you ever receive a negative evaluation of
2 your job performance while employed as assistant
3 director with the Houston Racquet Club?

4 A. No.

5 Q. They did evaluate your job performance on a

6 yearly basis, did they not?

7 A. I don't recall.

8 Q. Okay. Why don't you -- what date did you leave
9 the Racquet Club? What was your last day to work out
10 there?

11 A. The date of the accident.

12 Q. July 18th, 2007?

13 A. Yes.

14 Q. The day John drowned?

15 A. Yes.

16 Q. Was that a personal choice to leave, or did
17 they terminate you?

18 A. Just -- camp ended. I'm just there for the
19 camp.

20 Q. Okay. Well, did you know that the camp was
21 going to end on July 18th, 2007? Did you know it on
22 that day?

23 A. No.

24 Q. When did you discover that they were going to
25 cancel the summer camp for 2007?

0040

1 A. Pretty much I want to say maybe -- well, I
2 believe that afternoon it was a possibility. It wasn't
3 for sure. It was a possibility.

4 Q. And what you're telling me is that there was
5 some discussion even on the day that John drowned that
6 the Club was going to discontinue the summer camp,
7 right?

8 A. I'm sorry. What was that again?

9 Q. What you're telling the jury is that you knew
10 to a certain extent on the day John drowned that the
11 Club was going to shut down the summer camp, right?

12 A. Correct.

13 Q. Did anybody explain or counsel you on the
14 reason that they were considering shutting down the
15 summer camp?

16 A. No.

17 Q. Who do you remember telling you that?

18 A. David.

19 Q. David Lamkin?

20 A. Uh-huh.

21 Q. I'm going to ask you some more questions in
22 detail about the day of John's drowning and any meetings
23 and discussions that you had following -- following his
24 death. But before I do, I want to get through your
25 employment history with the Club and elsewhere. Okay?

0041

1 A. Okay.

2 Q. Do you know -- I asked you if you had ever been
3 counseled, reprimanded or disciplined in your position
4 as assistant camp director. To your knowledge during
5 the period that you worked there, June of '05 until
6 July 18th, 2007, do you recall any of the camp
7 supervisors or any person who had a supervisory role
8 over the camp being reprimanded, counseled, or
9 disciplined for their job performance or something that
10 they did or didn't do?

11 A. Can you repeat the beginning question?

12 Q. Sure. Do you recall during your employment
13 with the Houston Racquet Club any other supervisory
14 personnel, be it a camp supervisor, an assistant
15 director, anybody who had supervisory roles and
16 responsibilities being disciplined, reprimanded or
17 counseled about their job performance or anything they
18 may have done or not done?

19 A. No.

20 Q. None to your knowledge.

21 A. Yes.

22 Q. And with that, it's safe to assume that you
23 never had to counsel any of the supervisory personnel
24 over the summer camp during 2005, 2006 or 2007, correct?

25 A. You're going to other years now?

0042

1 Q. Uh-huh.

2 A. Because in the years past we had to just
3 because --

4 Q. That was my question.

5 A. Okay.

6 Q. During your employment.

7 A. I thought you said that day.

8 Q. No, no, no, no.

9 A. Okay. I'm sorry.

10 Q. During your entire employment, who do you
11 recall being counseled, disciplined or reprimanded who
12 had a supervisory role in a position over the summer
13 camp?

14 A. It was a counselor, and I don't recall.

15 Q. Okay. Did you do the counseling or
16 reprimanding?

17 A. David did.

18 Q. David did?

19 A. Uh-huh.

20 Q. Did you sit in?
21 A. I don't recall.
22 Q. And when was that approximately? Was it in
23 '06 or '05?
24 A. I don't remember.
25 Q. But it was not '07.

0043

1 A. No.
2 Q. Okay. What do you remember that person doing
3 or having to be reprimanded about?
4 A. I believe she was caught outside just in the
5 shade while the tennis instructor was running the
6 tennis. And the way we run the camp, that no matter
7 what the activity is, the counselors have to be
8 involved.
9 Q. Right.
10 A. And she was under the umbrella sitting and --
11 Q. Relaxing?
12 A. Uh-huh. And that was wasn't probably the first
13 time that she was told to interact and stay involved.
14 No matter if there's somebody running the activity --
15 Q. Yes.
16 A. -- a counselor is to always be involved.
17 Q. Right.
18 A. So, that's the only one that I could recall.
19 Q. Okay. And that counselor who was a female was
20 counseled about that and told, listen, it doesn't matter
21 what sort of activity the kids are doing. You are to be
22 involved, and that's what you're getting paid to do is
23 to be involved.
24 A. Correct.
25 Q. And that person was not fired, correct?

0044

1 A. She was fired.
2 Q. She was fired --
3 A. She was let go.
4 Q. -- on the spot?
5 A. After a couple of times of being told.
6 Q. Okay. And we're going to talk about the
7 Houston Racquet Club camp counselor rules, regulations
8 and requirements for summer 2007. You remember that
9 form and the agreement that all the counselors had?
10 A. Yes.
11 Q. We're going to talk about that a little more in
12 detail because that agreement includes a provision of a
13 zero tolerance rule. In other words, if you violate one

14 of the rules, you're let go on the spot, right?

15 A. Correct.

16 Q. Now, just from what you've told me about this
17 prior reprimand and termination, that seems like it fits
18 that picture, the zero tolerance rule; is that correct?

19 A. Correct.

20 Q. We'll talk some more about that.

21 And you can't remember any other types of
22 counseling or reprimanding of any camp supervisor,
23 counselor. You've just told me about a counselor. No
24 other counselor or supervisor or director or manager
25 type received any other reprimand other than this one

0045

1 young lady who was let go during your employment,
2 correct?

3 A. No.

4 Q. Is that correct?

5 A. Yes. Correct.

6 Q. Did you ever receive during your entire
7 employment with the Racquet Club any complaints from
8 members, non-members, employees, managers, bosses about
9 the conduct of the camp counselors that you were
10 responsible for overseeing?

11 A. No.

12 Q. Do you recall ever receiving any complaints
13 regarding the counselors or counselor supervisors where
14 a complaint was made but no reprimand or discipline was
15 handed out? Do you ever remember that happening?

16 A. No.

17 Q. Let me switch gears just for a second. You are
18 currently employed by a company named Beach Ball, Moon
19 Walks and Party Rentals, L.L.C.?

20 A. Yes.

21 Q. What is your position there?

22 A. Owner.

23 Q. You're the owner?

24 A. Yes, sir.

25 Q. And when did you open that business?

0046

1 A. Going on my fourth year this year.

2 Q. So, you were doing that business at the same
3 time that you were assistant director at the Houston
4 Racquet Club.

5 A. Correct.

6 Q. And is that a year-round business?

7 A. Yes, sir.

8 Q. And how many employees do you have?
9 A. It varies because it's hard to keep people who
10 would want to spend their weekends delivering --
11 Q. At any given time, what's the average number of
12 employees that you'd have?
13 A. Two.
14 Q. Two, three?
15 A. Two.
16 Q. Two?
17 A. And my husband and I.
18 Q. And where is that located?
19 A. In the Copperfield area.
20 Q. Okay. And you would have open that business in
21 2004, approximately?
22 A. Approximately.
23 Q. So, during your entire employment during the
24 summer as an assistant director with the Houston Racquet
25 Club, you were in business selling party rentals and
0047
1 renting moon walks and --
2 A. Correct.
3 Q. -- that sort of stuff, correct?
4 A. Correct.
5 Q. Now, did you hold any other positions with the
6 Houston Racquet Club between 2005 and 2007 --
7 A. No.
8 Q. -- other than assistant director?
9 A. No.
10 Q. Did you work at any other time during the year
11 for the Houston Racquet Club other than the summer
12 months when the summer camp was operating?
13 A. No.
14 Q. Did you -- you said that you and Mr. Lamkin had
15 a prior relationship because your children went to the
16 same school. Did you ask Mr. Lamkin for the job or did
17 he approach you?
18 A. He approached me.
19 Q. And what do you recall about that first meeting
20 when he first said he'd like you to consider a position
21 with the Club? What do you remember?
22 A. We were at a track meet that our girls were
23 attending, and I had just let David know that I had got
24 laid off from work. Our company was closing down, and
25 my department got closed first or some of us got closed
0048
1 first.

2 Q. Right.
3 A. And I believe it was around that time before
4 the camp was going to start. And he said, "I might have
5 something for you." Him and DS were sitting there,
6 and he said, "I might have something for you."
7 Q. Right.
8 A. And that's where the proceedings went on.
9 Q. Right. Then ultimately you filled out an
10 application. You went over and interviewed --
11 A. Correct.
12 Q. -- with the two of them.
13 A. Correct.
14 Q. Okay. Good. Describe to me the current -- the
15 current -- describe the business that you own currently,
16 the Beach Ball, Moon Walks and Party Rentals. Can you
17 describe what kind of business that is and what your
18 role and responsibilities are?
19 A. I'm the owner and I take calls, reservations
20 for customers throughout the week and deliver on
21 weekends or whenever the business is needed.
22 Q. Right. I know when I first contacted you about
23 getting a date to do this depo --
24 A. The month of May was so busy. I apologize.
25 Q. That's okay. You had told me that summer
0049
1 months, particularly May, were busy months?
2 A. Correct.
3 Q. Has that held true throughout your owning this
4 business --
5 A. Correct.
6 Q. -- that the summer months are the most busy?
7 A. Correct.
8 Q. And for example, in July, typically how many
9 functions last year did your company do in July?
10 A. Every weekend.
11 Q. Every weekend.
12 A. Uh-huh.
13 Q. Describe to us what you do. I mean, do you set
14 up parties for people? I mean, give me an explanation
15 of what kind of business it is.
16 A. Depending on what the occasion it is, if it's a
17 residence, we'll go to their house, set up the moon
18 walk --
19 Q. Yes.
20 A. -- have the customer sign contracts. And then
21 we leave, and they keep the unit throughout the time

22 that they're renting the units.

23 Q. Right.

24 A. And then we come back later on and pick it up.

25 Q. Other than moon walks, do you do tables --

0050

1 A. We do --

2 Q. -- and chairs?

3 A. -- tables, chairs, cotton candy, snow cone, pop
4 corn machines.

5 Q. Right.

6 A. We set up tents.

7 Q. Primarily for party functions.

8 A. Party events, yes.

9 Q. Right. Party events. And you sell all the
10 decorations and stuff like that?

11 A. I don't do decorations. We're just strictly
12 moon walks.

13 Q. Okay. And did you do -- are birthdays the big
14 event or the big part of your business?

15 A. Yes.

16 Q. So, would there be times even in the summer of
17 2007 -- in July of 2007 where y'all would have functions
18 during the week as opposed to the weekend?

19 A. Yes.

20 Q. Okay. Who's responsible for running that
21 business? Who generates the sales? Who does the book
22 work? Who does the marketing for the company?

23 A. Mostly me and my husband.

24 Q. And your cell phone is your phone for that
25 business?

0051

1 A. Correct. When I'm away from the office --

2 Q. Right.

3 A. -- I have it transferred to my cell phone.

4 Q. When y'all set up a party function, do you
5 have -- you told me there was a contract that they sign?

6 A. (Witness nodding head)

7 Q. All you do is set it up and then leave --

8 A. Correct.

9 Q. -- and then come pick it back up --

10 A. Correct.

11 Q. -- correct? Is there some sort of release or
12 waiver that you have that --

13 A. Yes, sir.

14 Q. You've got to wait until I finish -- that you
15 have the people who contract with you to provide this

16 service sign?
17 A. Yes, sir.
18 Q. Waiving any liability for personal injury or
19 death if some accident occurs on the moon walk?
20 A. Correct.
21 Q. Or if somebody sits in a chair and it
22 collapses, right?
23 A. I'm sorry?
24 Q. It would also apply to a situation where
25 somebody sat in a chair that you supplied --
0052
1 A. Correct.
2 Q. -- and it collapsed and they hurt their back or
3 something.
4 A. Correct.
5 Q. Do you -- do you always meet the parents who
6 are throwing the party?
7 A. Usually I talk to them over the phone.
8 Q. Yes.
9 A. And if I have my staff available for the
10 weekend, my staff will go out and do it. If they don't,
11 I personally go do all the delivering with one of my
12 staff members.
13 Q. You deliver and set up.
14 A. Yes, sir.
15 Q. Okay. And do you ever explain to your
16 customers what the possible risks might be associated
17 with, for example, the moon walk, stuff to look out for?
18 A. Usually in our water slide we do.
19 Q. What sort of water slide do you provide?
20 A. It's a 12-foot high by 27-foot long water
21 slide. The kids enter through the back and they slide,
22 hit an inflatable wall and then they exit on the side.
23 Q. And do you have -- what sort of precautions or
24 warnings do you give them --
25 A. We tell them --
0053
1 Q. -- about that?
2 A. -- to cannonball sit since they are coming
3 directly into an inflatable wall. Cannonball sit,
4 supervision at all times.
5 Q. Okay.
6 A. One in the front, one in the back, two kids at
7 a time. We just run through a check list that we run
8 over. And they agree and sign along with the waiver
9 that they have for the moon walks.

10 Q. Do you have any other sort of check lists for
11 any other equipment or party rentals that you rent other
12 than the slide that you've described?

13 A. The moon walk.

14 Q. The moon walks?

15 A. The moon walks, too.

16 Q. And they're given a check list of --

17 A. Correct.

18 Q. -- of things to do and to not do --

19 A. Correct.

20 Q. -- right?

21 A. Correct.

22 Q. Okay. Where do you run that business? What's
23 the address there?

24 A. The address is through my home, but our units
25 are at storage.

0054

1 Q. And where is that storage facility where you
2 keep your units?

3 A. Off of **Privilege HRC Designation as Confidential**

4 Q. Out there where you live.

5 A. Yes, sir.

6 Q. And do you still live at **Privilege** ?

7 A. Yes, sir.

8 Q. How long have you lived there?

9 A. Twenty-two years.

10 Q. I assume you own a home there?

11 A. Yes, sir.

12 Q. And are you still married to **Priv** ?

13 A. Yes.

14 Q. And am I pronouncing your name correctly,

15 Ms. CD?

16 A. Yes.

17 Q. And is it spelled CD?

18 A. Yes.

19 Q. I've seen it spelled many different ways.

20 People misspell my name all the time. They spell it as
21 Fletcher instead of Pletcher.

22 And your Social Security is still

23 **Privilege HRC Designation as Confidential**

24 A. No.

25 Q. What is your Social Security number?

0055

1 A. **Privilege HRC Designation as Confidential**

2 Q. Okay. 33. And your drivers' license is

3 **Privilege HRC Designation as Confidential**

4 A. Can I look at it?
5 Q. Sure.
6 MR. REESE: Can we take a break in a
7 minute?
8 MR. PLETCHER: Why don't we just take it
9 now.
10 MR. REESE: That's fine.
11 THE VIDEOGRAPHER: Going off the record.
12 The time is 11:44 a.m.
13 (Recess from 11:44 to 11:59)
14 THE VIDEOGRAPHER: The time is 11:59 a.m.
15 We're back on the record.
16 Q. (By Mr. Pletcher) So, you checked your
17 drivers' license and the number is xxx, correct?
18 A. Yes.
19 Q. Tell me about your educational background.
20 A. I graduated from high school.
21 Q. Where did you graduate from and what year?
22 A. Stephen F. Austin in 1981.
23 Q. And is that on the west side of Houston?
24 A. Southeast.
25 Q. Southeast. And did you go to college?
0056
1 A. I went just for a semester for administrative.
2 Q. Where?
3 A. San Jacinto Junior College.
4 Q. So, you took some administrative courses at
5 San Jac Junior College.
6 A. Correct.
7 Q. And that would have been in '81, '82?
8 A. '81.
9 Q. How many courses did you take? Was it a degree
10 program or --
11 A. No.
12 Q. -- you decided not to complete or did you just
13 go take a few courses?
14 A. Took secretarial.
15 Q. Any other educational history?
16 A. No, sir.
17 Q. And when did you marry Tony?
18 A. 1984.
19 Q. Okay. And tell me where you first worked after
20 getting out of high school.
21 A. The Houston Police Department.
22 Q. Were you a secretary there?
23 A. A data terminal operator.

24 Q. Okay. Was that during the same time that you
25 took the courses at San Jac, '81, '82?

0057

1 A. Yes.

2 Q. How long did you hold that position?

3 A. Nine years.

4 Q. And what other positions -- were you a data
5 technician the entire time?

6 A. No, sir. I was a -- we worked at a school
7 during our senior year. I was there in '80 working as
8 a -- I don't recall my title. We worked in different
9 divisions like a co-op program.

10 Q. Sure. Sure. And what sort of work did you do
11 for HPD?

12 A. Enter data records.

13 Q. Okay.

14 A. Fingerprinted. I also worked in the dispatch
15 position.

16 Q. Okay. And so, your first position -- real
17 position -- paid position was data --

18 A. No. It was -- I don't recall the position
19 before when we were going through high school.

20 Q. Right. I understand that.

21 A. But it's --

22 Q. You didn't get paid while you were in high
23 school.

24 A. Yes, we did.

25 Q. Okay.

0058

1 A. We did.

2 Q. You did. Okay.

3 A. It was a part-time job.

4 Q. So, the next position was data technician. Is
5 that what you said?

6 A. Data terminal operator. Data terminal
7 operator.

8 Q. Operator? Okay.

9 A. Which we --

10 Q. What other --

11 A. Which we entered data records into the
12 computer.

13 Q. And what other positions for HPD did you hold
14 between '81 and '94?

15 A. Just that position, but I did do other
16 positions like fingerprint applicants, service.

17 Q. Okay. So, that was your sole position until

18 you left in '94; but you may have done some other tasks
19 or duties like fingerprinting.

20 A. Correct.

21 Q. And why did you leave in '94?

22 A. Career advancement.

23 Q. Where did you go?

24 A. Ocean Ship Holdings, Incorporated.

25 Q. Ocean?

0059

1 A. Ship Holdings.

2 Q. Hodings?

3 A. Ship Holdings, H-o-l-d-i-n-g-s.

4 Q. Oh, Holdings.

5 A. Holdings.

6 Q. And what did you do there?

7 A. I was a secretary there.

8 Q. Okay. Who did you work for?

9 A. Worked for Ann Kane, K-a-n-e.

10 Q. And how long did you hold that position?

11 A. Nine years.

12 Q. From '94 until 2003?

13 A. Yes.

14 Q. Okay. And why did you leave that place of
15 employment?

16 A. The rumors that they possibly were going to
17 lose contracts, so, went on to -- wanted -- continue to
18 work there. Wanted to invest my years in another
19 company.

20 Q. Sure. You felt like bankruptcy may be around
21 the corner. So, you looked for a better job and got
22 one.

23 A. Correct.

24 Q. And where did you get your next job?

25 A. Equifax Credit Marketing.

0060

1 Q. Echofax --

2 A. Credit Marketing.

3 Q. -- Credit Marketing. Backing up to Carrier
4 Ocean Ship Holdings, did you do anything other than
5 secretarial work for that company?

6 A. What company are we talking about?

7 Q. When you worked under Ann Kane.

8 A. No. Secretarial was my duties.

9 Q. It was all secretarial?

10 A. Uh-huh.

11 Q. And then what was your position at Echofax

12 Credit?

13 A. Staff assistant.

14 Q. And as staff assistant, what would you do on a
15 day-to-day basis?

16 A. I would distribute the incoming work to the
17 other -- to my co-workers.

18 Q. Did you do actual supervisory work there or was
19 it all you performing a function where you distributed
20 work to the various workers of the company?

21 A. Correct. It was -- it was distributed. It was
22 a position to distribute.

23 Q. It was not a supervisory position, correct?

24 A. Correct.

25 Q. Nor was your secretarial work at Carrier Ocean?

0061

1 A. Correct.

2 Q. Ocean Ship Holdings.

3 A. Correct.

4 Q. And how long did you work at Echofax?

5 A. Approximately six years.

6 Q. From 2003?

7 A. Three years. I'm sorry.

8 Q. Okay.

9 A. Three years.

10 Q. To 2006. Okay.

11 A. No. '5. I'm sorry. Let's see -- I think you
12 might have some years mixed up because I think I was
13 going on my sixth year with Equifax.

14 Q. Okay. When did you stop working at Echofax?
15 In 2005?

16 A. Yes, is when we got laid off.

17 Q. So, you may have started there as early as
18 1999?

19 A. Correct.

20 Q. Okay. Which means that we had our dates a
21 little mixed up on your secretarial position with Ann
22 Kane at Carrier Ocean Ship Holdings, correct?

23 A. Correct.

24 Q. Would that have been '94 to '99, approximately?

25 A. Were you counting the years when I started with

0062

1 the police department in '80 or '79?

2 MR. REESE: You got that math wrong, too.

3 Q. (By Mr. Pletcher) No. You had told me that
4 you were a data terminal operator from 1981 until
5 1994 --

6 A. Correct. But I was --
7 Q. -- with HPD.
8 A. I was employed before '81 with HPD. So, that's
9 where I'm counting my years, from the day I was hired.
10 Q. Sure. I understand that.
11 MR. REESE: I think she said nine years
12 back, and you may have had said '81 to '94.
13 Q. (By Mr. Pletcher) So, did you leave HPD in '94
14 or did you stay there longer? Where am I messed up?
15 A. All I knew is nine years, nine years. It was
16 something about that nine years that I was --
17 MR. REESE: It would be '81 to '90.
18 THE WITNESS: '90?
19 Q. (By Mr. Pletcher) Right. '81 -- if you
20 started in '80 --
21 A. Uh-huh.
22 Q. -- or '81 when you were in high school --
23 A. It was '80.
24 Q. In '80? Then you would have left there in '89
25 or '90?

0063

1 A. Something like that.
2 Q. You're the one who knows. I can't tell you.
3 A. It's been so long, I don't -- I don't have --
4 Q. Does that sound about right?
5 A. Approximately.
6 Q. And then in '89 or '90 you moved over to a
7 secretarial position at Carrier Ocean Ship Holdings,
8 right?
9 A. The name of the company is Ocean Ship Holdings.
10 Q. Right.
11 A. Yes.
12 Q. Okay. And you would have started that in about
13 1990 and worked there until '99, maybe, nine years?
14 A. Yes.
15 Q. Does that sound about right?
16 A. That sounds about right.
17 Q. And then in '99 until 2005 you worked --
18 A. With Equifax.
19 Q. -- with Echofax.
20 A. Because I know I was over my fifth year there.
21 Q. Right.
22 A. So --
23 Q. Right. You're into your sixth year.
24 A. Uh-huh.
25 Q. And then in 2005 why did you leave Echofax?

0064

1 A. Our department -- or the company was shutting
2 down, and our department was the first people to
3 start --

4 Q. Sure.

5 A. -- leaving.

6 Q. And where did you go to after that?

7 A. That's when I opened up my business.

8 Q. That's when you had the discussion with David
9 Lamkin --

10 A. Uh-huh.

11 Q. -- right?

12 A. Uh-huh.

13 Q. And DS .

14 A. Yes.

15 Q. So, you've opened your business, which is Beach
16 Ball, Moon Walks --

17 A. And Party Rentals.

18 Q. -- and Party Rentals?

19 A. Uh-huh.

20 Q. And it was about that time that you approached
21 David or he approached you about a position at the Club.

22 A. Correct.

23 Q. The Houston Racquet Club.

24 A. Correct.

25 Q. And from 2005, the summer of 2005 until the

0065

1 summer of 2007, did you do anything other than own and
2 operate your own business and work at the Club?

3 A. I do a lot of contract work.

4 Q. What sort of contract work?

5 A. I worked with Edible Arrangements.

6 Q. Uh-huh.

7 A. Worked there. During the camp those three
8 weeks, I didn't have any other contract jobs. But
9 throughout the year I had other contract jobs.

10 Q. Okay. So -- and what sort of contract jobs
11 would you have like, for example, for Edible
12 Arrangements?

13 A. I was -- I don't know what you would call me.
14 I guess I was an assistant manager.

15 Q. Okay. Is that a -- what sort of stuff do they
16 make at Edible Arrangements?

17 A. They did fruit baskets looking like a floral
18 arrangement.

19 Q. Right. Okay. And you had other contract jobs

20 during that '05 to '07 period of time?

21 A. I can't recall all of them, but any time

22 somebody needed help --

23 Q. Sure.

24 A. -- I was there.

25 Q. Right. And if you were just to describe the

0066

1 kind of work that you would do, I mean, were you

2 hands-on like making arrangements for that company or

3 did you do secretarial work? Did you do bookkeeping?

4 What sort of work would you do in these contract jobs?

5 A. The hands-on of creating the baskets.

6 Q. Yes.

7 A. The answering the phones.

8 Q. Okay.

9 A. Running deliveries sometimes as needed.

10 Q. You did whatever was needed basically.

11 A. Correct.

12 Q. Okay. But none of that work related to

13 supervising people who were to be watching children.

14 A. Correct.

15 Q. Okay. At any time during your ownership of

16 your company, the beach ball company or during your

17 contract work for the Edible Arrangement, did you ever

18 rent or sell any of the products or services that were

19 offered at those companies that you worked at?

20 A. No.

21 Q. Did David Lamkin or Stephen Griffin ever

22 approach you about renting or setting up a party for the

23 Club?

24 A. The second year.

25 Q. Okay. In 2006?

0067

1 A. Correct, because they were already going with

2 the moon walk company in -- they had always used another

3 company.

4 Q. Right. And did they use you in '06?

5 A. Yes.

6 Q. Okay. How often?

7 A. In '06 I believe the last two weeks possibly

8 during the space weekend party week.

9 Q. Okay. The space and party week?

10 A. That was the second week -- the last six -- the

11 last week at the camp, it was called party week.

12 Q. Right. That's week six.

13 A. Yes.

14 Q. And the space week is week five?
15 A. Correct.
16 Q. And was that just for one-day events --
17 A. Oh, yes.
18 Q. -- during both those two weeks --
19 A. Correct.
20 Q. -- in 2006?
21 A. Correct.
22 Q. And did you just rent the moon walk, or did you
23 rent other stuff to the Club?
24 A. Cotton candy -- or cotton candy and snow cone
25 machine.

0068

1 Q. Sure. And what sort of a contract did you get
2 out of that financially?
3 A. Whatever the price of my moon walks with a
4 discount, of course.
5 Q. Of course. You mean the Club didn't pay full
6 price for your moon walk and cotton candy machines?
7 A. I didn't want them to. I was just looking for
8 the business.
9 Q. Sure. And did you put out signs and flyers or
10 cards about your company to Club members who might have
11 had children who participated in -- on the moon walk or
12 eating cotton candy?
13 A. The day that we would have the moon walks, that
14 would probably be the only day that -- you know, I asked
15 Dave if he'd mind if I sent out a flyer.
16 Q. Sure.
17 A. Because they had that in their activity, and he
18 said he didn't have a problem.
19 Q. Okay. What sort of money did you make on that?
20 A few hundred dollars or --
21 A. Yeah.
22 Q. -- or anything?
23 A. Just -- it was a package deal.
24 Q. And I assume that you felt like -- one of the
25 reasons you gave the Club a discount is that it would be

0069

1 good exposure for your company to have your moon walk
2 and other equipment out there at a country club.
3 A. That's not the only reason.
4 Q. Sure. But it was one, certainly. I mean,
5 you're a business lady, aren't you?
6 A. Sure.
7 Q. There's nothing wrong with that at all. But

8 that was certainly one of the reasons, correct?

9 A. For that day.

10 Q. Sure. Did you do any rentals for the Club in
11 2007?

12 A. Yes.

13 Q. Okay. How often?

14 A. I think we might have incorporated once a week
15 because of the years past the kids enjoyed the moon
16 walk. So, we might have had scheduled one a week.

17 Q. For each week of the summer camp.

18 A. Correct.

19 Q. Do you still have -- did the Club actually have
20 to sign a contract?

21 A. Yes.

22 Q. Do you have those at your office?

23 A. Yes.

24 Q. Did David sign the contracts?

25 A. Right.

0070

1 Q. Okay. Could I ask you to get me a copy of the
2 contracts, all of the contracts that were signed by
3 anybody at the Houston Racquet Club and give them to the
4 Club's lawyers?

5 A. In '07?

6 Q. Or '06.

7 A. Yes.

8 Q. Any time.

9 A. Yes. I just have to go back to my files.

10 Q. Sure. You didn't do anything in '05 for the
11 Club, did you?

12 A. No.

13 Q. You wouldn't mind doing that?

14 A. I don't mind.

15 Q. Okay. I sure would appreciate it.

16 At any time during '06 or '07 when you
17 provided this service to the Club, were there any
18 incidents, accidents or injuries on any of your
19 equipment?

20 A. No.

21 Q. When you supplied the equipment, the moon walk
22 and the machines at the Club, did you also supply
23 attendants to help oversee the activities?

24 A. The counselors -- each counselor were directed
25 on the rules and regulations of the moon walks. And

0071

1 they would abide by those when they would go to those

2 activities. And I would be out there in and out making
3 sure this was carried out.

4 Q. Sure. And you did the counseling of the camp
5 counselors to make certain that they knew the rules and
6 regulations in regard to putting small children on the
7 moon walk. Did you take the slide out there, too?

8 A. Yes.

9 Q. Okay. And the slide. What other equipment did
10 you take out there to the Club?

11 A. Just the moon walks.

12 Q. And the slide?

13 A. And the slide.

14 Q. And you personally oversaw the operation while
15 it was at the facility -- while it was at the Club?

16 A. Correct.

17 Q. I mean, you stood out there and watched.

18 A. I didn't stand -- I didn't stay the whole time
19 because counselors were --

20 Q. Sure.

21 A. -- told in the mornings during our meetings of
22 what the --

23 Q. Sure.

24 A. -- expectations of a moon walk was.

25 Q. Sure. But certainly you would be there in the
0072
1 morning when it was all set up and everybody started --

2 A. Uh-huh.

3 Q. -- right?

4 A. Uh-huh.

5 Q. Is that correct?

6 A. Correct.

7 Q. Okay. You would from time to time stop by to
8 check on things to make certain everything's operating
9 properly and everybody's doing and following the rules
10 and regulations that you had counseled the counselors
11 on, correct?

12 A. Correct.

13 Q. And you would have that activity set up at the
14 Club, the moon walk and the water slide for the entire
15 day.

16 A. Just during the camp time.

17 Q. Right. From 9:00 o'clock until 1:00.

18 A. Correct.

19 Q. One day during each week.

20 A. Correct.

21 Q. In 2007.

22 A. Correct.

23 Q. And in 2006 it was one day for two weeks, the
24 fourth week and the fifth -- or the fifth week and the
25 sixth weeks.

0073

1 A. One day for each of those weeks.

2 Q. Right. Have you consulted any attorneys in
3 regard to your operation of that business and, you know,
4 what you should watch out for, whether or not it would
5 be the operation of the party rentals, equipment, or
6 whether or not there are any sort of local laws, rules
7 or regulations or state laws --

8 A. No.

9 Q. -- rules or regulations?

10 A. No.

11 Q. Do you know if there are any that apply to your
12 company in the operation of the business that you have?

13 A. Not to my knowledge.

14 Q. So, to your knowledge, there aren't any rules
15 or regulations that apply to the operation of your
16 company and the rental of the equipment and the use of
17 the equipment when you set it up at somebody's house?

18 A. Well, there's a liability form, a release form
19 that --

20 Q. Oh, and I understand that. You explained that
21 to me. But what I'm getting at is: To your knowledge,
22 there are no local or state laws, rules or regulations
23 that apply to your business as far as renting moon
24 walks, slides, snow cone equipment and the other type of
25 equipment you've described?

0074

1 A. If there is, my husband would have done that
2 research.

3 Q. I understand. But to your knowledge -- I'm not
4 deposing your husband. I need to know what you know.

5 To your knowledge, there are no local or
6 state rules or regulations that apply to that business,
7 correct?

8 A. I don't know.

9 Q. And you haven't looked into it yourself
10 personally?

11 A. No.

12 Q. And to your knowledge, has your husband?

13 A. I believe so.

14 Q. But you're not certain?

15 A. Not certain.

16 Q. Okay. Great. Do you hold any certifications
17 today in anything?

18 A. No.

19 Q. Did you hold any certifications in 2005, 2006
20 or 2007 when you worked for the Houston Racquet Club as
21 assistant camp director?

22 A. No.

23 Q. You were never certified in CPR?

24 A. Oh, sorry. CPR.

25 Q. Okay. When did you first get certified in CPR?

0075

1 A. The very first time would be when I was a Girl
2 Scout leader.

3 Q. Okay. When was that? Many years ago?

4 A. Yes.

5 Q. In the '80s.

6 A. Yes.

7 Q. Maybe in the late '70s, right?

8 A. Correct.

9 Q. Okay. When did you --

10 A. No, not late seventy -- well, yeah, that's
11 right because it was way back when I was in high school,
12 yes. Correct.

13 Q. Now, in connection with your work as an
14 assistant camp director at the Racquet Club, when were
15 you first certified in CPR while you were doing that
16 sort of work?

17 A. I don't -- can you repeat that question?

18 Q. Sure. Were you certified in CPR in 2005?

19 A. I believe so. They run two years, and I'm just
20 trying to remember where.

21 Q. Okay. I need to know when you were first
22 certified in connection with your employment with the
23 Club. Okay?

24 A. Uh-huh.

25 Q. So, do you have any recollection of taking a

0076

1 certification course in 2005 at the Racquet Club or some
2 other place?

3 A. No.

4 Q. Do you recall taking a certification course in
5 2006 at the Racquet Club or some other location?

6 A. No.

7 Q. And in 2007 do you recall?

8 A. No.

9 Q. Do you have your CPR cards? Do you have one in

10 your wallet?

11 A. No.

12 Q. Do you have them at home?

13 A. I couldn't find them.

14 Q. Would that -- would you have been required to
15 give the Club a copy of your CPR card when you were
16 employed there?

17 A. It was between David and I. I didn't have to.

18 Q. Well, I don't understand that. What do you
19 mean, "It was between David and I"?

20 A. Oh, I had told him that I needed to go and I
21 never got to go and he said it's okay. I'm a
22 supervisor, not a counselor.

23 Q. Oh, okay. So, in 2005 you told David that you
24 were not currently certified in CPR and that you needed
25 to go get recertified?

0077

1 A. Yes.

2 Q. Okay. And David told you that because of your
3 role as a supervisor, being an assistant director, that
4 you didn't need to be certified?

5 A. I needed to, but I never went to go get it.

6 Q. Oh, really.

7 A. Uh-huh.

8 Q. He told you that in '05?

9 A. He just said, you know, okay. He just said
10 okay. I know myself I needed to do it.

11 Q. Right. Okay. But David told you that it
12 wasn't a requirement of the Club for you to be
13 certified.

14 A. For my role there at the -- at the --

15 Q. Club.

16 A. -- Club.

17 Q. Right. David Lamkin told you that it was not
18 necessary for you to have a CPR certification --

19 A. No, he didn't.

20 Q. -- at any time during your employment there,
21 correct?

22 A. He didn't tell me I didn't have to have -- I
23 mean, I don't recall the conversation but that it was
24 something I never got around to.

25 Q. Okay. So, let me see if I get this correct.

0078

1 You do have a specific recollection of having a
2 discussion with David Lamkin about not being certified
3 in CPR.

4 A. Uh-huh.
5 Q. Is that "yes"?
6 A. Yes.
7 Q. And your best recollection is that conversation
8 occurred in 2005?
9 A. I don't recall when it was -- it was -- it was
10 discussed.
11 Q. Was it during that first year that you worked
12 there probably?
13 A. It was -- we didn't even talk about -- I don't
14 recall talking about it until about 2006 or...
15 Q. What do you call about -- recall about the
16 conversation? Just tell me.
17 A. Just that I haven't gotten my CPR -- my
18 renewal.
19 Q. Right.
20 A. That's all I can recall.
21 Q. And David -- David's response -- David Lamkin's
22 response was you don't need to worry about that because
23 you are in a supervisory role. You're an assistant
24 director. You're not required to have one.
25 A. I don't recall the exact conversation.
0079
1 Q. Well, generally what did he tell you?
2 A. I'm a supervisor, not a counselor.
3 Q. So what?
4 A. That was just it. I mean, there was -- I don't
5 recall the rest of the conversation after that. I just
6 recall...
7 Q. And did you get the impression from that
8 comment, what you just described David Lamkin saying,
9 that you didn't need one?
10 A. No. No. I didn't get that --
11 Q. Okay.
12 A. -- that impression that I didn't need one.
13 Q. What --
14 A. I knew I needed one.
15 Q. Okay. And you knew you needed one because you
16 knew that even in your role as assistant director, that
17 the safe thing to do would be to be certified in CPR.
18 A. Correct.
19 MR. REESE: Objection, form.
20 Q. (By Mr. Pletcher) And you know that at no time
21 during your employment with the Houston Racquet Club
22 were you certified.
23 A. No.

24 Q. That's correct?

25 A. Correct.

0080

1 Q. At any time during your employment, do you wish
2 you had that certification?

3 MR. REESE: Objection, form.

4 A. Are we ready for me to answer?

5 Q. (By Mr. Pletcher) Yes.

6 A. Yes.

7 Q. And you wish you had had it on July 18th, 2007;
8 isn't that correct?

9 MR. REESE: Objection, form.

10 Q. (By Mr. Pletcher) Isn't that correct?

11 A. Correct.

12 Q. Because you knew that there was an emergency
13 down at the family pool where my clients' 4-year-old had
14 been found floating face down in the pool for an unknown
15 period of time and somebody needed to be giving him CPR,
16 correct?

17 MR. REESE: Objection, form.

18 A. Correct.

19 Q. (By Mr. Pletcher) And were you down at the
20 pool when it happened?

21 A. No.

22 Q. When did you first get down there?

23 A. After it had happened.

24 Q. How soon after?

25 A. I don't know.

0081

1 Q. What did you first see when you got down there?

2 A. Nothing. The ambulance had already taken off.

3 Q. So, was EMS already there?

4 A. Yes.

5 Q. Was John still at the poolside?

6 A. He was driving off.

7 Q. So, you saw -- when you got down to the family
8 pool, you saw the ambulance drive off.

9 A. Correct.

10 Q. And how were you first notified that there had
11 been an emergency at the resort pool, the family pool?

12 A. 4 y/o B-CC #2 had come to the house where I was at and
13 had notified me about the incident.

14 Q. Okay. I'm going to come back to that because I
15 want to finish something before we go to lunch.

16 MR. PLETCHER: And I assume y'all want to
17 take a lunch break, correct?

18 MR. REESE: Correct.
19 Q. (By Mr. Pletcher) And when you said 4 y/o B-CC #2 ,
20 you were referring to 4 y/o B-CC #2 ?
21 A. Yes.
22 Q. And she was one of the high schoolers from
23 Memorial High School who was a camp counselor in the
24 pool at the time that John drowned.
25 A. Correct.

0082

1 Q. And y'all had a discussion about what had
2 occurred, didn't you, you and 4 y/o B-CC #2 ?
3 A. Yes.
4 Q. Okay. We're going to talk about that
5 discussion later.
6 Where were you when 4 y/o B-CC #2 came to
7 tell you the -- there had been a drowning at the family
8 pool?
9 A. I was in my office. Part of the house there's
10 like an office desk there. I was sitting there getting
11 ready to get t-shirts prepared for the kids that -- when
12 they left.
13 Q. Okay. And at any time before 4 y/o B-CC #2 came
14 through that door, did you have any clue that there had
15 been an emergency at the family pool?
16 A. No.
17 Q. Did you at any time during that day, July 18th,
18 2007 go down to the pool area where the family pool was?
19 A. No.
20 Q. Did you ever during that day go to the pavilion
21 or anywhere within site of the pools that day,
22 July 18th --
23 A. No.
24 Q. -- 2007? Hadn't been up to the clubhouse?
25 A. I was only at the clubhouse.

0083

1 Q. Is that where your office is?
2 A. Yes.
3 Q. In the clubhouse?
4 A. Uh-huh.
5 Q. Can you describe to me where?
6 A. When you walk in the house, there's a front
7 door and of course you go through the small little
8 hallway. There's another room there. And then you exit
9 out the door. So, I'm access to any groups that come in
10 and out. I'm available.
11 Q. Is that clubhouse, is that the main entrance to

12 the Houston Racquet Club from the parking lot or is it
13 back in the back?

14 A. Back in the back.

15 Q. Okay. How far is it from the family pool?

16 A. I don't know how far.

17 Q. Is it -- is it a football field away or
18 further?

19 A. I'm not good at feet wise.

20 Q. Okay. Is it on the other side of the fitness
21 center?

22 A. Yes.

23 Q. And we have charts and diagrams of the Club.
24 If I'm going into -- and that's the main clubhouse or is
25 it the camp house?

0084

1 A. It's the camp house.

2 Q. Okay. Because I thought you said the
3 clubhouse.

4 MR. REESE: They call it the clubhouse.

5 MR. PLETCHER: "They" being the
6 counselors?

7 MR. REESE: Yeah. I mean, isn't that what
8 you would call it, the camp house or the clubhouse?

9 THE WITNESS: Uh-huh.

10 MR. REESE: But they mean the residential
11 old building in the far back --

12 MR. PLETCHER: Okay.

13 MR. REESE: -- which is where the drop-off
14 was for the kids.

15 Q. (By Mr. Pletcher) Right. Okay. And it's just
16 an old structure. It's an old house, isn't it?

17 A. It is.

18 Q. And your office is inside that house.

19 A. Correct.

20 Q. And you were in your office by yourself.

21 A. No.

22 Q. Who was with you at the time?

23 A. I don't recall. We were all -- there was some
24 counselors in there because we were getting -- you know,
25 as they passed by, I was getting role calls and --

0085

1 Q. So -- and at that time, I mean, when 4 y/o B-CC #2
2 walked through the door, there were other counselors
3 with you?

4 A. Yes.

5 Q. And who do you recall being with you?

6 A. I don't recall.
7 Q. Girls or boys?
8 A. Maybe both because they were coming to me. We
9 were just -- the kids -- we had some kids in the
10 lunch -- you know, in the next room.
11 Q. Right.
12 A. And some of them were asking me questions.
13 Occasionally they come and ask me questions and I'm
14 there.
15 Q. Right.
16 A. So, I just remember there was quite a bit of
17 people in the house.
18 Q. If I wanted to know the identity of the
19 counselors who were there, who could I ask or what
20 documents could I look at to determine who those people
21 might be? Or what documents could you look at or what
22 persons could you ask to try to remember who that was?
23 A. I don't know.
24 Q. Okay. We're going to look at the list of
25 counselors later. Maybe it will refresh your
0086
1 recollection.
2 Was there more than two counselors with
3 you when 4 y/o B-CC #2 walked through the door?
4 A. It was a houseful. The house was full with
5 the -- you know, there were kids coming in. When she
6 came to tell me, I know there was kids coming in. There
7 was a houseful --
8 Q. Right.
9 A. -- when she announced it --
10 Q. Okay. What --
11 A. -- to us.
12 Q. What kids?
13 A. The camp --
14 Q. What age?
15 A. I don't recall. I'd have to -- they were
16 either getting ready to go to Mad -- I don't know if we
17 had Mad -- yeah. I have to look at the schedule at what
18 was going on. But either they were coming in for their
19 lunch or something, but it was a houseful. Because it
20 was around lunchtime and it was a houseful.
21 Q. Okay.
22 A. And counselors were around there when she
23 announced it.
24 Q. Okay. It was between 11:00 and 11:30, wasn't
25 it?

0087

1 A. Something like that.

2 Q. If the EMS records show that the ambulance left
3 the facility at 11:22, I believe, it would have been
4 sometime before that.

5 A. Correct.

6 Q. And if we looked at the summer camp schedule of
7 activities, do you think that might help you refresh
8 your recollection as to what campers and counselors may
9 have been there given the activity -- the change in
10 activities at 11:00?

11 A. No, because we also have water in there. And
12 they would come in for water and go back out.

13 Q. All right. So, tell me what 4 y/o B-CC #2 first said
14 to you? Did she talk to you directly?

15 A. Yes.

16 Q. She came to you, right?

17 A. Yes.

18 Q. Because you were in charge.

19 A. Correct.

20 Q. I mean, you were the assistant director that
21 day --

22 A. Correct.

23 Q. -- right? You didn't have -- there were no
24 other assistant directors, correct?

25 A. No.

0088

1 Q. And she walked into your office?

2 A. Yes.

3 Q. Okay. Were there other counselors in your
4 office?

5 A. Uh-huh.

6 Q. How big is your office? Bigger than this
7 conference room?

8 A. Half.

9 Q. Okay. Half the size?

10 A. Half the size.

11 Q. So, maybe two or three counselors were in there
12 helping with you the t-shirts getting them ready?

13 A. Yes.

14 Q. And what did 4 y/o B-CC #2 say?

15 A. She said, "CD, there's been an accident at
16 the pool."

17 Q. Okay.

18 A. And I said, "What happened?"

19 Q. Right.

20 A. And she says, "There's been a drowning."
21 Q. Okay. And what did you do? Did you
22 immediately leave your office, or did you have a further
23 discussion with her?

24 A. No. We -- I said, "Okay." And I started to
25 head out the door. And as I got down to the steps --
0089

1 Q. Yes.

2 A. -- I thought about they were going to need
3 information --

4 Q. Right.

5 A. -- the parents.

6 Q. Yes.

7 A. So, I immediately turned around her and I
8 turned around and some of -- there were counselors I
9 guess still around because kids were getting water.
10 There was quite a bit of, you know, commotion going
11 on --

12 Q. Right.

13 A. -- just with --

14 Q. Activity.

15 A. Yeah.

16 Q. A lot of activity.

17 A. Yeah. And so, I immediately got the
18 registration that we have there at the desk and pulled
19 out, which there -- it was all the registration for all
20 six weeks.

21 Q. Yeah, all of the camp registrations --

22 A. Uh-huh.

23 Q. -- for summer 2007.

24 A. Correct. And so, I immediately grabbed the
25 stack, which I thought it was the 4-year-olds.

0090

1 Q. Yes.

2 A. But I grabbed what was in back -- you know, the
3 four --

4 Q. Right.

5 A. -- and grabbed those and somebody else -- you
6 know, we had -- you know, like I said, immediately
7 everybody just helped out. I don't recall everybody --

8 Q. Right.

9 A. -- around me. And we started and gave out --

10 Q. Okay. Did 4 y/o B-CC #2 -- you grabbed all the
11 registration forms --

12 A. Uh-huh.

13 Q. -- that you could thinking you were grabbing

14 the 4-year-olds?
15 A. Correct.
16 Q. Did 4 y/o B-CC #2 tell you that --
17 A. She told me it was John.
18 Q. It was John Pluchinsky?
19 A. John, 4-year-old John.
20 Q. So, she knew it was 4-year-old John.
21 A. Yes.
22 Q. Did she know it was 4-year-old John Pluchinsky.
23 A. Yes.
24 Q. And you accidentally picked up the 5-year-olds?
25 A. 5-year-olds and started immediately. And I

0091

1 said, "I found Alec's."
2 Q. Right.
3 A. And I put it down. And we were looking and
4 somebody said -- one of the counselors said, "That's
5 John's brother."
6 Q. Yes.
7 A. And I said, "How do you know?" They said,
8 "Because I remember taking them out of the car, and
9 that's John's brother." So, since it's that same
10 information --
11 Q. Right.
12 A. -- I immediately went to -- we ran through the
13 parking lot to get to the poolside.
14 Q. Yes.
15 A. And when I got there, I told the officers, "I
16 have his brother's information."
17 Q. Right.
18 A. And not even seconds later, SUPV I guess
19 had heard about everything.
20 Q. Yes.
21 A. And she went an opposite way to go get the
22 same -- she had, I guess, the same thing, go get the
23 information from the house. So, she -- I turned around
24 and she was bringing John's --
25 Q. Registration --

0092

1 A. -- registration.
2 Q. -- form.
3 A. So --
4 Q. So, you had your hands on both Alec and John
5 Pluchinsky's registration forms.
6 A. Yes.
7 Q. And you said that the policemen were still

8 there.

9 A. Yes.

10 Q. And that was the Memorial Village Police

11 Department --

12 A. Yes.

13 Q. -- officers?

14 A. Yes.

15 Q. Officer Beverage maybe?

16 A. I don't recall the officer.

17 Q. Okay.

18 A. All I did was hand them John's, and he verified
19 the same information.

20 Q. Okay.

21 A. And I took the forms back.

22 Q. Okay. And so, you took both forms back?

23 A. I personally --

24 Q. And I know --

25 A. -- took them back.

0093

1 Q. -- later on you went to the hospital, correct?

2 A. Correct.

3 Q. Do you have any explanation of how the hospital
4 would have gotten Alec Pluchinsky's registration form as
5 opposed to John's?

6 A. I don't know how because they were both
7 together.

8 Q. But did -- I thought you told me that you gave
9 the police officer just John's.

10 A. No. I gave him Alec's to show him the
11 information because they were trying to contact their
12 mother.

13 Q. Right.

14 A. And then immediately I'd gotten John's and
15 Alec's.

16 Q. Yes.

17 A. He verified the information off John's that --
18 what he took off Alec's.

19 Q. Yes.

20 A. And then he said, "Okay," and gave them back to
21 me.

22 Q. Okay.

23 A. And I kept them.

24 Q. Both of them.

25 A. Both of them.

0094

1 Q. Well, how did -- did you take a registration

2 form to the hospital when you went there?

3 A. I took both of them.

4 Q. You took both of them.

5 A. I took both of them.

6 Q. And who did you give them to once you got
7 there?

8 A. Well, when I got there, the reason I went was
9 because I asked Dave, "Did anybody go with John?" And
10 he said, "I don't know."

11 Q. Right.

12 A. So, I -- SUPV and I and another counselor,
13 I don't recall --

14 Q. Right.

15 A. I'm not good at names sometimes -- told me
16 that -- said, "I'll go with you." So, we immediately
17 went to the hospital, is when I saw Steve, Jean and
18 SC there. And I told Steve, "I have the registration
19 forms here." So, I left them under the care of Steve.

20 Q. Griffin?

21 A. Yes.

22 Q. Okay. So, you gave Steve Griffin, once you got
23 to the hospital, both Alec Pluchinsky and John
24 Pluchinsky's summer camp registration forms.

25 A. Correct.

0095

1 Q. And you have no idea what he did with them?

2 A. I have no idea.

3 Q. Okay. Now, I just need to get the names again.
4 You went to the hospital with SUPV .

5 A. Uh-huh.

6 Q. Is that "yes"?

7 A. Yes.

8 Q. Okay. And is that SUPV ? Does
9 that ring a bell?

10 A. SUPV .

11 Q. Yeah, I understand it's SUPV . But is her last
12 name SUPV?

13 A. I don't know her last name.

14 Q. So, you went with SUPV and then another
15 counselor.

16 A. (Witness nodding head)

17 Q. Male or female?

18 A. Female.

19 Q. And do you recall that counselor's name?

20 A. She was in a sling. I cannot think. I'm
21 sorry. I don't remember.

22 Q. That's okay. If it comes to you during the
23 deposition, will you let me know?

24 A. Yes.

25 Q. Because things will pop in your mind.

0096

1 Do you remember what high school she went
2 to?

3 A. No.

4 Q. Okay. Blond, brunette, red head?

5 A. Blond. She was one of my craft persons
6 upstairs because she had wanted to work with Kim, but
7 she had broken her arm.

8 Q. Okay.

9 A. So, she was one of my --

10 Q. Well, did -- were you finished?

11 A. Yes.

12 Q. She was one of your craft persons, right?

13 A. Uh-huh.

14 Q. And did that counselor, the blond-headed girl,
15 approach you about going to the hospital or did you --

16 A. I don't remember how she got in the car with
17 us.

18 Q. Okay. So, it was just the three of you.

19 A. Yes.

20 Q. And then when you arrived, Steve Griffin was
21 already there.

22 A. (Witness nodding head)

23 Q. Is that "yes"?

24 A. Yes.

25 Q. Along with who?

0097

1 A. Jean Worley, I think is the -- Jean. She's one
2 of -- I think she's Steve's secretary.

3 Q. Northey?

4 A. Northey.

5 Q. Jean Northey. Okay. And who else was with
6 them? There was a third person.

7 A. I believe her name was Cynthia. I understand
8 she might have been the aerobics --

9 Q. Oh, yes. Was it SC?

10 A. I don't know her last name.

11 Q. Can you describe her?

12 A. Very tan. I think I want to say brown-ish
13 blond hair, a little bit heavy-set.

14 Q. Okay. And you think she may have been
15 aerobics?

16 A. That's what I understood, is what she did.
17 Yeah, because I've seen her in the pool with the older
18 ladies doing a little aerobics in the pool.

19 Q. Since we're at the hospital, I want to go ahead
20 and conclude that conversation. Okay? Is that all
21 right?

22 A. Yes.

23 Q. What did you do when you first got there?

24 A. I just sat down. We were just waiting. I know
25 some of them -- I can't recall who was trying to still
0098

1 get in contact with the mother.

2 Q. Yes.

3 A. And we just kind of waited in the waiting room.
4 And then I was in contact just trying to find out how --
5 you know, just how things are going over at the --

6 Q. At the Club?

7 A. -- Club. And --

8 Q. Who did you talk to at the Club while you were
9 at the hospital?

10 A. My daughter.

11 Q. CC-B?

12 A. CC-B .

13 Q. Okay. And what do you recall about -- did you
14 talk to her more than once?

15 A. Just to see if everything's okay over there and
16 kind of to tell her to start going ahead and loading the
17 cars. And parents were going to get there. And she did
18 say, "Yeah, we're already doing that," so.

19 Q. Okay. Did you talk to anybody other than
20 CC-B --

21 A. No.

22 Q. -- at the Club?

23 A. Because when I left, I told her to keep her
24 cell phone on because they're not allowed to have cell
25 phones.

0099

1 Q. Sure.

2 A. And I told her because I needed to contact --

3 Q. Right. And did you -- did you -- remember
4 talking to CC-B more than once?

5 A. Yes. Yes.

6 Q. Any information from CC-B on any of the
7 subsequent calls that raised an eyebrow or made you
8 concerned about what was going on at the Club?

9 A. No.

10 Q. Okay. You mentioned that somebody was trying
11 to get ahold of --

12 A. Yes.

13 Q. -- the mother --

14 A. Yes.

15 Q. -- Kathleen Pluchinsky?

16 A. Yes.

17 Q. Would that have been somebody from the Club?

18 A. Yes.

19 Q. Okay. Somebody like Steve or his secretary
20 Jean Northey?

21 A. I believe -- I don't recall who, but I remember
22 they took the registration trying to contact her.

23 Q. Okay. Do you remember the police being at the
24 hospital?

25 A. No.

0100

1 Q. Did you or do you know if Steve Griffin or Jean
2 Northey or -- who was the third one?

3 A. Cynthia.

4 Q. Who?

5 A. Cynthia.

6 Q. Cynthia. Do you know if any of them or did
7 you, yourself, provide the police officer, anybody at
8 the hospital, be them hospital personnel or Club people,
9 information on how to get ahold of Kathleen?

10 A. I don't know.

11 Q. While you were there, do you know if anybody
12 got ahold of Kathleen?

13 A. I don't -- to my recollection, I remember them
14 trying to. And I don't know who, but I remember one of
15 them took the phone. They were trying to still get in
16 contact with her.

17 Q. Right. But you don't remember anybody dialing
18 the number off the form, do you?

19 A. Off the registration?

20 Q. Yes.

21 A. Yes.

22 Q. You do remember that.

23 A. Yes.

24 Q. Who would have done that?

25 A. I don't recall, because it was just --

0101

1 everything was happening so fast.

2 Q. Sure. But your recollection is that they
3 weren't able to get her?

4 A. Correct.
5 Q. Were you there when Kathleen arrived?
6 A. I'm trying to think. I was outside talking on
7 the phone. And then when I came to talk to Stephen,
8 said, you know, "Is it okay to go back to the house?"
9 Q. To the Club?
10 A. To the Club.
11 Q. Yes.
12 A. He said, "Yes, go ahead," because by then all
13 the kids have already been picked up.
14 Q. Yes.
15 A. And so, he said, "Yes, go ahead and go." So, I
16 don't remember if she was -- I don't recall if she was
17 there or not.
18 Q. Sure.
19 A. I left since they were there.
20 Q. So, you don't recall if Kathleen arrived before
21 you left. Your recollection is that you don't remember
22 seeing her.
23 A. I don't remember.
24 Q. Did you know what she looked like?
25 A. No.

0102

1 Q. Okay. And Steve Griffin, nor his secretary
2 Jean, nor the aerobics instructor whose name slips my
3 mind told you that Kathleen had arrived at the hospital
4 before you left?
5 A. We didn't talk about that.
6 Q. Nobody told you that.
7 A. No. I just left.
8 Q. Well, did Mr. Griffin give you any instructions
9 on what you needed to do when you got back to the Club?
10 A. No.
11 Q. When you were outside on the phone and you -- I
12 guess Mr. Griffin came outside or did you go back in?
13 A. I went back in.
14 Q. Were you talking to CC-B ?
15 A. Yes.
16 Q. You didn't talk to anybody else while you were
17 at the hospital?
18 A. No.
19 Q. Just her.
20 A. Just her, because she was the only one that had
21 the cell phone.
22 Q. Okay. Well, at any time while you were there
23 at the hospital, were you in the emergency room?

24 A. We were in a little waiting area.

25 Q. Off of the emergency room, I assume?

0103

1 A. When we got there, we were there. And then
2 when I came back inside, they were in the big waiting
3 room area.

4 Q. Did anybody, either from the hospital or from
5 the Racquet Club, tell you or provide you any
6 information about John and his condition before you
7 left?

8 A. No.

9 Q. So, you had no clue while you were at the
10 hospital or even on your way back to the Club as to
11 whether John had made it or died.

12 A. No.

13 Q. Is that correct?

14 A. Correct. I didn't know.

15 Q. Backing up to when 4 y/o B-CC #2 came through the
16 doors of the camp house, did you ask her any questions
17 when she told you that there had been a drowning at the
18 family pool?

19 A. No.

20 Q. Did you ask her who?

21 A. Of course. I'm sorry. Yes. "Who was it?"
22 And she told me, "John."

23 Q. And did she tell you how she knew?

24 A. 4 y/o B-CC #2 was one of his counselors.

25 Q. Okay. Right. And when you got back to the

0104

1 Club, did you have another conversation with 4 y/o B-CC #2 ?
2 Was she still there?

3 A. All the counselors were still there.

4 Q. The answer is, yes, she was?

5 A. Yes.

6 Q. And did you have another discussion with her?

7 A. Not with her. I don't recall just with her.

8 Q. Right. Okay. Well, before you walked out of
9 the camp house after she first notified you of the
10 drowning, 4 y/o B-CC #2 , do you remember having any
11 other conversations with her or any other discussions
12 with her?

13 A. No.

14 Q. All you remember is what you've told us.

15 A. Correct.

16 Q. And when you got back to the Club after being
17 at the hospital, do you remember talking to 4 y/o B-CC #2 at

18 all?

19 A. No.

20 Q. Did you ever ask her what she saw when John was
21 discovered floating face down in three and a half feet
22 of water in the family pool?

23 A. No.

24 MR. REESE: Objection, form.

25 Q. (By Mr. Pletcher) Do you -- did you ever ask
0105

1 her any questions about what had happened, what she saw?

2 A. No.

3 Q. Did you ever ask any of the counselors how this
4 happened?

5 A. No.

6 Q. Did you ever have any discussions with any of
7 the counselors or lifeguards about the circumstances
8 surrounding John Pluchinsky's drowning in the family
9 pool?

10 A. No.

11 Q. Now, you're the assistant director of the
12 Houston Racquet Club summer camp for 2007, right?

13 A. Correct.

14 Q. You're their boss, right?

15 A. Correct.

16 Q. You're their supervisor, correct?

17 A. Correct.

18 Q. You're the person who put together the schedule
19 of activities for July 18th, 2007, correct?

20 A. I didn't put the schedule together. DS
21 Lamkin put the schedule together.

22 Q. The year before in 2006?

23 A. She always -- she still provided the schedule
24 for us.

25 Q. She was still employed with the Club in 2007?
0106

1 A. I don't know that.

2 Q. When did she leave?

3 A. I don't know that. But all I knew is she gave
4 them to David, and David gave them to me.

5 Q. Anyway, you knew -- you were aware of the
6 schedules.

7 A. Correct.

8 Q. You approved of the schedule of activities for
9 the summer campers on July 18th, 2007.

10 A. Correct.

11 Q. And you were the person who was responsible for

12 making certain that all of the camp counselors followed
13 all of the written rules, regulations and requirements
14 set forth in the camp counselor agreement form, right?

15 A. Correct.

16 MR. REESE: Objection, form.

17 Q. (By Mr. Pletcher) You were also the person who
18 was responsible for making certain that the camp
19 counselors complied with any non-written or verbal
20 rules, instructions or regulations that they may have --
21 may have received from David Lamkin or yourself, right?

22 MR. REESE: Objection, form.

23 Q. (By Mr. Pletcher) Is that true?

24 A. Correct.

25 Q. Okay. Well, weren't you curious as to what had
0107

1 happened?

2 A. I was.

3 Q. Okay. And you didn't ask any of them when you
4 got back there what, how, why?

5 A. When I got back, they were all sitting there
6 and --

7 Q. Yes.

8 A. -- that's when -- when I got back, I met with
9 David first.

10 Q. Yes.

11 A. And that's when I ended up telling David, "I
12 think we should get a statement from everybody
13 regardless if they were at the pool or not." And then
14 David told everybody that -- I mean, we just -- it was
15 just --

16 Q. Right.

17 A. Everybody was doing their statements.

18 Q. Okay.

19 A. And it was just --

20 Q. Okay. So, it was your idea to get a statement
21 from all of the camp counselors who were working that
22 day, whether or not they were at the family pool or
23 otherwise, correct?

24 A. Correct.

25 Q. And David Lamkin said, "Yeah, I think that's a
0108

1 good idea."

2 A. Correct.

3 Q. And your daughter CC-B -- she was in arts and
4 crafts that day -- she went and got the paper --

5 A. Correct.

6 Q. -- for people to write on, correct?
7 A. Correct.
8 Q. And you sat with the counselors when they were
9 writing their statements, correct?
10 A. Correct.
11 Q. And where were you --
12 A. I was --
13 Q. -- when that was being done?
14 A. I was just in the front waiting.
15 Q. In the camp house?
16 A. No. We were outside where the car pool area
17 is.
18 Q. There where the bleachers are?
19 A. Correct.
20 Q. Okay. And do you remember seeing the camp
21 counselors fill out the statements?
22 A. Yes.
23 Q. Do you remember overhearing any conversation
24 between the counselors when they were filling out their
25 statements?
0109
1 A. No.
2 Q. Was it dead silence?
3 A. Very.
4 Q. Never heard anybody say, hey, you know, what do
5 you remember, what did you see? Don't remember hearing
6 any of that?
7 A. No.
8 Q. Okay. So, what happened after the statements
9 were filled out? Did you collect them up?
10 A. We collected them.
11 Q. Who is "we"?
12 A. David and I.
13 Q. And where did you put them?
14 A. I gave them to David.
15 Q. And then what did you do? What did you do
16 next?
17 A. Then just started just getting ready to just
18 end the day.
19 Q. Right, because it was getting close to quitting
20 time.
21 A. It was already quitting time.
22 Q. It was already quitting time?
23 A. Oh, yeah.
24 Q. Did the camp counselors go home?
25 A. Yes.

0110

1 Q. After they filled out their statements, did you
2 read them?

3 A. I didn't, not that time.

4 Q. When did you read them first, the next day, a
5 couple days later?

6 A. I don't recall. I went up to the Houston
7 Racquet Club, and David let me read them. But that was
8 the last time I read them.

9 Q. And when would that have been? Would it have
10 been --

11 A. Probably been --

12 Q. July 18th, 2007 was a Wednesday. Would it have
13 been Thursday?

14 A. The following week probably.

15 Q. So, your best recollection is that it was
16 sometime the following week, the week of July 13th?

17 A. Something like --

18 Q. I'm sorry. July 24th. Does that sound right?

19 A. I don't recall the date.

20 Q. Or 23rd. July 23rd. Okay. But you didn't go
21 up there on Thursday --

22 A. No.

23 Q. -- best recollection?

24 A. Correct.

25 Q. Didn't go up there on Friday.

0111

1 A. No.

2 Q. Didn't go up there on Saturday.

3 A. No.

4 Q. Didn't go up there on Sunday.

5 A. No.

6 Q. It must have been sometime the next week.

7 A. I would think.

8 Q. Did you after reading the statements not
9 inquire if any of the camp counselors who were in the
10 pool at the time that John's group had swim time and at
11 the time that John drowned -- did you talk to any of
12 those camp counselors?

13 A. No.

14 Q. Not never?

15 A. No.

16 Q. Did somebody instruct you not to contact them?

17 A. No.

18 Q. Never had another conversation about -- with
19 4 y/o B-CC #2 ?

20 A. No.
21 Q. About what had happened. Never had any
22 conversations with 4 y/o B-CC #2 ; is that correct?
23 A. Not that I can recall any --
24 Q. No?
25 A. Not that I can recall any conversations, no.

0112

1 Q. And it's very important, as you might imagine,
2 for me to know whether or not you talked to any of these
3 camp counselors or the lifeguards who were there at the
4 family pool when John drowned.

5 A. Uh-huh.

6 Q. You're saying you never did.

7 A. No.

8 Q. Didn't talk to 4 y/o B-CC #6 ?

9 A. No.

10 Q. Didn't talk to 4 y/o B-CC #3 ?

11 A. No.

12 Q. His mother was a board member, right?

13 A. I don't know.

14 Q. Didn't talk to Supv CC #1 ?

15 A. No.

16 Q. Well, did you -- I know, ma'am, that this was a
17 life-changing event, wasn't it?

18 A. Very.

19 Q. Did you talk to David Lamkin after you read the
20 statements or at any time on how John drowned while he
21 was in the care, custody and control of the Houston
22 Racquet Club?

23 A. We did talk, but I don't...

24 Q. Well, what did David tell you?

25 A. We don't know how it happened.

0113

1 Q. No clue?

2 A. No.

3 MR. REESE: It's past 1:00 o'clock. Let's
4 take our lunch.

5 MR. PLETCHER: Great.

6 THE VIDEOGRAPHER: The time is 1:03 p.m.
7 We're off the record.

8 (Lunch recess from 1:03 to 2:03)

9 THE VIDEOGRAPHER: The time is 2:03 p.m.
10 We're back on the record.

11 Q. (By Mr. Pletcher) Are you ready to continue?

12 A. Yes.

13 Q. You're still under the same oath that you gave

14 this morning. Do you understand that?
15 A. Yes.
16 Q. Earlier I was asking you questions about your
17 employment background, and you mentioned a company
18 called Echo Fax, but it's Equifax, right?
19 A. Equifax, yes.
20 Q. E-q-u-i-f-a-x?
21 A. -- f-a-x.
22 Q. The one we get our credit reports from.
23 A. Correct.
24 Q. And when I was asking you about your
25 certifications, I think we established that you were not
0114
1 certified at any time you were at the Racquet Club in
2 CPR, correct?
3 A. Correct.
4 Q. But you had had prior certifications --
5 A. Yes.
6 Q. -- in CPR, correct?
7 A. Yes.
8 Q. Was it within the ten-year period before you
9 started in 2005?
10 A. Yes.
11 Q. Do you recall about when the last certification
12 renewal that you obtained?
13 A. No.
14 Q. Was it within three years, four years, any
15 recollection at all?
16 A. None.
17 Q. Okay. Ever been certified in life-saving?
18 A. No.
19 Q. Have you ever been certified in basic life
20 support?
21 A. No.
22 Q. Pediatric life support?
23 A. No.
24 Q. Ever -- in your certification for CPR that you
25 held, were you certified in the use of an AED? Do you
0115
1 know what an AED is?
2 A. Yes.
3 Q. Were you certified in the use of an AED at any
4 point?
5 A. Not that I recall.
6 Q. Have you ever used one?
7 A. No.

8 Q. Did David Lamkin ever offer to certify you
9 himself at the Racquet Club in CPR and AED?

10 A. We never talked about it.

11 Q. Is the answer no?

12 A. No.

13 Q. David never offered to certify you in CPR or
14 AED?

15 A. We didn't talk about it.

16 Q. Did you know that he was a CPR/AED certified
17 instructor?

18 A. Yes.

19 Q. That he had done that the entire time you were
20 employed there, correct? Is that correct?

21 A. Correct.

22 Q. On July 18th, 2007, do you know how many AEDs
23 were located at the Houston Racquet Club?

24 A. No.

25 Q. No?

0116

1 A. No.

2 Q. Do you know if there was an AED at the pool?

3 A. I don't know.

4 Q. Do you know if there was an AED in the fitness
5 center?

6 A. I don't know.

7 Q. Do you know if there was an AED in the
8 lifeguard office?

9 A. I don't know.

10 Q. Do you know if there was an AED in the camp
11 house?

12 A. I don't know.

13 Q. Do you know if there was an AED in the
14 clubhouse?

15 A. I don't know.

16 Q. Do you know what an AED is?

17 A. Yes.

18 Q. What is it?

19 A. It's a fib -- I can't that.

20 Q. A defibrillator.

21 A. Yes.

22 Q. It's difficult. I had the toughest time
23 getting that, and I had to repeat it to myself a million
24 times years ago when they first became available to the
25 public.

0117

1 I mean, we see AEDs, defibrillators, all

2 over the place now, don't we?
3 A. Yes.
4 Q. They've been available in airports and hotels
5 and office buildings for years now, correct?
6 A. If that's what you say.
7 Q. Is that your recollection?
8 A. I don't know. I don't know.
9 Q. Okay. That's fine. Your lawyer said that you
10 had a conversation with Mr. Griffin during the lunch
11 break about this case. Is that true?
12 A. Yes.
13 Q. And what did you discuss?
14 A. About the registrations. After leaving the
15 hospital, I did take them back with me; and I had them
16 in my truck.
17 Q. Okay. So, you took both Alec and John
18 Pluchinsky's summer camp 2007 registration forms with
19 you when you left the hospital?
20 A. Yes.
21 Q. Before you knew the condition of John, correct?
22 A. Correct.
23 Q. And before anybody from the Pluchinsky family
24 arrived at the hospital, correct?
25 A. Correct.
0118
1 Q. Before Kathleen Pluchinsky arrived?
2 A. Correct.
3 Q. You took them with you before, to your
4 knowledge, anybody had even attempted to contact the
5 family, correct?
6 A. Can you repeat that?
7 Q. Sure. You left the hospital with those two
8 forms in your hand before you knew whether or not
9 somebody had contacted Mr. or Mrs. Pluchinsky, correct?
10 A. Everybody had the information already.
11 Q. Okay. That wasn't my -- that's wasn't my
12 question. My question was: Did you take the forms with
13 you --
14 A. Yes.
15 Q. -- to your car before you knew whether anybody
16 had actually been able to reach mom or dad?
17 A. Yes.
18 Q. And you took them out of town with you?
19 A. They were actually in my truck.
20 Q. Yes.
21 A. Because I wanted to keep them because I didn't

22 want them to get lost.

23 Q. Sure.

24 A. And they were actually in my sun visor.

25 Q. Okay. But my question was: Did you take them
0119

1 out of town with you?

2 A. Yes.

3 Q. Where did you go?

4 A. Dallas.

5 Q. When?

6 A. That weekend after the event happened.

7 Q. And did you bring those two registration forms
8 back to the Club --

9 A. Yes.

10 Q. -- when you returned the next week?

11 A. Yes.

12 Q. And when you returned that next week or at any
13 time after July 18th, 2007, did you ask David Lamkin
14 about what had happened in the pool which resulted in
15 John Pluchinsky's drowning?

16 A. Yes.

17 Q. When did you ask?

18 A. When I got back or that -- "do we know what
19 happened?"

20 Q. Right. And the answer was?

21 A. "We don't know."

22 Q. We don't know today?

23 A. That when I got back, I don't know.

24 Q. So, when you got back the next week, you asked
25 him, "Did we find out what had happened?" And he told
0120

1 you, "We don't know."

2 A. Right.

3 Q. Did you have any discussions with anybody else
4 at the Racquet Club about what may have happened or what
5 may have precipitated John Pluchinsky's drowning?

6 A. No.

7 Q. Nobody else?

8 A. No.

9 Q. Not Mr. Griffin?

10 A. No.

11 Q. And you still don't know what happened.

12 A. No, sir.

13 Q. What circumstances do you know, if any, about
14 what was occurring from the point in time that the
15 4-year-old boys, John's group, got in the family pool

16 until he was discovered floating face down in three and
17 a half feet of water?

18 A. I don't know.

19 Q. You don't know anything?

20 A. I don't know.

21 Q. Do you have any idea of who may have been in
22 the pool?

23 A. No.

24 Q. Do you have any idea of what specific camp
25 counselors were at the pool either in it or out of it

0121

1 when it occurred?

2 A. According to the schedule, it would be the
3 4-year-olds.

4 Q. The 4-year-old boy --

5 A. Boys.

6 Q. -- counselors.

7 A. Correct.

8 Q. Is there a list, a document that would identify
9 who the 4-year-old camp counselors were for the
10 4-year-old boy group on July 18th, 2007? Did y'all keep
11 a list such as that?

12 A. David did.

13 Q. David Lamkin?

14 A. Yes.

15 Q. Okay. Have you ever seen that list? Have you
16 seen this list since July 18th, 2007?

17 A. No.

18 Q. Do you know where it is?

19 A. No.

20 Q. Have you asked anybody where it is?

21 A. No.

22 Q. Has anybody asked you where the list of camp
23 counselors for the 4-year-old boy group for July 18th
24 is?

25 A. No.

0122

1 Q. But you're certain that one was kept, correct?

2 A. Yes.

3 Q. Were you the person who filled it out?

4 A. No.

5 Q. Who made the assignments of camp counselors to
6 the 4-year-old boy group on July 18th, 2007?

7 A. David Lamkin.

8 Q. David Lamkin did?

9 A. Yes.

10 Q. Did he consult you?

11 A. No.

12 Q. Do you know if he made that camp counselor list
13 on July 18th or would he have done it prior to
14 July 18th?

15 A. I don't know.

16 Q. Okay. I want to talk to you about your duties
17 and responsibilities as assistant camp director. Okay?

18 A. (Witness nodding head) Okay.

19 Q. Did Mr. Lamkin or anybody else at the Houston
20 Racquet Club ever provide you with a written job
21 description of what you were required to do as assistant
22 camp director?

23 A. No.

24 Q. Were you ever given anything in writing
25 describing what your daily activities were to be?

0123

1 A. Just our normal weekly schedule.

2 Q. Okay. And is that the camp news weekly
3 schedule?

4 A. Yes.

5 Q. Okay. We'll look at that in a second.

6 Other than the Kid News summer camp weekly
7 schedule or schedules, there were no other documents
8 that were prepared or which existed that described your
9 daily activities, duties and responsibilities; is that
10 correct?

11 A. Correct.

12 Q. Did David -- and you may have answered this
13 earlier. But did David ever provide you a verbal
14 description of what his expectations of your daily
15 activities were as assistant camp director?

16 A. Verbally?

17 Q. Yeah.

18 A. Yes.

19 Q. And I think -- did you say that DS
20 was with him when that was discussed?

21 A. Yes.

22 Q. Okay. So, they both sat down with you.

23 A. Yes.

24 Q. And to the best of your knowledge, did you
25 comply or meet their expectations of what you were

0124

1 supposed to be doing on a daily basis on July 18th,
2 2007?

3 A. Yes.

4 Q. And any other day that you worked as assistant
5 camp director?

6 A. Yes.

7 Q. I want to go through a few things to see
8 whether or not these activities were within your daily
9 responsibilities and duties. Okay?

10 A. Okay.

11 Q. Were you responsible for hiring camp
12 counselors?

13 A. No.

14 Q. Were you responsible for firing camp
15 counselors?

16 A. No.

17 Q. Were you responsible for supervising camp
18 counselors?

19 A. Yes.

20 Q. Were you responsible for supervising camp
21 counselor supervisors?

22 A. Yes.

23 Q. Is there a distinction between being a
24 counselor supervisor and a pool supervisor, or is that
25 one in the same?

0125

1 A. Pretty much one in the same.

2 Q. Were you responsible for disciplining and/or
3 counseling the camp counselors?

4 A. No.

5 Q. Who was?

6 A. David Lamkin.

7 Q. Were you responsible for reprimanding camp
8 counselors?

9 A. No.

10 Q. Were you responsible for orienting the camp
11 counselors to their job duties and responsibilities and
12 your expectations as assistant camp director?

13 A. What was the beginning question?

14 Q. Were you responsible for orienting the camp
15 counselors to what their job duties and responsibilities
16 were and what your expectations as assistant director
17 were?

18 A. That would be David and I.

19 Q. And were David and you both responsible for
20 training the camp counselors?

21 A. Yes.

22 Q. Now, when I've said "camp counselor" in these
23 questions, I meant whether or not they were just an

24 ordinary counselor or a counselor supervisor. Did you
25 understand that?

0126

1 A. Yes.

2 Q. Is that how you interpreted my question?

3 A. Yes.

4 Q. Okay. Were you responsible for establishing or
5 revising the 2007 summer camp schedule?

6 A. Revising, yes.

7 Q. And that schedule for summer camp is a schedule
8 such as Exhibit No. 6 which is the Kid Camp News,
9 4-year-old boy week number five, space and sports week
10 schedule. Let me zoom in on that for you. Can you see
11 that now?

12 A. Yes.

13 Q. Now, this is the camp schedule that you're
14 talking about -- the type of camp schedule you're
15 talking about --

16 A. Yes.

17 Q. -- correct? You would have been responsible
18 for making revisions to this schedule if you thought
19 revisions needed to be made, correct?

20 A. Correct.

21 Q. Were you responsible for establishing and/or
22 revising the schedules for the camp counselors?

23 A. Yes.

24 Q. So, you did both. You made them and you made
25 revisions to them. You established them and then you

0127

1 made revisions.

2 A. No. David established them, and I revised
3 them.

4 Q. So, you're only responsible for revising --

5 A. Revising, yes.

6 Q. -- the counselor schedule. Were you
7 responsible for the registration of the summer campers
8 in 2007?

9 A. No.

10 Q. Or any other year?

11 A. No.

12 Q. Were you responsible for collecting any
13 documents or other information from the summer campers
14 or their parents?

15 A. Yes.

16 Q. What sorts of documents were you required to
17 collect and gather?

18 A. If a child was going to go home with another
19 parent or another friend, we wanted that in writing.

20 Q. So, you would be responsible for getting any
21 notes that the parents are required to give to their
22 child if there's going to be a change in the drop-off or
23 pick-up.

24 A. Correct.

25 Q. Or any other type of parent note.

0128

1 A. Correct.

2 Q. For example, if a child had some allergy and
3 couldn't drink Gator Aid and the parent wrote a note,
4 you'd be the one who accepted that note and made certain
5 that it was complied with, correct?

6 A. Correct.

7 Q. But you were not responsible for the
8 registration forms?

9 A. Correct.

10 Q. You neither established it nor revised it,
11 correct?

12 A. No.

13 Q. No, you did not?

14 A. No, I did not.

15 Q. You were -- you were certainly aware of
16 contents of the regular, were you not?

17 A. Correct.

18 Q. I'm showing you what's marked as Plaintiffs'
19 Exhibit No. 18, and this is the summer camp registration
20 form for the summer 2007. You've seen that document
21 before, have you not, ma'am?

22 A. Yes.

23 Q. Were you at all responsible for collecting or
24 maintaining or keeping these registration forms
25 together?

0129

1 A. On Tuesdays and Wednesdays we had camper
2 sign-up. And since I had the box, we would keep it
3 there at my desk.

4 Q. So, the answer is, "Yes, I kept the
5 registration forms," as you described earlier, in your
6 office desk --

7 A. Yes.

8 Q. -- in the camp house --

9 A. Yes.

10 Q. -- correct?

11 A. Yes.

12 Q. And down here at the bottom of this form it
13 says HRC 2007 summer day camp registration. And that's
14 where the camper information is gathered, the day,
15 whether or not they're a member or non-member, their
16 sex, their age, which week that they are going to be
17 enrolled, the name of the child, correct?

18 A. Correct.

19 Q. And this would have been the type of form that
20 you grabbed before you left the camp house to go to the
21 hospital, the one for Alec and the one for John
22 Pluchinsky, correct?

23 A. Correct.

24 Q. Did anybody ever discuss with you the content
25 of this form?

0130

1 A. No.

2 Q. Did anybody ever ask you whether or not you
3 felt like that registration form needed to be revised --

4 A. No.

5 Q. -- or amended?

6 A. No.

7 Q. Were you responsible for having daily meetings
8 with the camp counselors?

9 A. Yes.

10 Q. Were you responsible in your day-to-day
11 activities as the assistant camp director for the
12 establishment of policies, procedures, rules?

13 A. Yes.

14 Q. All three of them?

15 A. Yes.

16 Q. Okay. As assistant camp director, do you
17 recall preparing written policies and procedures for the
18 summer camp?

19 A. No.

20 Q. Do you recall preparing written rules --

21 A. No.

22 Q. -- for the summer camp? And when I say "for
23 the summer camp," that would include policies and
24 procedures and rules relative to the campers or the
25 counselors. You understood that?

0131

1 A. Yes, sir.

2 Q. So, all of the rules, policies and procedures
3 that you would have been involved with establishing
4 would have been verbal; is that correct?

5 A. David would establish them, and then we carried

6 them on a daily basis -- I did.

7 Q. So, did you just tell me that David would
8 establish the policies and procedures and rules but you
9 would just make certain that they were complied with?

10 A. Correct.

11 Q. Well, did you have the authority to make
12 suggestions on changing or revising any of the summer
13 camp rules, regulations, policies or procedures?

14 A. That would be -- that would be for David
15 Lamkin.

16 Q. But you felt comfortable having discussions
17 with David about some rule that you felt like needed to
18 be changed or revised. I mean, he wouldn't prevent you
19 from --

20 A. No.

21 Q. -- bringing that up?

22 A. No.

23 Q. Do you ever recall having any discussions with
24 David Lamkin about a rule or procedure or practice
25 that -- or policy that you felt needed to be changed?

0132

1 A. No.

2 Q. Never?

3 A. Never.

4 Q. Not in the three summers you worked there,
5 correct?

6 A. No.

7 Q. Let me show you what's been marked as
8 Plaintiffs' Exhibit 42 which is titled Houston Racquet
9 Club Camp Counselor Rules, Regulations and Requirements,
10 Summer 2007. You're familiar with this document, are
11 you not, ma'am?

12 A. Yes.

13 Q. Was this document already in place, this form
14 already in place when you signed on for the job in June
15 of 2005?

16 A. Yes.

17 Q. And this is a two-page form, correct?

18 A. Correct.

19 Q. And then also along with this form there was an
20 agreement that the camp counselors were required to sign
21 off on. Do you remember the agreement?

22 A. Yes.

23 Q. Houston Racquet Club Camp Counselor Agreement
24 Form.

25 A. Yes.

0133

- 1 Q. You're familiar with that --
2 A. Yes.
3 Q. -- are you not?
4 A. Yes.
5 Q. This is marked as Exhibit No. -- Plaintiffs'
6 Exhibit 43. Let me ask you a quick question about this.
7 Well, were you responsible for making
8 certain that the camp counselors executed this Camp
9 Counselor Agreement Form?
10 A. No.
11 Q. Who was responsible for that?
12 A. David Lamkin.
13 Q. David Lamkin was?
14 A. Yes.
15 Q. Did you ever sign off on any of the Houston
16 Racquet Club Camp Counselor Agreement Forms?
17 A. No.
18 Q. Did David Lamkin ever instruct you to make
19 certain that you had signed HRC Camp Counselor Agreement
20 Forms for each and every camp counselor for the summer
21 of 2007?
22 A. No.
23 Q. Was that your understanding, though, that
24 everybody should sign one?
25 A. That's a David -- David handled that part.

0134

- 1 Q. I understand, but I want to know what your
2 understanding was. Did you understand that part of
3 being a camp counselor at the Houston Racquet Club was
4 being sure that you complied with all the rules and
5 regulations and signing the agreement saying that you
6 would abide by them? That was your understanding, was
7 it not?
8 A. Correct.
9 Q. I mean, David did tell you, listen, we have
10 rules, regs and requirements for these counselors. And
11 we need to make certain that they all abide by them,
12 right?
13 A. Yes.
14 Q. Did he ever tell you, oh, and by the way, make
15 sure they all sign off on it?
16 A. We never discussed that.
17 Q. Were you ever involved with -- well, let me ask
18 it differently. Do you have any idea when the camp
19 counselors would sign these forms?

20 A. During the orientation.
21 Q. And how often did -- well, the orientation that
22 you and David Lamkin gave to the summer camp counselors,
23 was that on their first day of work?

24 A. No.

25 Q. When would that typically be held?

0135

1 A. Prior to the camp starting.

2 Q. Okay. And when did the camp start in 2007?

3 A. In June.

4 Q. Okay. Do you recall what day in June?

5 A. No, sir.

6 Q. What week in June?

7 A. I want to say maybe the second week in June.

8 Q. I want to show you the summer camp registration

9 closure letter which is marked as Plaintiffs' Exhibit

10 18B. And this is a welcoming note, welcome to the

11 Houston Racquet Club 2007 summer camp. This letter will

12 confirm your registration for the following week or

13 weeks. You're familiar with that form, are you not?

14 A. No.

15 Q. You're not? You've never seen it?

16 A. No.

17 Q. Okay. Well, this form shows week one as

18 June 12th through the 15th as the first week. Does that

19 fit your recollection of when the first week of summer

20 camp was for 2007?

21 A. Yes.

22 Q. Okay. Isn't it important for you as assistant

23 camp director to be familiar with all the documentation

24 concerning the registration of a child in the 2007

25 summer camp?

0136

1 A. No.

2 MR. REESE: Objection, form.

3 Q. (By Mr. Pletcher) It's not?

4 A. No.

5 Q. Okay. Let me just read here. In this

6 welcoming note it states in the first paragraph, "Our

7 counselors and supervisors are very enthusiastic,

8 energetic and looking forward to making this a fun,

9 memorable and healthy summer for your child. As always

10 the safety of your child comes first and will not be

11 compromised in any way." Did I read that correctly?

12 A. Yes.

13 Q. Do you agree that that was the -- not only an

14 express representation by the Houston Racquet Club but
15 it was an obligation that all facilities that hold a
16 summer camp should comply with?

17 MR. REESE: Objection, form.

18 Q. (By Mr. Pletcher) Is that true? Do you agree
19 with that?

20 A. I agree.

21 Q. I mean, safety should always come first.

22 A. Definitely.

23 Q. And it shouldn't be compromised, right?

24 A. Correct.

25 Q. And you would agree that that principle of
0137

1 safety coming first and not being compromised is
2 extremely important when you are talking about putting
3 4-year-old children in a swimming pool?

4 A. Yes.

5 MR. REESE: Objection, form.

6 Q. (By Mr. Pletcher) And the reason that it is
7 extremely important is because you know, Mr. Lamkin
8 knows and Mr. Griffin knows that whenever you put a
9 child of that age in a swimming pool, there's a risk
10 that that child may drown.

11 MR. REESE: Objection, form.

12 Q. (By Mr. Pletcher) True?

13 A. True.

14 Q. And knowing that risk, regardless of the number
15 of lifeguards or camp counselors or supervisors who are
16 on-site at the time, you know and everybody else at the
17 Club knows that the number one thing to avoid that risk
18 is to keep an eye on each and every one of those
19 4-year-olds for every second; is that true?

20 MR. REESE: Objection, form.

21 A. Correct.

22 Q. (By Mr. Pletcher) And the reason that is an
23 extreme risk and the reason that that risk must be
24 appreciated is because you know, Mr. Lamkin knows,
25 Mr. Griffin knows, Guillermo Palmer knows and everybody

0138

1 else at that club knows that a 4-year-old can slip under
2 the water and drown in seconds. True?

3 MR. REESE: Objection, form.

4 A. It could happen.

5 Q. (By Mr. Pletcher) And if a facility like the
6 Houston Racquet Club does not take steps to avoid that
7 extreme risk, do you think that there could be any

8 excuse for it?

9 MR. REESE: Objection, form.

10 A. It could happen.

11 Q. (By Mr. Pletcher) But do you think that there
12 could be a reasonable excuse to not take every possible
13 step to avoid that risk?

14 MR. REESE: Objection, form.

15 Q. (By Mr. Pletcher) Can you think of any sort of
16 reasonable explanation or reasonable excuse for not
17 taking whatever steps that's necessary to avoid the
18 extreme risk that a 4-year-old child may drown because
19 somebody fails to keep their eyes on them?

20 MR. REESE: Objection, form.

21 A. I don't -- safety is always first.

22 Q. (By Mr. Pletcher) I understand.

23 A. Safety is always first.

24 Q. And you can't think of a reasonable explanation
25 of why or how somebody could ignore that extreme risk by
0139

1 failing to take steps to make certain that each and
2 every 4-year-old child who's put in the family pool is
3 watched for every second, can you?

4 MR. REESE: Objection, form.

5 A. They are to be watched.

6 Q. (By Mr. Pletcher) And you can't think of
7 anything that would excuse anyone from complying with
8 that obligation, can you?

9 MR. REESE: Objection, form.

10 A. Correct.

11 Q. (By Mr. Pletcher) Now, back to the Camp
12 Counselor Agreement Forms, the Club has produced several
13 signed forms. I'm just going to put these -- I'm not
14 going to mark them. I'm going to put them on the screen
15 here. This one is signed by CC-F. Okay? It's
16 dated June 10th, 2007. Now, that was two days before
17 the camp started, correct?

18 A. Correct.

19 Q. And would that have been the date of the
20 orientation?

21 A. I would believe so.

22 Q. Okay. And every one of these forms, if you'll
23 look at the day with the exception of one or two, are
24 dated the 10th of June 2007. Okay?

25 A. Okay.

0140

1 Q. There's one for 4 y/o B-CC #5. They're all --

2 here's one dated 6/16/07 CC-I . Do you remember CC-I ?

3 A. Yes.

4 Q. Did he start late? Was he hired after the
5 first week?

6 A. I believe so.

7 Q. Okay. PE-C , CC-H, 4 y/o G-CC #3,
8 4 y/o G-CC #2. They were sisters, right? Do
9 you remember that, the 4 y/o G-CC #2, 4 y/o G-CC #3 girls?

10 A. I do.

11 Q. CC-J, PE-F, all of them dated
12 the 10th. So, seeing that -- this one actually isn't
13 dated here. Seeing that the majority of these are dated
14 June 10th, do you feel fairly certain that the
15 orientation would have been held on that date?

16 A. Yes.

17 Q. I do not have signed Houston Racquet Club Camp
18 Counselor Agreement Forms for 4 y/o B-CC #3 , Supv CC #1 ,
19 Supv CC #2 , 4 y/o B-CC #2 , 4 y/o B-CC #6 or 4 y/o B-CC #4.
20 Should -- first of all, should each of those
21 individuals have signed that agreement form?

22 A. Yes.

23 Q. Okay. And if they were not at the orientation
24 that was held on June 10th, would they have signed it on
25 their first date of employment similar to what that

0141

1 individual was that we saw who signed on the 16th?

2 MR. REESE: Objection, form.

3 A. That would be through David Lamkin.

4 Q. (By Mr. Pletcher) Did David Lamkin ever ask
5 you to get one of the camp counselors to sign the Camp
6 Counselor Agreement Form?

7 A. No.

8 Q. Never?

9 A. No.

10 Q. Not in the three summers that you worked there?

11 A. No.

12 Q. Okay. Do you have any explanation as to why we
13 wouldn't have signed Camp Counselor Agreement Forms for
14 those individuals that I just referenced, 4 y/o B-CC #3 , Supv CC #1 ,
15 4 y/o B-CC #2 , 4 y/o B-CC #6 or 4 y/o B-CC #4?

16 MR. REESE: Objection, form.

17 A. I don't know why we -- it could have been -- I
18 don't know what --

19 Q. (By Mr. Pletcher) Do you know that those -- do
20 you know those individuals to be camp counselors who
21 were assigned to the 4-year-old kids for week five and

22 on July 18th, 2007?

23 A. Yes.

24 Q. And do you recognize those individuals as being
25 the camp counselors who would have been in or around the
0142

1 pool -- family pool area when John Pluchinsky drowned?

2 A. I don't know.

3 Q. When you first interviewed with David and DS
4 Lamkin for your job, did the three of y'all discuss the
5 camp counselor agreement or rules, regulations and
6 requirements?

7 A. No.

8 Q. When did you first see that document?

9 A. When I showed up to the orientation in '05.

10 Q. And that orientation would have been before the
11 camp started in '05?

12 A. Correct.

13 Q. Okay. To your knowledge, was the camp
14 counselor agreement and rules, regs and requirements
15 revised or amended between the summer of 2005 and the
16 summer of 2007?

17 A. I don't know.

18 Q. You don't?

19 A. No.

20 Q. So, you don't know if Exhibit No. 42 is the
21 same rules, regulations and requirements that were in
22 effect in 2006 or 2005, do you?

23 A. No.

24 Q. Well, were you required to know what these
25 rules, regulations and requirements were each summer?

0143

1 A. I read them.

2 Q. Okay. I just wanted you -- I'm going to hand
3 you Exhibit No. 42. And could you please read that to
4 yourself?

5 A. The whole thing?

6 Q. Yes. And I don't intend you to memorize the
7 thing.

8 A. Okay.

9 Q. Just refresh your recollection.

10 A. Okay. (Witness peruses document)

11 Q. Did you read the second page?

12 A. (Witness peruses document)

13 Q. So, it's your testimony that this set of rules,
14 regulations and requirements for the summer of 2007 was
15 created by David Lamkin?

16 A. Yes.
17 Q. And at no time during the summer of 2007 did
18 you ask Mr. Lamkin to change or revise any of these
19 rules or regulations or requirements, correct?

20 A. Correct.

21 Q. And did you ever think about asking him to
22 revise any of the stuff that's in it?

23 A. No.

24 Q. Having read this, do you think that this is any
25 different than the rules, regulations, requirements that
0144

1 were in effect in '06 and '05? And I know that you
2 didn't memorize it, nor do I expect you to memorize the
3 two prior years. But off the top of your head, can you
4 think of any material differences between --

5 A. No.

6 Q. -- these rules and the rules that were in
7 effect in '06 and '05?

8 A. No.

9 Q. You cannot?

10 A. I can't.

11 Q. Do you think knowing what you know occurred on
12 July 18th, 2007 in the family pool with John Pluchinsky,
13 do you think any of these rules, regulations or
14 requirements should be changed?

15 A. No.

16 Q. Was there any discussion between you and
17 Mr. Lamkin or anybody else at the Club about any of
18 these rules, requirements or regs after John
19 Pluchinsky's drowning?

20 A. No.

21 Q. Now, this is not an exclusive list of the rules
22 and regulations that apply to the camp counselors, is
23 it?

24 A. Repeat that again.

25 Q. This is not an exclusive list. In other words,
0145

1 y'all had unwritten rules.

2 A. Correct.

3 Q. Rules that were not in writing, correct?

4 A. Correct.

5 Q. And were those rules that you implemented, the
6 unwritten rules, or David Lamkin or both of you or
7 anybody else at the Club?

8 A. As they arise, we just shared it with the
9 counselors.

10 Q. Off the top of your head, what are the most
11 important unwritten rules that are not contained on
12 Exhibit No. 42 that you regularly required compliance
13 with?

14 A. Notes.

15 Q. Notes?

16 A. Notes from the parents.

17 Q. Okay. Tell me about that unwritten rule.

18 A. What would you like to know about it?

19 Q. Well, what was the rule? What were the camp
20 counselors supposed to do?

21 A. During car pool in the morning, any written
22 notes are to come to me and as well told to the
23 counselor who was in -- who had the clipboard of any
24 changes either in the schedule or maybe forgot a lunch
25 or going with somebody else. That was a really

0146

1 important thing to me that if any --

2 Q. Sure.

3 A. -- notes came through, I need to know about
4 them.

5 Q. You needed to know about it, and the person who
6 had the clipboard needed to know about it.

7 A. And they would share that with the other
8 counselors.

9 Q. Right.

10 A. So, everybody knows about the note.

11 Q. And the clipboard is a clipboard that has a
12 listing of all the summer camp kids who were present on
13 that particular day.

14 A. Correct.

15 Q. And they are grouped by age.

16 A. Correct.

17 Q. And there's a place to check off whether or not
18 the child was present that day, correct?

19 A. Correct.

20 Q. And was that a way you kept up with the head
21 count, too?

22 A. Through the clipboard. I kept a master
23 clipboard.

24 Q. And the master clipboard was just a copy of
25 what the camp counselor had on their clipboard that they

0147

1 used throughout the facility, correct?

2 A. Correct.

3 Q. Did each of the groups of campers -- they were,

4 of course, grouped by age.
5 A. Correct.
6 Q. Did each age group have their own clipboard?
7 A. Correct.
8 Q. Any other unwritten rules that you're aware of
9 were in effect in the summer of 2007 which were
10 regularly required to be complied with by the camp
11 counselors?
12 A. Not that I can think of right now.
13 Q. Okay. Well, were there any unwritten rules
14 that related to the pools?
15 A. No.
16 Q. Okay. Were there any unwritten --
17 A. Can I take that back there?
18 Q. Sure.
19 A. Okay. The only thing at the pool is what's not
20 in there is when the younger groups --
21 Q. Yes.
22 A. -- actually all groups, we told them to always,
23 you know, get them together first.
24 Q. Yes.
25 A. Find a place you're going to put all your stuff
0148
1 at.
2 Q. Yes.
3 A. And then you put all your stuff together.
4 Q. Yes.
5 A. And you all walk to the pool together.
6 Q. Right. As a group.
7 A. As a group.
8 Q. Okay. And you get in the pool as a group.
9 A. And you get in the pool as a group.
10 Q. Okay. Were there any unwritten rules that you
11 are aware of that were in effect in 2007 regarding
12 activities in the pool?
13 A. Not that I can recall.
14 Q. Okay. Were there any unwritten rules that
15 you're aware of in effect in 2007 regarding appropriate
16 or inappropriate behavior by either camp counselors or
17 campers?
18 A. No, not that I can think of.
19 Q. Okay. Okay. I want to ask you just a couple
20 of questions here about the rules that were written in
21 2007. I want to try to blow this up so you can read it
22 over there. This first one that's highlighted, "All
23 counselors MUST," all caps and bolded, "get in the water

24 with the children during the their designated swim
25 time."

0149

1 A. Yes.

2 Q. Did I read that correctly?

3 A. Yes.

4 Q. Was that rule always in effect during your
5 tenure at Houston Racquet Club in '05, '06 and '07?

6 A. Yes.

7 Q. That was not a new rule for '07?

8 A. (Witness shaking head)

9 Q. No?

10 A. No. No.

11 Q. And at no time in 2006 or 2005 did you suggest
12 that this rule be changed?

13 A. No.

14 Q. Or modified?

15 A. No.

16 Q. Now, down here a little further, there is a
17 paragraph that says, "keep clipboard with you at all
18 times." Okay?

19 A. (Witness nodding head)

20 Q. You discussed that a minute ago.

21 A. Correct.

22 Q. And it says, "Check off your children prior to
23 going to an activity, when you get to the activity,
24 during the activity and when you leave the activity. Do
25 not misplace your children." Did I read that correctly?

0150

1 A. Correct.

2 Q. Now, that was kind of what you were explaining
3 a few minutes ago about the unwritten rule that before
4 they went to the pool, they gathered all in a group.
5 And they had their clipboard together, and they walked
6 to the pool as a group, correct?

7 A. Correct.

8 Q. Now, this doesn't talk about doing that
9 specifically with pool activities. It just says, hey,
10 if you are doing an activity with the campers at any
11 time during the day, you better have your clipboard with
12 you. You better count them at the beginning, and you
13 better count them at the end and you better not misplace
14 any.

15 A. Correct.

16 Q. On July 18th, 2007 who misplaced John
17 Pluchinsky?

18 A. I don't know.
19 MR. REESE: Objection, form.
20 Q. (By Mr. Pletcher) He was misplaced, was he
21 not?
22 MR. REESE: Objection, form.
23 A. I don't know.
24 Q. (By Mr. Pletcher) Has anybody told you that he
25 was found floating face down in three and a half feet of
0151
1 water?
2 A. No.
3 Q. Has anybody told you that 4 y/o B-CC #3 swam over to
4 him and turned him over?
5 A. I don't know.
6 Q. And his lips were already blue?
7 A. I don't know.
8 Q. If those facts are true, okay, he was found
9 face down, lips blue in three and a half feet of water,
10 does that seem to you that somebody must have misplaced
11 him --
12 A. I don't know.
13 Q. -- while he -- hang on a second -- while he was
14 in the pool?
15 A. I don't know.
16 MR. REESE: Objection, form.
17 Q. (By Mr. Pletcher) Why not?
18 A. I was not at the pool.
19 Q. I understand. I want you to assume that John
20 Pluchinsky was found floating face down and the first
21 person who got to him was 4 y/o B-CC #3 . And when he got to
22 him, he rolled him over and his lips were already blue
23 or purple. Okay? Now, does that sound to you like
24 somebody was watching him?
25 MR. REESE: Objection, form.
0152
1 A. I don't know.
2 Q. (By Mr. Pletcher) What do you not know about
3 it?
4 A. I don't know. I was not at the pool.
5 Q. Okay. Does it sound to you that maybe somebody
6 took his eyes off -- his or her eyes off of him long
7 enough for him to ingest water, lose the ability to
8 breathe and turn blue?
9 MR. REESE: Objection, form.
10 Q. (By Mr. Pletcher) Does that sound possible?
11 A. I don't know. I was not at the pool.

12 Q. I understand. But does it sound possible just
13 from --

14 A. I don't know -- I don't want to comment --

15 Q. Okay.

16 A. -- to that.

17 Q. One of the reasons that you have the clipboard
18 and that you are such a stickler on the count --

19 A. For reasons if a parent comes to me and says
20 there's been an emergency where I have to leave -- I
21 have to get my son or daughter out of camp, I can go
22 through the schedule, the weekly schedule; find where
23 they're at; find out, you know, what group he's in, if
24 he's in the A or B group, if there was one. And I would
25 know where to go get him.

0153

1 Q. Okay. Well, sure. That's one reason. But the
2 other reason that you do not want to misplace your
3 children is because if you misplace 4-year-olds or
4 5-year-olds or 6-year-olds or 7-year-olds, that may be
5 an unsafe thing, right?

6 A. It could be.

7 Q. They might get in trouble, right?

8 A. It could be.

9 Q. They might walk down to the bayou that's just a
10 few hundred feet from the places where they're having
11 the activities, correct?

12 A. It wouldn't happen.

13 Q. If they were misplaced, it could happen --

14 MR. REESE: Objection, form.

15 Q. (By Mr. Pletcher) -- correct?

16 A. I could happen.

17 Q. They might wander to the pool and see those new
18 water features that are in the wading area of the pool
19 and just jump in, right?

20 MR. REESE: Objection, form.

21 A. It wouldn't happen.

22 Q. (By Mr. Pletcher) All right. Is safety one of
23 the reasons that you have this rule, regulation and
24 requirement in this agreement to not misplace them?

25 A. Of course.

0154

1 Q. Did you ever provide any instructions to your
2 camp counselors, be them regular camp counselors or
3 supervisors, pool supervisors or counselor supervisors,
4 whatever you want to call them, regarding what they were
5 supposed to be doing in the pool with the children other

6 than you just have to be in the pool when they're in the
7 pool?

8 A. Are we talking about the counselors or the
9 supervisory counselors?

10 Q. Both.

11 A. Be in the water with the pool, watching them at
12 all times.

13 Q. Right. Other than that rule, part of it is
14 written, being in the pool with them.

15 A. Correct.

16 Q. Okay. The other part is unwritten, watching
17 them at all times. Are there any other rules or
18 requirements that you instructed your counselors to
19 comply with when the children were in the family pool or
20 any other pool?

21 A. Yes.

22 Q. What?

23 A. Would be stay close to the small ones, the
24 younger ones. You want to stay close to them.

25 Q. Okay. Who did you give that instruction to?

0155

1 A. All the counselors.

2 Q. When?

3 A. During our morning briefings and after our
4 briefings.

5 Q. Every day?

6 A. Every day.

7 MR. REESE: Matt, when you get to a point.

8 MR. PLETCHER: Okay.

9 Q. (By Mr. Pletcher) Any other unwritten rules or
10 instructions that you gave to the counselors about how
11 they were to conduct themselves or what they were
12 supposed to do or not do in regards to the pool and the
13 kids being in the pool that you haven't discussed?

14 A. Just being with your kids at all times.

15 Q. Sure.

16 A. And if for some reason you have to leave them,
17 leave the group, you tell the other counselors because
18 sometimes some of the kids might need to go to the
19 bathroom or something.

20 Q. Sure.

21 A. You tag team and tell them, hey, I'm going to
22 take them to the bathroom. And that might be one of the
23 safety rules that comes to mind. I'm sure there's many
24 more, and I'll be -- I'll try to remember as many as I
25 can.

0156

1 Q. Okay. Any other unwritten rules or
2 instructions that come to your mind in regard to the
3 pools and the counselors and the campers?

4 A. Pretty much playing with your kids, no
5 throwing. Because some of the older kids like to be
6 thrown.

7 Q. Yeah.

8 A. Don't throw the kids, you know.

9 Q. That would be horseplaying.

10 A. Yeah.

11 Q. Right.

12 A. Yeah.

13 Q. Okay. Anything else?

14 A. Not that I can remember right now.

15 MR. PLETCHER: Let's break.

16 THE VIDEOGRAPHER: The time is 3:06 p.m.

17 We're off the record.

18 (Recess from 3:06 to 3:23)

19 THE VIDEOGRAPHER: The time is 3:23 p.m.

20 We're back on the record.

21 Q. (By Mr. Pletcher) Ms. CD, are you ready
22 to continue?

23 A. Yes.

24 Q. When we broke, we were talking about the
25 unwritten rules related to the family pool, swimming and

0157

1 the camp counselors, correct?

2 A. Correct.

3 Q. While we were on the break, did David Lamkin
4 refresh your recollection about any of the unwritten
5 rules?

6 A. No.

7 Q. Did you have any discussions with Mr. Griffin
8 about the unwritten rules?

9 A. No.

10 Q. Now, these unwritten rules that you've
11 described -- and I've written down five different ones.
12 We started with written notes are to come to you.

13 A. Uh-huh. Yes.

14 Q. Okay. And then we went to -- actually I've
15 written down four. Stay close to the small ones when
16 they're in the pool. If a counselor has to break away
17 from the pool, they're supposed to tell the other
18 counselors.

19 A. Uh-huh.

20 Q. And there's no horseplay of throwing children
21 in the pool --

22 A. Correct.

23 Q. -- correct?

24 A. Correct.

25 Q. Now, those unwritten rules are instructions
0158

1 that were given to the camp counselors. They were
2 formulated by David Lamkin. They were his rules and
3 instructions, correct? I mean, he came up with them.
4 You just made certain that they were complied with,
5 correct?

6 A. I don't recall if it was DS who --

7 Q. Or David.

8 A. Right.

9 Q. But it wasn't you.

10 A. No.

11 Q. Okay.

12 A. It was just something I would have
13 continuously --

14 Q. You would have --

15 A. -- told --

16 Q. You would have implemented -- or you would have
17 made certain that the rules were complied with.

18 A. Correct.

19 Q. Now, the written rules that we went through,
20 Exhibit 42, the camp counselor agreement --

21 A. Uh-huh.

22 Q. -- or camp counselor rules that existed in
23 2005, 2006 and 2007, was it your understanding -- from
24 your initial orientation with David Lamkin and DS
25 and their instructions on what you were

0159

1 supposed to be doing, was it your understanding that
2 these rules were put together to provide guidance to the
3 counselors on what they were supposed to do or not do as
4 camp counselors at the Racquet Club? Is that your
5 understanding?

6 A. I don't know. I didn't make up -- I didn't
7 have anything to do with this form.

8 Q. I understand. But was it your understanding
9 that this form was to be used as a guideline to the camp
10 counselors on what they are supposed to do or not do?

11 A. Yes.

12 Q. And is it your understanding that David Lamkin
13 or whoever else put this form of rules, regulations and

14 requirements together tried to document those rules and
15 regulations and requirements that were the most
16 important ones?

17 A. I would --

18 MR. REESE: Objection, form.

19 A. I would say so.

20 Q. (By Mr. Pletcher) Sure. And, I mean, that's
21 common sense.

22 A. Correct.

23 Q. Because you'd want the more important rules,
24 the things that you would want your camp counselors to
25 be very certain of and understand, you'd want that to be
0160

1 in writing, correct?

2 MR. REESE: Objection, form.

3 A. Correct.

4 Q. (By Mr. Pletcher) Because we all know just
5 from being in school that the way people learn stuff and
6 remember stuff is not only by hearing it but it's by
7 seeing it and doing it, right?

8 A. Correct.

9 Q. And sometimes hearing it isn't enough. We
10 actually have to see it in writing to be able to know
11 it, understand it and remember it, correct?

12 MR. REESE: Objection, form.

13 A. Correct.

14 MR. PLETCHER: What's your objection?

15 MR. REESE: Calls for speculation. If you
16 want to ask her what her thoughts are, that's fine. You
17 want her to start taking on the general public by the
18 way they learn?

19 MR. PLETCHER: Hey. Hey. No speaking
20 objections.

21 MR. REESE: You asked for an explanation.

22 MR. PLETCHER: No. I said, "What is your
23 objection?"

24 Q. (By Mr. Pletcher) That was coming from you,
25 CD, who have, yourself, been through school,

0161

1 been trained at various jobs. I mean, that makes common
2 sense to you, that if you want somebody to remember
3 something, that it's a heck of a lot easier and more
4 likely that you'll remember something if it is told to
5 you verbally and it's in writing and you can actually
6 see it, right?

7 A. I would agree.

8 Q. Okay. Walk me through a typical day as the
9 assistant camp director at the Houston Racquet Club in
10 2007.

11 A. Any particular day or --

12 Q. Any particular day of the week.

13 A. Okay.

14 Q. Tell me what your typical routine was. I'm
15 sure you had one.

16 A. Yes.

17 Q. Okay. Walk me through it real quick.

18 A. Pretty much every day I'd like to usually try
19 to arrive about 8:00 o'clock.

20 Q. Yes.

21 A. Get there before the counselors get there. We
22 asked the counselors to get there somewhat between 8:15
23 to 8:30.

24 Q. Okay.

25 A. And once counselors started arriving and -- you
0162

1 know, I looked at the schedule for the day and seeing if
2 there was anything -- any changes to be needed just
3 because of the amount of kids maybe added from the day
4 before. I would sit and try to pretty much gather all
5 that stuff together, if I had any changes in the
6 schedule for any of the --

7 Q. Okay.

8 A. -- the events.

9 Q. So, you before each day would get a new
10 schedule for the next day. So, when you arrived, you'd
11 know who was going to be there and what the activities
12 were?

13 A. The schedule was the same the whole week.

14 Q. Right.

15 A. Monday -- or the first day of camp, that day
16 there, we might have gotten probably 15 kids that signed
17 up.

18 Q. Right.

19 A. And we might have had "X" amount of counselors
20 assigned to these various groups.

21 Q. Uh-huh.

22 A. And so, if I saw a group that only had eight
23 and had four counselors --

24 Q. Right.

25 A. -- I would move a counselor to another age
0163

1 division for that week.

2 Q. Right.

3 A. Just because the week -- I mean, the group
4 became larger than anticipated from what David had given
5 me. So, I'd usually on the first day something like
6 that, that was a typical way to look at the week.

7 Q. Right. And the first day of the summer camp
8 week -- for example, let's take week number two.

9 A. Okay.

10 Q. You'd get there, and sometimes there would be
11 new campers added?

12 A. Oh, yes.

13 Q. Okay. And assignments of counselors to
14 specific camper groups would have already been
15 formulated before that Monday, and you'd make
16 adjustments. Is that what you're telling me?

17 A. Correct.

18 Q. Okay. And did you say that David Lamkin was
19 the person who made the assignments of the particular
20 counselors to the particular age group of children?

21 A. Correct.

22 Q. Okay. And so, one of the first things that you
23 would do when you arrived at about 8:00 o'clock is that
24 you'd look at that documentation to see if adjustments
25 needed to be made, correct?

0164

1 A. Uh-huh. Correct.

2 Q. And then you said the counselors would arrive
3 between 8:15 and 8:30 --

4 A. Correct.

5 Q. -- correct? Now, when you made the adjustments
6 and let's say that you had four counselors for the
7 5-year-olds, when there were only six 5-year-olds, you
8 might move one or two of those counselors to another
9 group, right?

10 A. What was the numbers again that you were giving
11 me an example of?

12 Q. Oh, I don't know. Let's just say you had six
13 5-year-olds and you had four counselors assigned to that
14 group.

15 A. Correct.

16 Q. You might move one or two of those counselors
17 over.

18 A. I'd move first the bigger group because I liked
19 as many as I could with the younger groups because
20 getting to an activity daily --

21 Q. Right.

22 A. -- is a little slower --
23 Q. Sure.
24 A. -- than having nine and up boys and they're in
25 and out.

0165

1 Q. Right. Now, you said you'd move a bigger
2 group. Did you intend to say, I would have moved an
3 older group?
4 A. A counselor from another older group --
5 Q. Older group.
6 A. -- around --
7 Q. Sure.
8 A. -- to another -- another group.
9 Q. And did you have to run those reassignments of
10 counselors to different age groups by Mr. Lamkin?
11 A. I would mention it to him.
12 Q. When would you do that?
13 A. When he was there at the house.
14 Q. Was he always there Monday morning at 8:00?
15 A. Pretty much.
16 Q. Well --
17 A. Well, not at 8:00. I mean, he was in the
18 building. I don't know what time he arrived.
19 Q. Right.
20 A. I just know what time I arrived.
21 Q. We talked about Monday. Did you work on
22 Monday?
23 A. I'm sorry. No.
24 Q. It's actually Tuesday --
25 A. Yes. Yes.

0166

1 Q. -- the first day of --
2 A. Yes.
3 Q. -- the --
4 A. Yes.
5 Q. -- camp week.
6 A. Yes. That's -- I get my camps sometimes --
7 Q. Sure.
8 A. Because I've got other camps that I participate
9 in and they run Monday through Thursday.
10 Q. Right.
11 A. And this in particular ran Tuesday through
12 Friday.
13 Q. And let's say Tuesday you get in there at 8:00
14 and you see that you need to move things around. Is it
15 typical that David Lamkin would show up or would you

16 have to call him? What if he didn't show up? Would you
17 just do it on your own? Or how would you handle it?

18 A. I would just do it on my own.

19 Q. Okay. So, you had the authority to make the
20 assignments that you felt needed to be made?

21 A. The revisions.

22 Q. Right. Right. The revisions for which
23 counselors would be overseeing which age group.

24 A. Yes.

25 Q. Okay. Tell me what your criteria was for

0167

1 making those assignments. You did have a criteria, did
2 you not?

3 A. Can you give me more specifics on what criteria
4 you -- like examples?

5 Q. Well, what -- what would be important in your
6 mind to consider when you were going to move one
7 counselor from one age group to another age group?

8 A. Pretty much just to have more on hands and
9 counselors available for the larger groups.

10 Q. Right. I think you already told me that age
11 would be one factor.

12 A. Uh-huh.

13 Q. Right?

14 A. Uh-huh.

15 Q. Yes?

16 A. Yes.

17 Q. So, if you had a whole bunch of counselors
18 assigned to a younger group, let's say the 4- or
19 5-year-olds, you'd hesitate to change that counselor
20 assignment, would you not?

21 A. Correct.

22 Q. Okay. And what about the size of the group and
23 the ratio of counselors to campers? Did you have any
24 particular ratio that you followed for any particular
25 age group?

0168

1 A. No.

2 Q. Had anybody ever made a suggestion that you
3 should do that?

4 A. No.

5 Q. Any other factors that you tried to follow when
6 you were making reassignments or revisions to the camp
7 counselor assignments?

8 A. No.

9 Q. No?

10 A. I didn't have any other -- other than looking
11 to see the amount of kids opposed -- because I mean, you
12 have, again, you know, six kids show up; and you have
13 five counselors in that group. I'd rather give the
14 extra -- you know, some of the -- you know, give
15 somebody else a little more help.

16 Q. Sure. Well, for the 4-year-old group let's say
17 for example -- because you said you didn't have any
18 specific ratios in mind -- what would you think would be
19 reasonable as far as the number of counselors to oversee
20 the number of 4-year-olds? What would you be
21 comfortable with?

22 A. As many as I could put in there.

23 Q. Okay.

24 A. Would be comfortable with, you know, more
25 counselors than needed in that group.

0169

1 Q. Right. You would be thrilled to have a
2 one-to-one ratio, right?

3 A. If we could.

4 Q. Right. If you had enough.

5 A. If we had enough.

6 Q. Okay. And you'd probably be just as tickled
7 for a one-to-two ratio, one counselor to every two
8 4-year-old campers, right, if you had enough counselors?

9 A. Correct.

10 Q. What about one-to-three, one-to-four?

11 A. I'd be happy with that, too.

12 Q. Okay. Any other criteria?

13 A. None that I can think of right now.

14 Q. Did you ever -- during week five, the week that
15 John Pluchinsky was at the summer camp, did you make any
16 revisions to the counselor assignments?

17 A. The only one I can recall and -- would be 4 y/o B-CC #5 .

18 Q. Okay. 4 y/o B-CC #5 ?

19 A. Yes.

20 Q. You reassigned him to the 4-year-old boy group?

21 A. Yes, because he came on a week that wasn't
22 assigned to him.

23 Q. Yes.

24 A. And he had been with the 4-year-olds previous.

25 Q. Uh-huh.

0170

1 A. So, we gave him to the 4-year-olds.

2 Q. Okay. Do you agree that when you are trying to
3 make assignments of counselors to a certain age group,

4 that you want to take into consideration having a
5 continuity or consistency of counselors to certain
6 groups -- age groups?

7 A. It would be hard to on a weekly basis because
8 we didn't know how many kids were going to show up
9 within that week. David assigned "X" amount; and if we
10 had extras, of course we would throw them to the 4- and
11 5-year-olds.

12 Q. So, it was a situation where David Lamkin was
13 making the sole decision on the number of campers that
14 should be allowed for a particular week without any
15 input from you?

16 A. Correct.

17 Q. And that was despite the fact that you were
18 involved on a weekly basis of making revisions to the
19 counselor assignments, right?

20 A. Correct.

21 Q. But back to my -- in a perfect world saying,
22 for example, that Mr. Lamkin had an unlimited supply of
23 counselors for the summer campers, wouldn't you agree
24 that it would be best to have consistency with having
25 certain counselors work with certain age groups?

0171

1 A. I don't know how he sets the schedule up.

2 Q. Well, I understand. But I guess -- I guess my
3 question to you would be: Given your experience there
4 at the Racquet Club, do you agree or disagree that when
5 you are making camp counselor assignments to a
6 particular age group, it would be best to have the same
7 group of counselors with the same age group during the
8 entire summer if you could?

9 A. Yes, and he did.

10 Q. He did.

11 A. He did. Most of those that worked with -- with
12 the only exception, again, like if we had six
13 4-year-olds show up or six -- yeah, six 4-year-olds show
14 up and I have five, we might give some to the other
15 groups. But in the most part, those counselors knew the
16 kids from week to week.

17 Q. Okay. Do you think that when you're assigning
18 counselors to the youngest group, which would have been
19 the 4-year-olds, that it would be best to have the more
20 experienced counselors overseeing that youngest group?

21 A. Yes.

22 Q. And do you also agree that it would be best to
23 have the more senior counselors assigned to the

24 4-year-old youngest group of campers?

25 A. Not necessarily.

0172

1 Q. Okay. So, you're in agreement that it's best
2 to have consistency between counselors and certain age
3 groups. And it's also best to have the more experienced
4 counselors with the youngest group, the 4-year-olds,
5 correct?

6 A. I would disagree with the seniors. I agree
7 with the consistency.

8 Q. Yeah.

9 A. But with the senior --

10 Q. Counselor?

11 A. Yes.

12 Q. Not necessarily?

13 A. Not necessarily.

14 Q. Yeah. I didn't say senior. I said more
15 experienced, people who had been counseling longer than
16 other people.

17 A. No.

18 Q. No?

19 A. Not necessarily.

20 Q. Not necessarily?

21 A. Not necessarily.

22 Q. What about people who had counseled at the
23 Houston Racquet Club and knew the policies, procedures,
24 rules, regulations and requirements because they had
25 been there for more than one summer? Do you think that

0173

1 that would be better for the 4-year-old group?

2 MR. REESE: Objection, form.

3 A. We need those experienced campers across the
4 board, not just any individual age group.

5 Q. (By Mr. Pletcher) Okay. So, you don't think
6 that the youngest campers required more supervision than
7 the older age groups?

8 A. They do require.

9 Q. Right.

10 A. That's why I would add as many as I had
11 available to the younger groups.

12 Q. Right. But with that in mind, the need for
13 more supervision, don't you agree that it is better and
14 safer to have more experienced counselors watching the
15 youngest campers?

16 A. I think -- you know, the ones that David had
17 assigned, you know, they worked well.

18 Q. Right. So, experience level doesn't play into
19 your mind on how you should assign camp counselors to
20 the youngest 4-year-old camp group?

21 A. David's the one that assigns it, and I just --

22 Q. I didn't ask you about David. I asked you
23 about you, CD.

24 A. Uh-huh.

25 Q. The experience level of the camp counselors is
0174

1 not important to you when you're making assignments of
2 camp counselors to that 4-year-old youngest --

3 A. It is important.

4 Q. It is.

5 A. It is important.

6 Q. Okay. And do you think that prior experience
7 as a camp counselor should be considered when the
8 counselors are hired. I know you weren't responsible
9 for it, but you certainly oversaw the camp for three
10 years. Do you think that's an important factor when
11 determining whether or not to hire a camp counselor,
12 whether or not they had done it before?

13 A. That would not be my decision, though.

14 Q. I understand. If it was -- let's just say that
15 David Lamkin passed the ball to you. Do you think that
16 prior experience as a summer camp counselor, be it at
17 the Racquet Club or some other facility, would be an
18 important consideration when you're determining whether
19 or not to hire the person or not hire them?

20 A. Yes.

21 Q. Okay. Do you know what Mr. Lamkin's criteria
22 was for his initial assignment of camp counselors to
23 certain age groups of campers?

24 A. No.

25 Q. Y'all never discussed that?

0175

1 A. No, sir.

2 Q. In the three years that you worked there, not
3 one discussion about what he considered to be important
4 about as far as assigning camp counselors to a
5 particular age group?

6 A. Correct.

7 Q. When you made reassignments for Tuesday
8 mornings, did you ever reassign a camp counselor based
9 upon the camp counselor's request, personal request?

10 A. If they were extra, yes, because they might
11 have been in that age group prior and enjoyed that age

12 group. So, yes, if they were extra.

13 Q. Over the three-year period that you did this,
14 the three summers, you remember occasions where
15 counselors would come up to you and say, "Listen, can I
16 be with the 'X' age group," a particular age group?

17 A. If they were extras, yes. But normally they
18 already came in assigned. And I didn't -- if they
19 wanted to do that, I would refer them to David.

20 Q. Okay.

21 A. Because I don't -- I don't move them around. I
22 prefer them to go through David if that's their request
23 because sometimes, you know, they might want to be
24 with --

25 Q. Their friends.

0176

1 A. -- an age group.

2 Q. Or their friends.

3 A. Or, yeah, that instance, too. But...

4 Q. So, I'm uncertain of what your testimony is.

5 Do you recall any counselor ever coming to you at any
6 time during your employment at the Racquet Club and ask
7 you to reassign them to a different age group?

8 A. Uh-huh.

9 Q. Is that "yes"?

10 A. Yes. I'm sorry. Yes.

11 Q. And each time that occurred, you referred them
12 to David Lamkin?

13 A. Yes.

14 Q. And how many times do you think that occurred?

15 A. Very few times.

16 Q. And during any of those very few times, do you
17 recall a counselor giving you any specific reason of why
18 they wanted to be resigned?

19 A. Because they liked the little girls, or they
20 might like the little boys. They prefer being with the
21 little ones, and they don't want to be out in the 10 and
22 up boys because they prefer to be with the younger ones.
23 And that would be some of the reasons.

24 Q. Right. Do you know if there were any required
25 certifications for camp counselors in order for

0177

1 employment with the Racquet Club?

2 A. I don't know.

3 Q. You don't recall any?

4 A. I don't --

5 Q. You don't know if there were or not.

6 A. No.
7 Q. You've never been a lifeguard, have you?
8 A. No, sir.
9 Q. Never been through the lifeguard training
10 course?
11 A. No, sir.
12 Q. Never read the lifeguard manual, correct?
13 A. No, sir.
14 Q. Do you know whether or not Mr. Lamkin in his
15 hiring of camp counselor gave any preference to members
16 or -- I'm sorry -- children of members or children of
17 employees of the Club?
18 A. I don't know.
19 Q. Were you there -- you were there in 2006,
20 correct?
21 A. Correct.
22 Q. And you testified earlier that you would always
23 have the orientation meeting before the camp started?
24 A. Correct.
25 Q. And was it during that orientation meeting that
0178
1 the camp counselors, the applicants were advised that
2 they had been hired?
3 A. If they -- if they showed up to the
4 orientation, in my opinion they were -- those were the
5 ones that were going to be hired --
6 Q. Right.
7 A. -- was the reasoning for their training.
8 Q. Well, do you ever recall in any of those
9 orientation meetings Mr. Lamkin or anybody else advising
10 the kids who were in the room "you're hired"?
11 A. I don't know that.
12 Q. Do you recall during any of the three summers
13 that you worked there there ever being a lack of camp
14 counselors?
15 A. Never.
16 Q. Or a need for more?
17 A. No.
18 Q. Never?
19 A. Never?
20 Q. Always had a sufficient supply.
21 A. And then some.
22 Q. So, we were walking through your day.
23 A. Okay.
24 Q. Okay? And you said at 8:15 to 8:30 the
25 counselors would start showing up, correct?

0179

1 A. Correct.

2 Q. And would you then -- what would you do next?

3 A. Again, I'd get the clipboards for each age
4 group and start handing them out -- handing them out.

5 So, I knew that at least one counselor was there for
6 each group.

7 Q. Yes.

8 A. I had them set around the room where the
9 4-year-olds were here, 5, 6, 7s, 8 and up. So, if I had
10 to direct anybody, I could direct it to counselors.

11 Q. Right.

12 A. We talked about -- that particular week we ran
13 over the rules of the moon walks, the Mad Science not
14 being late because those -- the Mad Science schedule
15 was -- needed to be on time because they had "X" amount
16 of time that they needed to do their little program in.

17 So, we would just -- I would just reiterate that. They
18 might have heard that --

19 Q. Sure.

20 A. -- week to week on several things that I might
21 have said in the morning about the day. Go over safety,
22 just keep up with your kids, just brief them.

23 Q. Right.

24 A. And then have any questions. Then before we
25 adjourned, I asked if there's any counselor for some odd

0180

1 reason that did not show up today, you need to let me
2 know. Because occasionally we might have had somebody
3 just show up late and we thinking they didn't come
4 back --

5 Q. Sure.

6 A. -- because they're sick or something. So, they
7 were to report to me if anybody did not show up
8 immediately before they head out to their activities.

9 Q. Okay. And when you were talking about Mad
10 Science, you were specifically talking about week five,
11 correct?

12 A. Can I see that --

13 Q. Sure.

14 A. -- schedule again?

15 Q. And you're looking at Exhibit 6, correct?

16 A. Yes. Yes, Mad Science.

17 Q. Okay. Now, one of the things that you
18 mentioned which I wanted to follow up on was that: What
19 procedure did you have in place at the Club to cover for

20 counselors who didn't show up?

21 A. That's when we would look at our groups and
22 pull up a counselor to move over until the other
23 counselor arrived.

24 Q. Right. And you'd make -- you'd make that
25 adjustment.

0181

1 A. Yes.

2 Q. And you did that on your own.

3 A. Yes.

4 Q. You didn't call David because it's late in the
5 day or late in the morning and you needed to make
6 certain you had sufficient numbers of counselors for the
7 particular age groups, correct?

8 A. Correct.

9 Q. And so, you had the authority to do that
10 yourself.

11 A. I could.

12 Q. Now, you said you'd go over safety. What
13 typically would you discuss in these morning meetings?

14 A. Pretty much it seemed it was -- I told them I
15 know I sounded like a broken record, but every morning
16 we all talked about keeping up with your kids.

17 Q. Yes.

18 A. Making sure there's a counselor in the front,
19 in the middle, in the back.

20 Q. Yes.

21 A. Any kind of injuries, note them down so we can
22 also mention to the parents if there was any kind of
23 injury. If somebody fell and, you know, might have got
24 a scraped knee or something, we -- I faithfully told
25 them, you know, to -- just to write all that stuff down.

0182

1 Q. Did you ever talk about anything related to the
2 pool in those morning meetings?

3 A. Usually about keeping up with your kids and
4 making sure before y'all all enter into the pool that
5 everybody's with you. Ran over pretty much...

6 Q. So, as far as the pool's concerned, you made it
7 a habit in each of the morning meetings to discuss your
8 count, walking over as a group and keeping up with the
9 kids.

10 A. Uh-huh. Yes, sir.

11 Q. Anything else that comes to mind?

12 A. Again, the Mad Science.

13 Q. No. Specifically about the pool.

14 A. To my knowledge, about...
15 Q. That's about it?
16 A. I'm thinking.
17 Q. You think that's it?
18 A. I think so.
19 Q. Okay. And how long typically were these
20 morning meetings?
21 A. Roughly about 15 minutes.
22 Q. And during that 15 minutes, you weren't talking
23 the entire time. You were checking the groups out. I
24 assume you went from group to group?
25 A. No.

0183

1 Q. Where were you? Just in the center?
2 A. In the center and telling everybody as a whole
3 so they all know my expectations for the day.
4 Q. Right. So, you spent the whole 15 minutes
5 talking to them?
6 A. Yes.
7 Q. Giving them instruction?
8 A. Correct.
9 Q. And then what would happen next? Would you
10 release the groups to go to their particular activities?
11 A. Another thing I would tell them, that -- if
12 this was day two or day three, that if you had a
13 clipboard, pass that to somebody who hasn't had the
14 clipboard so everybody takes turns doing the clipboard.
15 Q. Sure.
16 A. So, that's a better way to know the kids
17 personally when they come up to them after being dropped
18 off.
19 Q. Right. And that's important because you want
20 the kids and counselors to be familiar and comfortable
21 with each other.
22 A. Correct.
23 Q. And that is important why?
24 A. Because I just think it's very important for a
25 child to come and be comfortable at our camp.

0184

1 Q. And when you say very important for them to be
2 comfortable, does that involve not only having fun in
3 the camp but also being safe?
4 A. Correct.
5 Q. Now, when did this meeting happen with David?
6 A. Between about 8:30 to 8:15 -- I mean, 8:30 to
7 8:45.

8 Q. Okay.
9 A. Then about 9:00 -- ten till 9:00 -- we started
10 getting kids starting to drop off as early as 8:45.
11 Q. Okay. So, you met with just the counselors --
12 A. Correct.
13 Q. -- first thing. I envisioned -- you mentioned
14 that the kids would be in groups and then there would be
15 counselors and then you'd make reassignments. But that
16 must have been after.
17 A. The reassignments were because over the weekend
18 somehow they contacted David and --
19 Q. Got into the camp.
20 A. -- got into the camp.
21 Q. Right.
22 A. So, now I have these forms here to add to the
23 list.
24 Q. I understand. But then you talked about
25 reassignments for situations where counselors didn't
0185
1 show up.
2 A. Okay.
3 Q. And that was done after all the kids got there.
4 A. Yes. Well, and the person who was with the
5 clipboard would report to me that -- if somebody didn't
6 show up.
7 Q. Okay. So, the kids start showing up about
8 8:45.
9 A. 8:45.
10 Q. And how are they brought into the camp house?
11 A. Okay. We end our meeting, and the counselor
12 with the clipboard would go out to the tennis court.
13 And I'd like them usually to sit pretty much in age
14 order so that way the rest of the counselors would be
15 the runners bringing the kids back and forth. So, as
16 cars came through our car pool line, we'd probably
17 unload about three cars at the same time.
18 The counselors would acknowledge and say,
19 "Good morning," and, "Do you have your lunches?" And
20 then they would get them out of the car. And then they
21 would take them to the lunch area where their lunches
22 would be placed at. And then they would walk them out
23 to the tennis court and drop them off with the
24 appropriate age division. And then they would come back
25 to the front to do that over and over just until we've
0186
1 gotten everybody unloaded.

2 Q. So, the procedure was counselors would meet and
3 greet, take them to the tennis court.

4 A. Counselors meet and greet.

5 Q. The campers.

6 A. At the car, in the car pool line.

7 Q. In the car pool.

8 A. Yes.

9 Q. And then walk them -- did the campers all go to
10 the tennis courts?

11 A. Yes.

12 Q. Okay. That's where they were --

13 A. That's where they were dropped off --

14 Q. -- dropped off.

15 A. -- to their groups.

16 Q. Age groups.

17 A. Correct.

18 Q. Okay. Now, who would have the responsibility
19 of handling the car pool and the drop-offs?

20 A. All the counselors other than one counselor per
21 group.

22 Q. And the one counselor per group would have to
23 be at the tennis courts.

24 A. Correct.

25 Q. And how did you make the decision of who would
0187

1 be at the tennis court and who would be at the car pool?

2 A. Usually on Monday it would probably be the
3 first one who got there. And then on Tuesday it would
4 be just randomly -- they would hand it off if that same
5 person got there on Tuesday and picked it up because
6 they liked just sitting there greeting the kids, they --
7 that Tuesday they would end up -- or on Wednesday they
8 would try to get the clipboard thinking, okay, you know,
9 I'm going to go ahead and do what I did yesterday.

10 Q. Right.

11 A. But that's when I would tell them, "If you had
12 your clipboard yesterday, hand that off to one of your
13 other counselors. Let them go over there."

14 Q. To the tennis court.

15 A. Tennis courts.

16 Q. Right. Okay. Good. Now, did you ever
17 instruct the camp counselors who had car pool duty to do
18 anything other than to say "good morning" and ask them
19 if they had their lunch with them?

20 A. Yes.

21 Q. Okay. What other instructions would you give

22 them?

23 A. Of course on Monday, something I failed to tell
24 you in our briefing in the morning.

25 Q. Tuesday.

0188

1 A. Tuesday morning. Any notes, any special needs,
2 anything that a parent is needing, make sure and give
3 those notes to me. If they try to just say, oh, such
4 and such is going to go home with such and such and want
5 to drive off, we'd say, no, you make them write a note.

6 Q. Right.

7 A. And hand -- and they would pull over to the
8 side and write a note that such and such is going to go
9 home, and those notes would come to me. But as they
10 were taking the kids to the counselor, they would let
11 the counselors know --

12 Q. Sure.

13 A. -- that they're going to be going home with
14 their grandmother that day.

15 Q. Yeah, we talked about that. So, do you have
16 your lunch. Would the counselor actually ask the parent
17 if their child had any special needs for the day or --

18 A. No.

19 Q. "Do you have a note?"

20 A. Parents were real good about telling us.

21 Q. Okay. So, what the procedure was, was that
22 they were to say "good morning," specifically ask them,
23 "Did you bring your lunch?"

24 A. Correct.

25 Q. And then only if the parent raised an issue

0189

1 that would require a note, some sort of special need
2 like Johnny's going home with Mr. Smith and Sammy, that
3 would be the only time that the counselor would say,
4 "Well, we've got to have a note for that. Do you have a
5 note?"

6 A. Any request.

7 Q. Yeah.

8 A. Any request.

9 Q. Any request. Okay. Any other requests that
10 come to mind or special needs that come to mind that you
11 over the three years have received notes --

12 A. Yes.

13 Q. -- on?

14 A. Yes.

15 Q. What?

16 A. Ear infections.
17 Q. Yes.
18 A. That their son or daughter couldn't swim.
19 Q. Right.
20 A. There was one little girl who was allergic to
21 ants, and her mom sent her -- I don't know what that
22 medicine is called, but you would just inject her into
23 the leg if she did get --

24 Q. Sure.
25 A. You know, just be careful with her and would
0190

1 send a note all about the ant issue --

2 Q. Right.

3 A. -- because, you know, you are out there in a
4 grassy area, and there's going to be some ants
5 somewhere. So, the counselors were aware to be careful.
6 If, you know, you see any ants, to especially watch
7 after this child because she is very allergic to ants.

8 Q. Uh-huh.

9 A. Any -- if they sent any kind of floating device
10 or anything like that, to make sure they wear it at the
11 pool. We had one 4-year-old that would bring this big,
12 ole floating device that looked like dumb bars; and she
13 would send that. And the counselors were -- when they
14 got off the car, they knew that -- well, because
15 sometimes usually if some of the counselors saw their
16 kids getting out of the car, they'd immediately go get
17 them and give them the extra attention. And then they
18 would get this, you know, what I can recall one of the
19 floating devices that this one parent gave to the
20 counselor to have him use that in the pool while he was
21 in the pool.

22 Q. Right.

23 A. So, they would take that to where the lunch
24 area was. And then when any time they were ready to go
25 to the pool area, they would bring that along with

0191

1 goggles or --

2 Q. Right.

3 A. -- anything like that.

4 Q. And was this floating device like a noodle, one
5 of those --

6 A. It wasn't a noodle. Like I said --

7 Q. What was it?

8 A. -- it looked like a dumb bar with some --

9 Q. A dumbbell?

10 A. Yeah, a dumbbell.
11 Q. Dumbbell bar.
12 A. Yeah. But then it had some styrofoam I guess
13 where he leaned on it or something.
14 Q. Right. Okay. And were the counselors required
15 to document that special need --
16 A. Yes.
17 Q. -- in a note?
18 A. They would know -- I would tell them and then
19 they would know that and then they would have that area
20 to be able to write.
21 Q. But my question would be -- or my question is:
22 Was the counselor required to get a note from the parent
23 that said Emily, for example, the 4-year-old, whatever
24 her name was, must have this floating device with her at
25 all times in the pool?

0192

1 A. Something like that a note wasn't required
2 because it was giving it to them. So, they verbally did
3 give them the floating device. But in...
4 Q. Okay. And since this device was brought with
5 the child and you didn't require the counselors to get a
6 specific written instruction or note from the parent
7 about how it was supposed to be used, you did require
8 them to note it in the -- on the clipboard, right?
9 A. In something like that --
10 Q. Or the roster.
11 A. -- I left it up to them -- I left it up to them
12 to, you know, remember because they knew. They were
13 smart teenagers. They remembered.
14 Q. You left it up to the camp counselors?
15 A. Sure.
16 Q. And so, they weren't required to document it on
17 the clipboard or the camper roster or --
18 A. Not necessarily.
19 Q. -- sign-in sheet?
20 A. Not necessarily. Not for something --
21 Q. Well, what was the instruction? You were in
22 charge. They weren't instructed to do that. You just
23 left it to them --
24 A. Yes.
25 Q. -- to make certain that that instruction --

0193

1 A. Device.
2 Q. -- instruction from a parent was complied with?
3 A. Correct.

4 Q. Now, the special needs that we went through,
5 the ear infection, the allergic reaction to ants, this
6 floating device -- was the floating device a special
7 need?

8 A. I would say it is.

9 Q. Well, was, for example, the ear infection,
10 would that be documented?

11 A. Yes.

12 Q. Where would that be documented?

13 A. On the side --

14 Q. On the camper roster?

15 A. On the side of the roster and as well on mine.

16 And so, that way when they went to the pool, they would
17 bring that child over to the craft area.

18 Q. Right. And the roster would be this
19 (indicating), would it not? Is this what you're talking
20 about? See that 4-year-old Tuesday, Wednesday,
21 Thursday?

22 A. Correct.

23 Q. It's got all their names on the left side?

24 A. Correct.

25 Q. I'm going to mark this roster as Plaintiffs'

0194

1 Exhibit No. 70.

2 (Exhibit 70 marked)

3 Q. (By Mr. Pletcher) And I'm going to show you
4 this. This is just the roster for the 4-year-old boys,
5 the 4-year-old girls and the 7-year-old boys for week
6 five.

7 A. Uh-huh.

8 Q. Could you look at that, just real quickly flip
9 through it?

10 A. (Witness peruses document)

11 Q. Now, my question to you is: Did you have a
12 master roster of the campers for a particular week, or
13 was this the only roster?

14 A. Every week I had a master.

15 Q. Okay. And did you maintain those masters? In
16 other words, did you keep them?

17 A. Yes.

18 Q. Okay. And would the special need of a child
19 who had an ear infection and couldn't go swimming, would
20 it be documented on that roster that is marked as
21 Exhibit 70?

22 A. Yes.

23 Q. Okay. And would it be documented under special

24 notes?

25 A. Yes.

0195

1 Q. Okay. Just so I'm certain about this, a
2 special need like an ear infection or an allergic
3 reaction to something would be documented. But a
4 parent's instruction that a child needed to be -- or
5 needed to have a floating device in the pool was not
6 documented on the roster. You left that up to the camp
7 counselors --

8 A. Correct.

9 Q. -- correct?

10 A. Correct.

11 Q. Can I see that back real quick? Looking at
12 Exhibit 70 -- Plaintiffs' Exhibit 70, could you explain
13 something to me here?

14 A. Uh-huh.

15 Q. Let's look here. This is for the 4-year-old
16 boys week five. And the first camper is camper named
17 4 y/o-C #11 and he has an "X" both for Tuesday and
18 Wednesday. The second camper is 4 y/o-C #7, and
19 there's a check for Tuesday and a check for Wednesday.
20 What do those "X's" and checks document?

21 A. The "X's" were that they were no show in that
22 group.

23 Q. Okay. For that day.

24 A. Yes.

25 Q. And then over here on the special notes area,

0196

1 that's where if 4 y/o-C #11 had an ear infection and
2 could not get in the pool, that would be documented
3 here.

4 A. Correct.

5 Q. Okay. Now, let's go down this list real quick.
6 The check again -- let's say for Wednesday. This would
7 be July 18th.

8 A. Uh-huh.

9 Q. That would mean that they showed up for the
10 4-year-old age group for that day.

11 A. Correct.

12 Q. They were picked up by the counselors at the
13 car pool drop-off and taken to the tennis court.

14 A. Correct.

15 Q. And would this roster -- is that the roster
16 that was on the clipboard?

17 A. No.

18 Q. Different.
19 A. This is my master.
20 Q. This is your master.
21 A. Uh-huh.
22 Q. Okay. And did you make this master list out at
23 the tennis court once they all gathered?
24 A. No. It came from David.
25 Q. It came from David?

0197

1 A. Yes.
2 Q. Well, so, did David check each one of these
3 campers every -- every day?
4 A. No. That was me. The roster was premade.
5 Q. Okay.
6 A. The date -- you know, some -- David would have
7 office people to provide us --
8 Q. Okay.
9 A. -- these --
10 Q. I understand. But you'd make the checks.
11 A. Yes.
12 Q. When would you make the checks?
13 A. Throughout the day.
14 Q. You wouldn't do it first thing?
15 A. No.
16 Q. Why would you do it throughout the day?
17 A. Because everybody just goes everywhere
18 throughout their activities, and it would be impossible.
19 It would probably take me over 45 minutes to go to each
20 group to take care of this because the counselors have
21 already checked them in. They know who's in for the
22 day. So, that was my way of being able to know what
23 kids were in what group.
24 Q. Okay. Well, then, if we go down this list, we
25 know that on Wednesday, July 18th, 4 y/o-C #7

0198

1 participated.
2 A. Correct.
3 Q. 4 y/o-C #2 participated.
4 A. Correct.
5 Q. 4 y/o-C #6 participated. 4 y/o-C #18 -- is that
6 4 y/o-C #18? -- participated, correct?
7 A. Correct.
8 Q. 4 y/o-C #28?
9 A. Correct.
10 Q. John Pluchinsky.
11 A. Correct.

12 Q. 4 y/o-C #8 .
13 A. Correct.
14 Q. 4 y/o-C #30, correct?
15 A. Correct.
16 Q. 4 y/o-C #13 ?
17 A. Correct.
18 Q. 4 y/o-C #31?
19 A. Correct.
20 Q. 4 y/o-C #12 ?
21 A. Correct.
22 Q. And 4 y/o-C #4.
23 A. Correct.
24 Q. If we count those, that would be one, two,
25 three, four, five, six, seven. I missed 4 y/o-C #1 , didn't
0199
1 I?
2 A. Uh-huh.
3 Q. Seven, eight, nine, ten, eleven, twelve,
4 thirteen. Now, there are some notes here, 4 y/o-C #15
5 was moved to the 5-year-old group?
6 A. Yes.
7 Q. Do you remember why?
8 A. He went to that 5-year-old group. And we
9 assumed that he was a no-show and when I went around
10 with my master list is where I found him.
11 Q. Was he 5-years-old?
12 A. I believe so.
13 Q. Okay. And 5 y/o-C #2?
14 A. Correct.
15 Q. Or, I'm sorry, 5 y/o-C #2 was moved to the
16 5-year-old group.
17 A. Correct.
18 Q. Was he 5-year-old -- 5-years-old?
19 A. I believe so.
20 Q. Okay. You wouldn't want a 4-year-old in a
21 5-year-old group, would you?
22 A. They wouldn't. But their parents --
23 Q. I want to know what the procedure was at the
24 Houston Racquet Club. Did you allow younger campers to
25 be in an older age group? What was the policy?
0200
1 A. I don't make that policy.
2 Q. Did you -- do you know the policy?
3 A. No.
4 Q. No?
5 A. No.

6 Q. Okay. Then we have 5 y/o-C #1?
7 A. Uh-huh.
8 Q. He came from the 5-year-old group.
9 A. Correct.
10 Q. But he wasn't there on Wednesday, correct?
11 A. Correct.
12 Q. So, if 4 y/o-C #11 showed up that day, that
13 would be one more, right? We know there were 13 on
14 week -- on Wednesday of week five, July 18th. So, if
15 4 y/o-C #11 showed up, there would be 14.
16 A. Correct.
17 Q. And if 4 y/o-C #14 had showed up, there
18 would have been 15.
19 A. Correct.
20 Q. And if 5 y/o-C #1 had showed up, there would
21 have been 16, correct?
22 A. Yes.
23 Q. And these three 4 y/o-C #11 , 4 y/o-C #14 and 5 y/o-C #1, they
24 were still registered in the camp. They hadn't been
25 moved, and they didn't quit, correct?

0201

1 A. Correct.
2 Q. Then if we look at the 4-year-old girls for
3 Wednesday, July 18th, 4 y/o-C #16 , there's a check
4 by her name, correct?
5 A. Correct.
6 Q. That's one. That's an "X," an "X," an "X," an
7 "X." Two is 4 y/o-C #27. Three is 4 y/o-C #29.
8 Four is 4 y/o-C #10. Is that Jimmy's daughter?
9 A. Yes.
10 Q. Okay. 4 y/o-C #22, is that 4 y/o-C #22?
11 A. Yes.
12 Q. That would be five. 4 y/o-C #25 is six.
13 "X." 4 y/o-C #26 --
14 MR. REESE: She can't see it.
15 Q. (By Mr. Pletcher) -- 4 y/o-C #26?
16 MR. PLETCHER: Oh, I'm sorry. Y'all were
17 supposed to help me on this. Where the heck was I?
18 There.
19 Q. (By Mr. Pletcher) 4 y/o-C #26. I don't know
20 how to pronounce that name. Do you?
21 A. No.
22 Q. Would be eight. 4 y/o-C #17 would be nine.
23 4 y/o-C #23 would be 10. 4 y/o-C #24 would be
24 11. 4 y/o-C #19 would be 12. 4 y/o-C #21 would be
25 13. And 4 y/o-C #20 would be 14; is that correct?

0202

- 1 A. Correct.
- 2 Q. I want you to confirm my count on both of the
3 4-year-old boys group and 4-year-old girls group marked
4 as Exhibit 70 who were present on Wednesday, July 18th.
- 5 A. Thirteen for the 4-year-old group.
- 6 Q. 4-year-old boys or girls?
- 7 A. Boys.
- 8 Q. Okay.
- 9 A. Thirteen for the 4-year-old girls.
- 10 Q. Okay. So, I'm going to write on the top of the
11 boys 13 and on top of the girls 13.
- 12 And then tell me how many 4-year-old boys
13 we would have if all the ones who were registered
14 actually showed up that day. Who hadn't transferred
15 out?
- 16 A. Fifteen 4-year-old boys.
- 17 Q. Okay. I'm going to write on top of Exhibit 70
18 for the 4-year-old boys --
- 19 MR. REESE: If you want that on the video,
20 you can't see it.
- 21 MR. PLETCHER: I'll bring it down.
- 22 Q. (By Mr. Pletcher) 13 of 15? Is it 15?
- 23 A. Fifteen.
- 24 Q. I counted 16, 4 y/o-C #11 , 4 y/o-C #14
25 and 5 y/o-C #1. That's three. So, that would be

0203

- 1 three additional. That would be 16?
- 2 A. Sixteen. I'm sorry.
- 3 Q. Is that correct?
- 4 A. Correct.
- 5 Q. So, 13 of 16 showed up.
- 6 A. Nineteen 4-year-old girls.
- 7 Q. There were 19 4-year-old girls, so, 13 of 19.
8 Would you mind initialling this?
- 9 A. Sure.
- 10 Q. Just put your initials by both those boxes
11 acknowledging that count.
- 12 A. (Witness complies)
- 13 Q. Now, would the clipboard rosters -- and these
14 are your initials here (indicating), right?
- 15 A. Correct.
- 16 Q. Would the clipboard rosters that the counselors
17 used and carried with them throughout the camp differ in
18 any way from your master roster that's marked as Exhibit
19 70?

20 A. Maybe the order.
21 Q. Okay. Well, when you say "the order," you're
22 talking about the names?
23 A. Yes, more so down at the bottom --
24 Q. Right.
25 A. -- because I might have started -- when I
0204
1 started adding to the roster --
2 Q. Yes.
3 A. I might have left one after, you know, counting
4 them all out on their clipboard to mine. And then I
5 would add the initial name.
6 Q. Okay. But would it be the same form?
7 A. Yes.
8 Q. Group, counselors, date, special notes, Friday,
9 Thursday, Wednesday and Tuesday and the name?
10 A. Yes.
11 Q. So, do you know if -- who kept a copy of the
12 clipboard rosters? Did you?
13 A. The counselors kept one.
14 Q. Say that again.
15 A. The counselors kept one for their age group. I
16 kept them for all the age groups.
17 Q. Right. And what would the counselors do with
18 their rosters when the day was completed? Would they
19 give them back to you? Did they hand them the
20 clipboard?
21 A. They keep the clipboard, and there was this bin
22 that they all stuck the clipboards in.
23 Q. Okay. And what would you do with their
24 rosters? Did you keep them, or did you throw them away?
25 A. Gave them to David.
0205
1 Q. David Lamkin?
2 A. Yes.
3 Q. Do you have any idea --
4 A. At the end of the week it would be for billing
5 purposes because a lot -- some of -- most of these were
6 members. And that's how he could do his billing, off my
7 master rosters.
8 Q. I thought you said that he got --
9 A. Oh, I'm sorry.
10 Q. -- the clipboard rosters.
11 A. No. We discarded theirs because I had all
12 the -- all the names of the kids and pretty much every
13 week we pretty much threw out the --

14 Q. The clipboard rosters.
15 A. The clipboard rosters.
16 Q. Okay.
17 MR. PLETCHER: You don't have them, do
18 you?
19 MR. LAMKIN: The --
20 MR. PLETCHER: Clipboard rosters.
21 MR. REESE: Matt, you can ask me and I can
22 ask him.
23 MR. PLETCHER: For July 18th?
24 MR. REESE: He'll look.
25 MR. PLETCHER: Okay. I'll make a request

0206

1 on the record for those clipboard rosters, or
2 confirmation that they were destroyed would be
3 sufficient.
4 Q. (By Mr. Pletcher) Now, would your rosters as
5 exhibited in Plaintiffs' Exhibit 70 have the identical
6 notes that were on the clipboard rosters?
7 A. No.
8 Q. No?
9 A. No.
10 Q. What would be different?
11 A. If they were writing notes about -- you know,
12 if they weren't having a good day, you know, they would
13 report that to the kids. If they did any kind of
14 relays, they would have their time listed on their
15 roster.
16 Q. Well --
17 A. It could be various reasons why they weren't in
18 the same --
19 Q. But you made it a practice to note the special
20 needs if they indeed existed, correct?
21 A. Correct.
22 Q. So, if there were -- there were no special
23 needs for the 4-year-old group, 4-year-old boys or
24 4-year-old girls for July 18th, 2007, correct?
25 A. Not to my knowledge.

0207

1 Q. Well, your documentation of it tells us that
2 there were no special needs that day.
3 A. Not that I had written any down.
4 Q. But it was your practice to write them down.
5 So, you feel confident that there were no special needs,
6 correct?
7 A. To my knowledge, yes.

8 Q. Sure. Okay. Is the car pool duty of the camp
9 counselors documented anywhere?

10 A. No. I think it's a verbal duty.

11 Q. A verbal assignment?

12 A. Assignment.

13 Q. And are the procedures that -- or instructions
14 that you give to the camp counselors, are those
15 documented anywhere?

16 A. The verbal ones?

17 Q. No. If they're verbal, they're not documented.

18 A. No.

19 Q. Did you have any documented instruction as far
20 as the car pool procedures were concerned?

21 A. No.

22 Q. For example, you said that they needed to greet
23 them good morning, ask them for a lunch or asking them
24 if they got their lunch. That was never documented.

25 A. No.

0208

1 Q. And did you give specific instructions to the
2 camp counselors of what they were supposed to do in the
3 car pool duty other than greet, ask them for their lunch
4 and if they were told by the parent that the child had
5 some sort of special need, that that was to be
6 documented or told to the counselors? Were there any
7 other instructions you had?

8 A. Not that I can recall.

9 Q. You mentioned the one camper 4-year-old girl
10 whose parents brought a floating device with her each
11 day.

12 A. I don't think he attended that week.

13 Q. It was a boy?

14 A. A boy.

15 Q. Do you recall while you were employed with the
16 Houston Racquet Club how many life vests were kept at
17 the family pool or in the pool facility?

18 A. I don't know.

19 Q. You have no knowledge of whether or not the
20 facility had any life vests available for the summer
21 campers?

22 A. Correct.

23 Q. And it's your understanding, is it not, that
24 the Houston Racquet Club did not during any period of
25 time that you worked with them between 2005 and 2007

0209

1 ever test the swimming ability of any of the campers

2 regardless of age?

3 A. To -- my comment to that, I would think that if
4 the parents had any issue --

5 Q. Let me stop you there because it's
6 non-responsive to my question. My question to you --

7 MR. REESE: It may be, but she's allowed
8 to answer questions. And then you can make your
9 objections.

10 Q. (By Mr. Pletcher) My question to you, ma'am,
11 was: During your three-year tenure with the Houston
12 Racquet Club, to your knowledge, did the Houston Racquet
13 Club ever test the swimming ability of any of the summer
14 campers regardless of age?

15 A. During the first two weeks of camp.

16 Q. During the first two weeks?

17 A. Yes.

18 Q. Okay. Were those special weeks?

19 A. Yes.

20 Q. What kind of special weeks were they?

21 A. I believe they were, like, swimming
22 certification.

23 Q. Okay. So, those were specific summer camp
24 weeks for swimming --

25 A. It's just --

0210

1 Q. Swim team?

2 A. No. It's just to give them -- send home a
3 little certificate with them stating that they, you
4 know, did a little swimming with their counselors.

5 Q. Okay. Did they actually certify the children
6 as being safe to swim?

7 A. Can you repeat that?

8 Q. Yeah. You said that there was some swim
9 testing done --

10 A. Uh-huh.

11 Q. -- during the first two weeks of the summer
12 camp. And they'd give the child a little certificate to
13 take home, correct?

14 A. Correct.

15 Q. Now, my question to you was: Were they
16 actually certifying the child's swimming ability as
17 being safe?

18 A. No. It's impossible.

19 Q. Well, it's impossible because none of the camp
20 counselors nor anybody else at the family pool or the
21 lap pool were certified swim instructors, correct?

22 A. Correct.

23 MR. REESE: Objection, form.

24 Q. (By Mr. Pletcher) So, that was not the intent
25 of it, correct?

0211

1 A. Correct.

2 Q. So, back to my question: To your knowledge,
3 did the Houston Racquet Club ever test the swimming
4 ability of any of the campers during the summer camp in
5 '05, '06 or '07?

6 A. I'm not usually -- the pool area -- I didn't
7 really know what actually went on at the pool area.

8 Q. Okay. So, you as assistant director really
9 didn't know what was going on at the pool area?

10 A. Just as far as any kind of testing of any kind
11 of swimming ability.

12 Q. Okay. So, to your knowledge, you are not aware
13 that any of the summer campers regardless of age were
14 actually tested to determine what their swimming ability
15 was as far as being safe in a pool?

16 A. The only one, to my knowledge, would be the
17 kids who were going to be in the slide and pool -- big
18 deep area.

19 Q. Yes.

20 A. That was, to my knowledge, because...

21 Q. What do you mean by that? Explain that to me a
22 little more.

23 A. There's, I believe, the swim area where they
24 can get into the pool or into the slide or something
25 like that. And to my knowledge, I believe that it --

0212

1 they, you know, have them swim a lap just to see. I'm
2 not too sure on that, but I'm just saying --

3 Q. Okay. So, really, to be perfectly honest,
4 you're not really sure whether they tested anybody as
5 being certified swimmers safe to be in a pool.

6 A. Correct.

7 Q. Okay. Regardless of where they were going to
8 be, whether or not they were going to be in the slide
9 area, which is the deepest area of the pool, about
10 5 feet, or whether or not they were going to be in the
11 wading area where it goes from zero to 28 inches, right?

12 A. (Witness nodding head)

13 Q. You have no idea or no knowledge that any of
14 the children, whether they were 4-year-olds, 8-year-olds
15 were tested --

16 A. No.
17 Q. -- as far as swimming ability?
18 A. To my knowledge.
19 Q. And you do know from your three years of being
20 assistant director that the Club never question the
21 parents about a child's swimming ability, true?
22 A. True.
23 Q. And so, David Lamkin testified that since the
24 pool -- let me restart that.
25 David Lamkin testified that since the

0213

1 Racquet Club did not test the swimming ability of any of
2 the campers, that they were all treated as non-swimmers.
3 Does that sound right to you?

4 A. I don't know.

5 Q. Well, how would you treat a non-swimmer?

6 MR. REESE: Objection, form.

7 MR. PLETCHER: What's your objection?

8 MR. REESE: Speculation. She's already
9 told you she doesn't have any life-saving
10 certifications.

11 MR. PLETCHER: Hey.

12 Q. (By Mr. Pletcher) How would you treat a
13 non-swimmer --

14 MR. REESE: Objection, form.

15 Q. (By Mr. Pletcher) -- if you were in charge of
16 them?

17 A. It would be a case-by-case basis.

18 Q. Okay. So, one non-swimmer you might let jump
19 into the deepest part of the pool; and the other
20 non-swimmer you might just let stay in the wading area.
21 Is that what you're telling me?

22 MR. REESE: Objection, form.

23 A. No.

24 Q. (By Mr. Pletcher) What's the case-by-case
25 basis?

0214

1 A. Case-by-case, if he was a non-swimmer, I'd just
2 have him just near me. And if he was a swimmer, I would
3 let him go a little away from me to show me that he
4 could swim. It would just be case-by-case basis on just
5 me as a person in a pool with a child and letting him --
6 letting me decide if I'm going let him go ahead and swim
7 or just play, splash, whatever the nature might be.

8 Q. Did David Lamkin ever instruct you that all of
9 the summer campers regardless of their age should be

10 treated as non-swimmers?

11 A. We never discussed that.

12 Q. Did David Lamkin ever have any discussions with
13 you about the need to test any of the campers regardless
14 of age, test their swimming ability?

15 A. We never discussed it.

16 Q. Did you in any of your morning meetings or
17 afternoon meetings, which we're going to talk about in a
18 minute, ever instruct your camp counselors that they are
19 to treat all of the campers as non-swimmers because the
20 Club doesn't test their swimming ability? Did you?

21 A. Can you repeat that question again?

22 Q. Yeah. Did you ever instruct any of the camp
23 counselors in your morning meetings or afternoon
24 meetings that they are to treat all of the campers
25 regardless of their age as non-swimmers because the Club
0215

1 does not test the swimming ability?

2 A. Not that I recall.

3 Q. Did you ever instruct the camp counselors that
4 they are to treat the 4-year-old campers as
5 non-swimmers?

6 A. Not that I recall.

7 Q. Did David Lamkin ever instruct you that the
8 4-year-olds because their swimming ability was not
9 tested needed to be treated as non-swimmers?

10 A. We never discussed it.

11 Q. Did David Lamkin or anybody at the Houston
12 Racquet Club ever give you any specific instruction on
13 how to handle the 4-year-old campers while they were in
14 the pool?

15 A. Yes, by watching them at all times.

16 Q. Right. Other than that, nothing else, though,
17 correct?

18 A. Correct.

19 Q. Is that correct?

20 A. Correct.

21 Q. Now, as assistant camp director, you were
22 responsible for supervising the camp counselors, were
23 you not?

24 A. Correct.

25 Q. And you were also responsible for supervising
0216

1 the camp counselor supervisors, right?

2 A. Correct.

3 Q. You said a few minutes ago that you really

4 didn't know what was going on down at the pool area.
5 Remember that testimony?
6 A. Correct.
7 Q. From that testimony I assume that at no time
8 did you ever specifically supervise any of the camp
9 counselors or camp counselor supervisors while they were
10 in the pool area --
11 A. Correct.
12 Q. -- is that true?
13 A. Correct.
14 Q. Were there specific camp counselors who were
15 assigned to be supervisors just for the pool area?
16 A. Yes.
17 Q. The testimony in this case is that Supv CC #1
18 and Supv CC #2 were the pool supervisors on July 18th,
19 2007.
20 A. Correct.
21 Q. They were the two camp supervisors that you
22 were responsible for supervising --
23 A. Correct.
24 Q. -- on a daily basis.
25 A. Correct.
0217
1 Q. But you never supervised them while they were
2 in the pool area, correct?
3 A. Correct.
4 Q. Did you ever on a daily -- did you ever go to
5 the pool area?
6 A. Yes.
7 Q. How often?
8 A. Maybe once or twice a day and maybe -- usually
9 once for sure, just --
10 Q. Right.
11 A. -- because I was, you know -- like I said,
12 daily I would get that clipboard. And if I missed a
13 group, I'd go over there and walk around and see what's
14 going on.
15 Q. Okay.
16 THE WITNESS: The tape's running out.
17 MR. PLETCHER: I know the tape's running
18 out. We better take a tape break.
19 THE VIDEOGRAPHER: The time is 4:45 p.m.
20 We're off the record.
21 (Recess from 4:45 to 5:05)
22 THE VIDEOGRAPHER: The time is 5:05 p.m.
23 We're back on the record.

24 Q. (By Mr. Pletcher) Are you ready to continue,
25 ma'am?

0218

1 A. Yes.

2 Q. When we stopped, we were talking about when you
3 would visit the pool area. And I think you said once a
4 day?

5 A. Once or twice maybe.

6 Q. Okay. But you didn't go to the pool area on
7 July 18th, 2007, did you?

8 A. No.

9 Q. You already testified to that.

10 A. Yes.

11 Q. Did you typically do your round at the pool
12 area in the afternoon?

13 A. It would vary on times throughout the --
14 throughout the weeks.

15 Q. But given your schedule, the morning time was
16 pretty busy with administrative tasks, correct?

17 A. Uh-huh. Yes.

18 Q. And from your testimony, I gather that you
19 spent the majority of your day up in the camp house.

20 A. Correct.

21 Q. In your office.

22 A. Correct.

23 Q. Doing documentation and --

24 A. And also out on the grounds area.

25 Q. Right. And you said that you did not do any

0219

1 supervision of the pool supervisors at the pool area.

2 A. Correct.

3 Q. If you didn't, who did?

4 A. David.

5 Q. David.

6 A. Yes.

7 Q. Okay. Well, David was the fitness director.

8 A. Correct.

9 Q. Okay. DS --

10 A. Yes.

11 Q. -- was not working at the Houston Racquet Club
12 in the summer of 2007, was she?

13 A. No.

14 Q. So, you were the assistant camp director,
15 right?

16 A. Correct.

17 Q. Who was the camp director? Who were you

18 assisting?

19 A. David.

20 Q. So, in your mind, David was the camp director?

21 A. Yes.

22 Q. All right. Back to testing of swimming

23 ability, you were not aware of any formal testing of

24 swimming ability of the 4-year-olds, correct? We've

25 established that.

0220

1 A. Correct.

2 Q. You never gave any instructions to the camp

3 counselors on how they should treat the 4-year-old

4 campers because of the fact that they were not tested

5 for swimming ability, correct?

6 A. Can you repeat that again?

7 Q. You never instructed the camp counselors at any

8 of your meetings or any conversations with them that

9 they were to treat the 4-year-old campers as

10 non-swimmers because their swimming ability was not

11 tested, correct?

12 MR. REESE: Objection, form.

13 A. We would tell them to keep them in the pool

14 with you at all times.

15 Q. (By Mr. Pletcher) I understand that. But at

16 no time did you -- you've already testified --

17 specifically instruct them that they were to treat the

18 4-year-olds as non-swimmers because their swimming

19 ability was not tested, correct?

20 MR. REESE: Objection, form.

21 A. Can you rephrase it?

22 Q. (By Mr. Pletcher) Let me rephrase it.

23 A. Yes.

24 Q. During any of the meetings, the morning

25 meetings, the afternoon meetings, any meetings where

0221

1 David Lamkin was present with the camp counselors did

2 you ever hear him instruct or tell the counselors that

3 they were to treat the 4-year-olds as non-swimmers? Do

4 you ever remember that occurring?

5 A. I don't recall.

6 Q. You don't recall that happening?

7 A. I don't recall what he said as far as that

8 part. We always told our counselors as a general,

9 always watch your kids, you know, especially the little

10 ones, over and over in all these meetings, watch the

11 kids at the pool. It was just one of those everyday

12 just broken record, we would tell them watch your kids
13 at the pool at all times.

14 Q. I understand that. But you've already
15 testified under oath that at no time did that gentleman,
16 David Lamkin sitting at the end of the conference room,
17 tell you that the 4-year-olds were to be treated as
18 non-swimmers, did he?

19 MR. REESE: Objection, form.

20 A. Him direct to me?

21 Q. (By Mr. Pletcher) Directly to you.

22 A. No.

23 Q. He never did that, correct?

24 A. Not to my knowledge. Not to my knowledge.

25 Q. Okay. He never told you that. And at no time

0222

1 did you ever hear him tell the camp counselors that they
2 were to treat the 4-year-olds as non-swimmers, did you?

3 A. Well, when you say -- at the orientation we ran
4 over this. And David did talk to the counselors about
5 treating the kids -- the small kids with extra
6 precaution.

7 Q. I know, but --

8 A. It was at the orientation is where all this --
9 and as well throughout the briefings that we had to
10 watch the younger ones.

11 Q. To watch them. Be very careful with the
12 4-year-olds.

13 A. Correct.

14 Q. But at no time do you recall that gentleman,
15 David Lamkin, telling the camp counselors in the
16 orientation or in the morning meetings, afternoon
17 meetings or in casual conversations to the camp
18 counselors that they were to treat the 4-year-olds as if
19 they could not swim.

20 A. Oh, yeah. He always told them. We both
21 discussed about them watching the young ones all the
22 time.

23 Q. As if they did not know how to swim and they
24 were non-swimmers?

25 A. I don't exactly know his words that he told --

0223

1 Q. Okay.

2 A. -- the counselors.

3 Q. Well, his words to us under oath was that all
4 of the 4-year-olds, since their swimming ability was not
5 tested, were treated as non-swimmers. Okay?

6 A. Correct.
7 Q. That's his testimony --
8 A. Correct.
9 Q. -- under oath.
10 A. Correct.
11 Q. And so, my follow-up question to you is: Do
12 you ever recall him specifically telling the camp
13 counselors that they were to treat the 4-year-olds as
14 non-swimmers?
15 A. Sure.
16 Q. You did? When and where?
17 A. At the orientation. And then when we would
18 have our briefings, he would mention it to them.
19 Q. That was my thought precisely.
20 Did you talk to David on the last break
21 about this issue?
22 A. No.
23 Q. Huh?
24 A. No.
25 Q. What did you talk -- who did you talk to?
0224
1 A. We didn't talk. We were just in the room.
2 Q. And this was at the orientation meeting when?
3 A. On June the 10th.
4 Q. 2007?
5 A. During our orientation.
6 Q. You were present?
7 A. Yes.
8 Q. Mr. Lamkin was present?
9 A. Yes.
10 Q. And you're saying that Mr. Lamkin instructed
11 the camp counselors on June 10th, 2007 that the
12 4-year-old campers were to be treated as non-swimmers?
13 Exactly -- did he exactly tell them that?
14 A. I don't know his exact words, but he did tell
15 them to treat them with special attention.
16 Q. Okay. But treating a kid -- a child with
17 special attention may be interpreted in a lot different
18 manner than treat the young children as non-swimmers.
19 Agreed?
20 MR. REESE: Objection, form.
21 Q. (By Mr. Pletcher) Or does that mean the same
22 thing to you?
23 A. To me, the same thing because we are always --
24 when we got to the pool issue, was always, always,
25 always in their head to make sure and watch these kids

0225

1 always because we don't know. We don't know, you
2 know --

3 Q. What their ability is.

4 A. Right.

5 Q. Right. You have no clue.

6 A. No, we don't.

7 Q. Okay. To your knowledge, were the 4-year-olds
8 limited to any particular area of the family pool?

9 A. I don't know.

10 Q. You do not know.

11 A. I don't know.

12 Q. Do you know if there was any sort of
13 restriction on specific areas of the pool that were off
14 limits to the 4-year-olds?

15 A. I don't know.

16 Q. Okay. Well, did David Lamkin ever tell you
17 that he had his own rule that the 4-year-olds couldn't
18 go to the lap pool, the diving board -- boards or the
19 slide?

20 A. Yes. I've heard him tell that to the kids in
21 the orientation.

22 Q. Ma'am, I didn't ask you what he told the kids
23 in the orientation. I'm asking what he told you. Did
24 he ever tell you that he had some unwritten rule himself
25 to not let the 4-year-olds go in those three areas?

0226

1 MR. REESE: Objection, form.

2 A. It would just be common sense.

3 Q. (By Mr. Pletcher) Okay. And all of the
4 counselors knew this.

5 A. Sure.

6 Q. Every one of them.

7 A. Yes.

8 Q. Other than the initial orientation, was this
9 told to the camp counselors at any other time, to your
10 knowledge?

11 A. During some of our briefings, we would always
12 address about the pool as far as keeping them together
13 and --

14 Q. Okay. Okay. I'm a little confused, ma'am. We
15 started this conversation with your testimony under oath
16 that you were not aware -- you did not know of any
17 limitations of areas in the family pool that the
18 4-year-olds could go.

19 A. Correct.

20 Q. That's true.
21 A. That's true. I don't know.
22 Q. You have no clue. So, as far as you're
23 concerned as the assistant director of the camp that was
24 held in 2007, there were no limitations, right?
25 A. I don't know.

0227

1 Q. Right.
2 A. I don't know.
3 Q. Okay. I want to ask you a few questions about
4 the orientation that was on June 10th, 2007. Did y'all
5 have a list or a sign-in list for the camp counselors
6 who attended that?
7 A. I believe so. David had that.
8 Q. Were all applicants required to attend the
9 orientation?
10 A. Yes.
11 Q. And that would mean that even if it was a
12 returning camp counselor, they were required to be
13 refreshed on what the rules and procedures and practices
14 were by attending that orientation meeting.
15 A. Yes.
16 Q. And you would agree that that would be very
17 important to refresh the camp counselor, who by the way
18 are high schoolers, on what the rules were, right?
19 A. Correct.
20 Q. Do you recall what the sign-in list looked --
21 looks like?
22 A. No.
23 Q. Can you tell me what that document is?
24 A. It's a sign-in list.
25 Q. Do you know what kind of sign-in list it was?

0228

1 A. I never saw this.
2 Q. Okay.
3 A. So, I'm --
4 Q. What do you think it is?
5 A. It's the kids who attended the orientation.
6 Q. You think it is? How do you know if you've
7 never seen it?
8 A. Just by the names of some of the -- of the
9 counselors on there.
10 (Exhibit 71 marked)
11 Q. (By Mr. Pletcher) Okay. Do you have any --
12 can you explain to me -- I've marked this as Plaintiffs'
13 Exhibit No. 71. Can you explain to me what the

14 information is on here? Let's just start with the first
15 one, 4 y/o G-CC #3 , number one. Looks like it may be a
16 telephone number?

17 A. Correct.

18 Q. And then what's this 25? Were they paid to
19 attend this meeting?

20 A. I don't know.

21 Q. Does that look like 25 check?

22 A. That's what it looks like.

23 Q. What was the purpose of the orientation
24 meeting?

25 A. To run over the expectations of the camp.

0229

1 Q. Okay. And of course they all signed off on
2 their Camp Counselor Agreement Forms there, right?

3 A. Correct.

4 Q. Was there more than one orientation meeting in
5 2007?

6 A. I don't know. I know for the fact that one.
7 But if David had another one, I wouldn't know.

8 Q. To your knowledge, there was never another
9 orientation meeting in 2007, correct?

10 A. Correct.

11 Q. Now, let me put this on the screen. You can't
12 say with any degree of certainty whether this truly is a
13 sign-in list for the orientation meeting that was held
14 on June 10th, but that's your best guess.

15 A. Correct.

16 Q. And it appears that there are 35 -- sorry -- 34
17 counselors listed on Page 1 of Exhibit 71. And it looks
18 like another 34 on Page 2. That one's blank and all the
19 others are filled out. And there's 35 spaces. So, it
20 looks like there's 68 counselors? Do you have any idea
21 the number of counselors that you had in the summer of
22 2007?

23 A. No.

24 Q. Was it more than 68?

25 A. I don't know.

0230

1 MR. PLETCHER: What's the matter, Reese?

2 MR. REESE: Look at it. It's the same
3 names with a cross-out.

4 MR. PLETCHER: Oh, really?

5 MR. REESE: Yeah, Matt. It's showing that
6 they were all in attendance by crossing out. Supv CC #2
7 is on there. CC-D on there. CC-J 's on

8 there. There's 34 counselors, one with the list and one
9 showing mark off.

10 MR. PLETCHER: Do you know what -- do you
11 know what this is? Is this an orientation list?

12 MR. REESE: You can look at it. If you
13 want to think it's 64 --

14 MR. PLETCHER: No. That's okay.

15 MR. REESE: -- counselors.

16 MR. PLETCHER: Hey, I'm glad you pointed
17 that out. All I did was look at the first name, and
18 it's 4 y/o G-CC #3 . And on Page 2 it says
19 8 y/o G-CC .

20 MR. REESE: Yeah. But I think if you take
21 a moment and look at the different names, you'll match
22 the 34 counselors up.

23 MR. PLETCHER: Okay. Oh, okay.

24 Q. (By Mr. Pletcher) Let's look at Page 2. Your
25 lawyer's educating me here. Okay. If we look at this,
0231

1 it appears that there was some sort of check either
2 given or received by the counselors, right? Were they
3 required to pay for equipment for the orientation class?

4 A. I don't know.

5 MR. REESE: Yes.

6 MR. PLETCHER: I know what it is.

7 MR. REESE: Your plaintiff does.

8 Q. (By Mr. Pletcher) This is the class for CPR,
9 isn't it?

10 A. I don't know.

11 Q. Does that make sense? You don't know.

12 A. I don't know.

13 Q. It does say end of class here for CC-H .

14 Well, we'll just have to bring that out at trial, I
15 guess or pick up with Mr. Lamkin.

16 So, given that, do you think this may be a
17 list for CPR?

18 A. I don't know.

19 Q. Could just as likely be a list for the CPR than
20 the orientation?

21 A. If that's what you say.

22 Q. Well, I want to know what you say. I'm not
23 under oath.

24 A. I've never seen that before.

25 Q. Okay. Well, a minute ago you thought it may be
0232

1 an orientation list.

2 A. Correct.
3 Q. Do you think it may be a CPR class list? Your
4 lawyer does.
5 A. It could be.
6 Q. Okay. During your orientation class, do you
7 discuss anything other than the rules that are contained
8 on the Camp Counselor Agreement Form?
9 A. Are you finished with your question?
10 Q. Yes.
11 A. Oh, I'm sorry. We would go through that
12 expectation list and maybe add to it.
13 Q. Okay. So, you'd go through the camp counselor
14 rules, regulations and requirements.
15 A. Yes.
16 Q. And maybe add to it.
17 A. Correct.
18 Q. And did you ever -- did anybody ever give you
19 the pool rules?
20 A. No.
21 Q. Have you ever seen the pool rules?
22 A. No.
23 Q. I want to show you what's been marked as
24 Plaintiffs' Exhibit No. 40. You've never seen this
25 document, correct?

0233

1 A. Correct.
2 Q. Since your summer camps have swim time at the
3 family pool and your camp counselors are required to be
4 in the water with the children as documented in the Camp
5 Counselor Agreement Form, do you think that it might be
6 a good idea to orient not only the camp counselors but
7 yourself on the pool rules?
8 MR. REESE: Objection, form.
9 A. That would be David giving that to us.
10 Q. (By Mr. Pletcher) Huh?
11 A. That would be David.
12 Q. Yeah. But David never gave that to you,
13 correct?
14 A. Correct.
15 Q. And David never gave you -- gave the camp
16 counselors the pool rules.
17 A. I don't know that.
18 Q. To your knowledge?
19 A. I don't know that.
20 Q. You don't know?
21 A. I don't know.

22 Q. So, to your knowledge, he didn't.
23 A. I can't comment because I don't know what he
24 did.

25 Q. Okay. Well, do you think it's a good idea to
0234

1 orient the camp counselors who were supposed to be in
2 the water with the 4-year-old campers whenever they're
3 in the pool to orient them on the lifeguard procedures
4 and what the lifeguards are supposed to be doing? Do
5 you think that might be a good idea?

6 A. I don't know.

7 Q. Okay. Well, in Exhibit No. 42, the Camp
8 Counselor Agreement Form, don't you instruct them and
9 didn't you instruct the camp counselors on June 10th
10 that it was their duty to cooperate with the lifeguards,
11 safety at the pool is their responsibility and yours?
12 They have the ultimate say at the pool. Didn't you
13 instruct your camp counselors on that?

14 A. David did that. David handled the pool -- pool
15 area.

16 Q. Well, did David handle the Camp Counselor
17 Agreement Form during the orientation?

18 A. Yes.

19 Q. Or did you?

20 A. We both did. We both -- and he would more so
21 give scenarios or touch on the pool area.

22 Q. Okay. And do you recall him specifically
23 telling the camp counselors that they needed to
24 cooperate with the lifeguards --

25 A. Of course.

0235

1 Q. -- but that the lifeguards had the ultimate
2 say?

3 A. Of course.

4 Q. Well, if the lifeguards had the ultimate say
5 and the counselors were supposed to cooperate with them,
6 don't you think it would be a safer thing for the camp
7 counselors to be oriented on lifeguarding issues?

8 MR. REESE: Objection, form.

9 Q. (By Mr. Pletcher) And principles? Don't you
10 think that would be safer?

11 MR. REESE: Same objection.

12 Q. (By Mr. Pletcher) Ma'am? Wouldn't that be a
13 safe thing to do, orient the camp counselors on
14 lifeguarding principles?

15 MR. REESE: Objection, form.

16 A. I couldn't answer that question. I'm not
17 certified to say yes or no. I don't -- it's -- I have
18 no comment on that.

19 Q. (By Mr. Pletcher) Okay. The person who's
20 supposed to be supervising these camp counselors who
21 were in the swimming pool with 4-year-old kids who are
22 not swim tested can't say whether or not it would be
23 safer for the camp counselors to know about lifeguarding
24 principles. Is that what --

25 MR. REESE: Objection, form.

0236

1 Q. (By Mr. Pletcher) -- you're telling the jury?
2 Is that what you're telling the jury?

3 A. Can you repeat that again?

4 Q. Sure. As the assistant director who's
5 responsible for supervising the camp counselors who are
6 in the swimming pool with 4-year-old campers who are
7 supposed to watch them very carefully as you said, you
8 can't say one way or another whether it would be safer
9 for the camp counselors to be instructed and oriented on
10 the lifeguarding principles and pool rules that the
11 lifeguard team was to comply with --

12 MR. REESE: Objection, form.

13 Q. (By Mr. Pletcher) -- correct? You can't say
14 that?

15 A. And my opinion to that is these kids have
16 been -- these counselors have been swimming forever.
17 They know --

18 Q. Okay.

19 A. -- the pool rules --

20 Q. Sure.

21 A. -- usually. And the majority of the time pool
22 rules are all the same. Pool rules are pool rules.

23 Q. Okay. Well, you've been swimming. You're a
24 swimmer.

25 A. Sure.

0237

1 Q. Okay. Your entire life.

2 A. Sure.

3 Q. Okay. Do you know how to distinguish a
4 drowning victim -- how to recognize a drowning victim?

5 A. Sure.

6 Q. Okay. Describe that to me.

7 A. Somebody who's floating on top of the water.

8 Q. Do you know how to recognize -- well, let me --

9 let me ask you this: Do you know the difference between

10 a distressed swimmer and a drowning person?
11 A. No.
12 Q. Do you know what the instinctive drowning
13 response is?
14 A. No.
15 Q. Do you know what lifeguard areas of
16 responsibility are?
17 A. No, other than to watch -- they're trained to
18 watch the kids.
19 Q. And so, back to your understanding of the
20 drowning victim recognition. You said they would be
21 floating on top of the water?
22 A. That would be my opinion.
23 Q. And that's just from your common sense?
24 A. Yes.
25 Q. And common sense-wise, if you were there and

0238

1 you saw somebody floating on top of the water, what
2 would you do?
3 A. Pull them out of the water.
4 Q. Would you jump in and get them?
5 A. Of course.
6 Q. Immediately?
7 A. Of course.
8 Q. Without hesitation?
9 A. Of course.
10 Q. Did you know as the camp -- assistant camp
11 director what the lifeguard schedules and rotations
12 were?
13 A. No.
14 Q. So, you approved, did you not, the schedule for
15 the 4-year-olds being in the pool which is Exhibit 6,
16 Plaintiffs' Exhibit 6? You approved of this schedule,
17 did you not?
18 A. Correct.
19 Q. At 10:45, you knew that the 4-year-old boys
20 were going to be in the family pool, correct?
21 A. Correct.
22 Q. And you also knew that at 11:00 o'clock, the
23 4-year-old girls were going to be in the family pool.
24 A. Correct.
25 Q. And we know from looking at the camper

0239

1 schedules for July 18th that there were 26 4-year-olds
2 in that family pool all at the same time, correct?
3 A. Correct.

4 Q. Well, did you ever think that it might be
5 important for you and the other people who were
6 supervising this summer camp to know what the schedule
7 was for the lifeguards for the family pool when the
8 4-year-olds were supposed to be in there?

9 MR. REESE: Objection, form.

10 A. We had nothing to do with the lifeguards.

11 Q. (By Mr. Pletcher) Okay. You had nothing to do
12 with the lifeguards; and, therefore, you thought it was
13 unimportant, right?

14 A. I didn't say it was unimportant.

15 Q. Okay. That's actually very important because
16 you recognized, as everybody else at the Houston Racquet
17 Club, that the 4-year-old campers were the ones you
18 really wanted to watch in the pool --

19 A. Correct.

20 Q. -- right?

21 A. Correct.

22 MR. REESE: Objection, form.

23 Q. (By Mr. Pletcher) You required your camp
24 counselors to be in the water at all times with them
25 when they were in the water, correct?

0240

1 A. Correct.

2 Q. Watch them very carefully, correct?

3 A. Correct.

4 Q. Well, did you ever think that having 26
5 4-year-olds in that family pool was too many? Did you
6 ever think for a second that that might be too many
7 4-year-olds?

8 A. I don't know that.

9 Q. You didn't, did you?

10 A. I didn't know.

11 Q. No?

12 A. No.

13 Q. Okay. And did you ever consider that it might
14 be safer for you and Mr. Lamkin to get with Guillermo
15 Palmer who approved all the lifeguard schedules to
16 figure out who would be manning the lifeguard stands
17 when the youngest campers, 26 of them, were swimming in
18 the family pool? Did you ever think to do that, ma'am?

19 A. No.

20 Q. Okay. And do you think that maybe when you
21 have 26 of the youngest campers at the camp in the
22 family pool, that it might be safer to have more
23 experienced lifeguards on the stand?

24 A. I don't know. I don't handle lifeguards.

25 Q. Does common sense tell you that when you put

0241

1 the youngest campers, the 4-year-olds, in the family
2 pool that you scheduled, that you would want to know the
3 experience level of the lifeguards who were manning the
4 stand?

5 A. I'm not knowledgeable enough to know that.

6 Q. Never thought to think of that, did you?

7 A. No.

8 Q. Okay. Well, do you know anything, ma'am, about
9 the knowledge and experience level of the lifeguards who
10 were manning the stands when the 4-year-olds were in the
11 pool on July 18th when John Pluchinsky drowned?

12 A. I do not, no.

13 Q. Do you even know their names?

14 A. No, sir.

15 Q. If your child was a 4-year-old in the Houston
16 Racquet Club summer camp and he or she was scheduled to
17 be in the family pool with 25 other 4-year-olds, would
18 you rather have experienced lifeguards who had lifeguard
19 more than a few days on the stand; or would you be
20 comfortable with two first-time lifeguards?

21 A. I would be comfortable with whatever was -- in
22 my opinion, if it was my child --

23 Q. Yes.

24 A. -- I would be comfortable. Because if they got
25 hired to do that job, I would feel very comfortable that

0242

1 they would be responsible enough to be a lifeguard.

2 Q. Right. And do you -- do you know anything
3 about what the Houston Racquet Club did to train the
4 lifeguard staff?

5 A. No.

6 Q. Do you know anything about the training that
7 was performed on the two lifeguards who were on the
8 stand when John drowned?

9 A. No.

10 Q. Is anything -- any of that important to you as
11 the assistant director of the summer camp?

12 A. It is important, but all that was David -- I
13 would just leave it to David, that I could trust that --

14 Q. Okay. You were relying upon David --

15 A. Yes. Yes.

16 Q. -- in that regard?

17 A. Yes.

18 Q. Okay. Was there any sort of coordination at
19 all between the camp counselors and the lifeguards with
20 respect to swim time for any of the campers?

21 A. No.

22 Q. So, there was no coordination between the camp
23 counselors and the lifeguards in regard to the
24 4-year-old campers being in the family pool, correct?

25 A. Correct.

0243

1 Q. Were you aware that on the date of John's
2 drowning, that four of the more senior and experienced
3 lifeguards, including the head lifeguard, went on lunch
4 break and that two 15-year-old lifeguards were left on
5 duty at the family pool?

6 A. I didn't know that.

7 Q. Would you have approved of it? Would you be
8 comfortable with that scenario?

9 MR. REESE: Objection, form.

10 A. That was not my responsibility.

11 Q. (By Mr. Pletcher) Okay. Did you ever make
12 David Lamkin aware of the fact that you were relying
13 upon him in regard to summer camp operations at the
14 family pool?

15 A. He's my supervisor.

16 Q. Did you -- but my question was: Did you ever
17 tell him, hey, listen, David, I'm relying upon you to
18 make certain that there's coordination and appropriate
19 procedures in place when the campers get down to the
20 family pool? Did you ever tell him that?

21 A. No.

22 Q. Are you aware of the fact that there was just
23 one 15-year-old lifeguard who was responsible for the
24 majority of the family pool as far as patron
25 surveillance of the kids, counselors, campers, members,

0244

1 non-members and guests?

2 MR. REESE: Objection, form.

3 Q. (By Mr. Pletcher) Were you aware of that?

4 A. No, sir.

5 Q. You're familiar with the family pool, aren't
6 you?

7 A. A little bit.

8 Q. Do you recall that there is a floating line
9 down near the area of the slide? I'm showing you
10 Exhibit No. 14 which is an exhibit that David Lamkin
11 made notes on. This is the wading area where the water

12 features are (indicating). This is the slide down here
13 (indicating). And this is a float line (indicating).

14 A. Okay.

15 Q. Do you remember that float line?

16 A. I never walked over there to the -- to the
17 diving board area.

18 Q. Okay. You never walked over to this area
19 (indicating). Did you ever walk to this area
20 (indicating)?

21 A. Where are you showing me?

22 Q. I'm sorry. Down here at the bottom?

23 A. Oh, yes.

24 Q. Do you remember how many lifeguard stands or
25 chairs were there?

0245

1 A. I didn't look for that. When I go to the pool,
2 I'm looking for the counselors and the campers.

3 Q. Okay.

4 A. I didn't look at that.

5 Q. Didn't recognize and you were not concerned
6 with the location or number of lifeguard stands that
7 were present at the family pool at any time, correct?

8 A. Correct.

9 Q. Back to the rule that's written in the Camp
10 Counselor Agreement that the counselors had to be in the
11 water if the kids were in the water. That was the rule,
12 right?

13 A. Correct.

14 Q. Is it true that the counselors had to be in the
15 pool with them or did sitting on the edge of the pool
16 with their feet dangling in the water, would that be
17 sufficient?

18 A. Kids had -- the counselors had to be in the
19 pool with the kids.

20 Q. Okay. So, sitting on the edge of the pool with
21 your feet dangling in the water would not be in the pool
22 or in the water?

23 A. Unless they had other kids with them.

24 Q. Okay. So, it was okay if they had other kids
25 with them?

0246

1 A. Sure.

2 Q. What about being on -- sitting on the rock
3 ledge without any kids with them and counselors chatting
4 amongst themselves?

5 A. Not acceptable.

6 Q. That's unacceptable?

7 A. Correct.

8 Q. That's not being considered in the water,
9 correct?

10 A. Correct.

11 Q. And this rule that the counselors had to be in
12 the water, that was communicated on a daily basis to the
13 camp counselors.

14 A. Yes.

15 Q. And did you instruct the camp counselors or did
16 David instruct the camp counselors or did both of you
17 that sitting with a co-counselor and chatting amongst
18 yourself on the rock ledge was not considered being in
19 the water?

20 A. Correct.

21 Q. And was unacceptable?

22 A. Correct.

23 Q. How many times do you think you told them that?

24 A. At least once a week.

25 Q. Now, do you know what the rule was as far as

0247

1 who was supposed to be watching who as far as the
2 counselors when the 4-year-old campers were in the
3 family pool?

4 A. No.

5 Q. You don't know what that rule was?

6 A. We really didn't have a rule. All the
7 counselors watched all the kids.

8 Q. So, the rule was that all the counselors were
9 responsible for watching all the kids.

10 A. Sure.

11 Q. And there was no rule that the counselors
12 needed to be specifically assigned to watch specific
13 campers?

14 A. No.

15 Q. No rule that 4 y/o B-CC #2 had to watch three
16 specific 4-year-old campers, correct?

17 A. Correct.

18 Q. Everybody was watching everybody.

19 A. Correct.

20 Q. So, if every counselor was required to watch
21 every 4-year-old camper when they got in the pool, that
22 would mean that on July 18th, 2007, that each one of the
23 camp counselors was responsible for watching all 26
24 4-year-olds when they got in that pool, right?

25 MR. REESE: Objection, form.

0248

1 A. They're responsible for watching their own
2 groups.

3 Q. (By Mr. Pletcher) Well, that's not what you
4 told me. You told me that the rule was that all the
5 counselors were responsible for watching --

6 A. When I say --

7 Q. -- all of the kids. Okay? And there were no
8 specific assignments, true?

9 A. I'm sorry. I'll rephrase that. Per age group
10 they're responsible for their kids.

11 Q. Right. So --

12 A. So, they were --

13 Q. -- for the 4-year-old age group, all of the
14 counselors that were at the family pool were responsible
15 for watching all the 4-year-olds, correct?

16 MR. REESE: Objection, form.

17 A. The boys --

18 MR. PLETCHER: What's your objection?

19 MR. REESE: Your objection is you're
20 mischaracterizing her testimony --

21 MR. PLETCHER: That's not an objection.

22 MR. REESE: -- respond and you're trying
23 to mislead her.

24 MR. PLETCHER: Hey, stop it, Wade.

25 MR. REESE: No, I'm not going to stop it.

0249

1 MR. PLETCHER: Yeah.

2 MR. REESE: Ask a fair question.

3 MR. PLETCHER: No. Let's stop. Off the
4 record. Time now.

5 THE VIDEOGRAPHER: The time is 5:48 p.m.
6 We're off the record.

7 (Recess from 5:48 to 6:05)

8 (Exhibit 72A-E marked)

9 THE VIDEOGRAPHER: The time is 6:05 p.m.
10 we're back on the record.

11 Q. (By Mr. Pletcher) Are you ready to continue,
12 Ms. CD?

13 A. Yes.

14 Q. The orientation meeting on June 10th, 2007, how
15 long did that last?

16 A. I want to say approximately five hours or --
17 five to six hours.

18 Q. Five to six hours?

19 A. I believe. I didn't time it.

20 Q. Okay. And you and David Lamkin headed that up.

21 A. Correct.

22 Q. And were there any notes or outlines of the
23 topics discussed?

24 A. The expectations.

25 Q. Yes.

0250

1 A. Yes.

2 Q. And where are those notes, do you know?

3 A. The exhibit that you just showed me.

4 Q. Okay. The Camp Counselor Agreement?

5 A. Correct.

6 Q. Okay. Any other outlines or notes or slide
7 shows? Was there an agenda for it?

8 A. Just the --

9 Q. A written agenda?

10 A. Just the expectations of the agreement.

11 Q. Okay. And the expectation is the Camp
12 Counselor Agreement that we've looked at which is marked
13 as Exhibit No. 42, correct?

14 A. Correct.

15 Q. This (indicating)?

16 A. Correct.

17 Q. No written agenda?

18 A. No.

19 Q. Okay. And other than this camp counselor
20 agreement and these rules, regulations and requirements,
21 what else did you specifically orient the camp
22 counselors on?

23 A. A tour of the campus.

24 Q. Okay. And did you tour the pool?

25 A. Yes.

0251

1 Q. And who were -- both you and David?

2 A. We took groups.

3 Q. Okay. Do you know who -- what did you do when
4 you got down to the pool?

5 A. We just showed them the pool area.

6 Q. Did you show them where the lifeguard office
7 was?

8 A. No.

9 Q. Did you show them where any of the safety
10 devices were?

11 A. No.

12 Q. Okay. Did anybody orient the camp counselors
13 on where the AEDs were?

14 A. No.
15 Q. Did anybody orient the camp counselors on where
16 the breathing masks were?

17 A. No.
18 Q. Did anybody orient the camp counselors on where
19 the emergency phones were?

20 A. No.
21 Q. And other than the tour going over Exhibit No.
22 42, the Camp Counselor Agreement, what else was
23 discussed at that orientation or done at the
24 orientation?

25 A. Discussion about safety safety, always safety
0252

1 safety. We always discussed a lot and hit on the safety
2 of the kids.

3 Q. Right. How much of the five or six hours that
4 you approximate this meeting lasted was spent on filling
5 out paperwork, getting forms signed, getting the Camp
6 Counselor Agreement signed, payroll information? How
7 much time was spent on that?

8 A. I don't recall.

9 Q. Well, how much time was spent on safety,
10 safety, safety, do you recall?

11 A. I don't recall. I don't recall.

12 Q. How much time was spent on discussing being in
13 the pool with the campers?

14 A. When we went down the expectation list --

15 Q. Right.

16 A. -- at that point. And we would add a bunch
17 of -- or David would discuss the safety of the pool.

18 Q. How long do you think David spent talking about
19 the pool safety issues?

20 A. I don't recall. I didn't time --

21 Q. More than five minutes?

22 A. Yes.

23 Q. More than ten?

24 A. I don't recall. I didn't time it as he
25 discussed it.

0253

1 Q. Sure. And the paperwork, do you think that
2 lasted a half hour, an hour?

3 A. It could have maybe be between 45 minutes to an
4 hour of --

5 Q. Okay. Okay. And to your knowledge, there
6 wasn't any other scheduled orientation meeting, correct?

7 A. Not to my knowledge.

8 Q. Back to the rule about who the counselors were
9 supposed to watch when they were in the pool. Do you
10 know what the rule was? Did David ever explain to you
11 what the rule was as far as what the camp counselors
12 were supposed to do as far as watching the 4-year-old
13 campers when they were in the pool?

14 A. Be close by. Always be watching your kids.
15 Interact with your kids.

16 Q. Right. Do you ever recall him telling you or
17 the camp counselors in your present -- presence that the
18 rule was that all of the counselors who were at the pool
19 with the 4-year-old children were required to watch all
20 of the 4-year-olds?

21 A. Yes.

22 MR. REESE: Objection, form.

23 A. Yes.

24 Q. (By Mr. Pletcher) Is that true?

25 A. True. We're going to back this up. When you

0254

1 say "all the counselors" --

2 Q. Yes.

3 A. -- individual groups were to watch their own
4 kids.

5 Q. Okay. So, like, the counselors who were
6 assigned to the 4-year-old boys --

7 A. Correct.

8 Q. -- they would be -- all of those counselors
9 would be responsible for watching all of the 4-year-old
10 boys.

11 A. Correct.

12 Q. So, on July 18th, 2007, do you know what
13 specific camp counselors were assigned to the 4-year-old
14 boys?

15 A. Yes.

16 Q. Who?

17 A. 4 y/o B-CC #2 , 4 y/o B-CC #5 , 4 y/o B-CC #3 , 4 y/o B-CC #6 -- 4 y/o B-CC #2 ,
18 4 y/o B-CC #6 ,

19 4 y/o B-CC #2 , 4 y/o B-CC #3 , 4 y/o B-CC #5 --

20 Q. 4 y/o B-CC #2 ?

21 A. 4 y/o B-CC #2 , uh-huh -- 4 y/o B-CC #5 . And I'm drawing a
22 blank right now.

23 Q. 4 y/o B-CC #4 ?

24 A. 4 y/o B-CC #4 . 4 y/o B-CC #4 .

25 Q. So, there were six?

26 A. Six.

0255

1 Q. Okay. And that leaves Supv CC #1 ?
2 A. Uh-huh.
3 Q. Supv CC #2 ?
4 A. Uh-huh.
5 Q. Being responsible for the 4-year-old girls?
6 A. Of the pool.
7 Q. Huh?
8 A. The pool. Supv CC #1 and 4 y/o B-CC #3 were at the pool to
9 help supervise.
10 Q. I thought Supv CC #2 -- Supv CC #1 and Supv CC #2 were the
11 pool supervisors.
12 A. Yes. I'm sorry.
13 Q. Those two.
14 A. Yes, not 4 y/o B-CC #3 .
15 Q. Well, who was watching the 4-year-old girls?
16 A. The 4-year-old counselor girls, which at the
17 top of my head I can't remember their names.
18 Q. Okay. So, the rule was that these six camp
19 counselors, 4 y/o B-CC #2 , 4 y/o B-CC #5 , 4 y/o B-CC #3 , 4 y/o B-CC #6 , 4 y/o B-CC #2
and
20 4 y/o B-CC #4 were responsible for watching all 13 4-year-olds.
21 A. Correct.
22 Q. And there were no specific assignments of those
23 4-year-old boys to any of those six individuals,
24 correct?
25 A. Correct.
0256
1 Q. That's almost a one-to-two ratio, isn't it?
2 A. Yes.
3 Q. Okay. Well, under that rule, then each of the
4 six counselors that you just named were responsible for
5 watching 13, correct?
6 A. Correct.
7 Q. As opposed to two.
8 A. If that's what you say. That's what you said?
9 Q. Well, the ratio is almost one-to-two. Six --
10 thirteen divided by six is --
11 A. Correct.
12 Q. -- two-point something.
13 A. Correct.
14 Q. Was there any procedure in place that you
15 either heard David Lamkin voice or instruct the
16 counselors on or anybody else at the Club that would
17 ensure that none of the 4-year-old boy campers who were
18 in that family pool would slip through the cracks under
19 the system that was in place?

20 A. Can you rephrase that?

21 Q. Yeah. Was there any procedure in place that
22 you know of either by Mr. Lamkin instructing the
23 counselors or him instructing you that would assure that
24 none of the 4-year-old boys would slip through the
25 cracks and not be watched by all of them?

0257

1 A. I don't know.

2 Q. Do you know how -- did the camp counselors
3 decide amongst themselves as to who specifically they
4 would watch, or would they just watch everybody?

5 A. That was the discretion of themselves if they
6 did that.

7 Q. So, it was left up to the counselors, the camp
8 counselors to decide if they were going to grab these
9 three or these two.

10 A. It's up to --

11 Q. Okay. For example, 4 y/o B-CC #2 has three
12 kids with her.

13 A. Uh-huh.

14 Q. And let's assume that one of her kids decides
15 that he sees his buddy, Sammy, across the pool and he's
16 going to go over to Sammy.

17 A. Uh-huh.

18 Q. And 4 y/o B-CC #2 watches Sammy go over to his friend
19 Sammy who -- 4 y/o B-CC #2 watches the child go over to his
20 friend Sammy who is being watched by 4 y/o B-CC #3 . Okay? Was
21 there any procedure in place to assure that 4 y/o B-CC #3 would
22 know that another child has come to his watchful eye?

23 A. I don't know.

24 Q. Okay. And, you know, isn't it natural for
25 4-year-olds -- 4-year-old campers to congregate with

0258

1 their friends, be them old friends or new friends, in
2 the camp?

3 A. Of course.

4 Q. So, what was in place to prevent a child from
5 leaving the watchful eye of one of the camp counselors
6 and have the other camp counselors mistakenly believe
7 that the counselor who said she was watching or he was
8 watching was still watching?

9 A. I don't know. I wasn't at the pool.

10 Q. Okay. I want to show you Exhibit No. 18, which
11 is the -- Plaintiffs' Exhibit 18 which is the summer
12 camp registration form. I'm going to zoom in here. It
13 has the times, the ages. It says 4-year-olds are

14 limited to 13 boys and 13 girls per week.

15 A. Uh-huh.

16 Q. Is that what the form says?

17 A. That's what the form says.

18 Q. That was not true, was it? Because we know
19 from the camps -- camper list that we marked as Exhibit
20 71, I believe, that there was 16 4-year-old boys and 19
21 4-year-old girls, correct?

22 MR. REESE: Objection, form.

23 Q. (By Mr. Pletcher) Now, let's read this about
24 the program. Can you read that or do you want me to
25 zoom in on that a little more? "Activities including
0259

1 swimming in our two new pools with a two-story slide,
2 basic stroke, water games, free play with adult
3 supervision." Do you see that?

4 A. Correct.

5 Q. Were you the adult supervision?

6 A. No.

7 Q. Who was the adult supervision?

8 A. Supv CC #1 and Supv CC #2 .

9 Q. No. Who was the adult supervision for the camp
10 counselors who were entrusted to carefully watch these
11 4-year-olds?

12 MR. REESE: Objection, form.

13 Q. (By Mr. Pletcher) Do you know?

14 A. The counselors.

15 Q. Okay. But who was the adult supervision for
16 the counselors?

17 A. Me.

18 Q. Okay.

19 A. And David.

20 Q. I mean, that's a fair reading of this, isn't
21 it?

22 A. Correct.

23 MR. REESE: Objection, form.

24 Q. (By Mr. Pletcher) Okay. "On-duty lifeguard
25 with safety instructions. All counselors will be CPR
0260

1 certified and in the water at all times." Okay. Do you
2 see that?

3 A. Yes.

4 Q. You were aware of that phrase in the form,
5 correct?

6 A. (Witness nodding head)

7 Q. Do you know if all of the counselors were CPR

8 certified on July 18th, 2007?

9 A. I don't know that.

10 Q. If evidence in this case will be that

11 Supv CC #1 was not certified, Supv CC #1 was your -- one
12 of your camp counselors, right?

13 A. Correct.

14 Q. He was a counselor supervisor, correct?

15 A. Correct.

16 Q. Do you think that it's important for

17 Supv CC #1, who's a camp counselor, to be CPR certified if
18 he's going to be supervising at the pool?

19 A. That would be under the -- David was the one
20 who handled the --

21 Q. I hear you.

22 A. -- the certification. I don't know how to
23 answer to that because I didn't look at any kind of
24 forms or anything regarding their hiring.

25 Q. Okay. But you as the assistant director of the
0261

1 camp who was responsible for supervising Supv CC #1
2 and Supv CC #2, the pool supervisors, do you think it
3 was important for Supv CC #1 to be certified on July 18th?

4 A. I didn't know he wasn't.

5 Q. Okay. I want you to assume that he was not.
6 Okay? Will you do that?

7 A. Yes.

8 Q. Do you think that that is a safe thing or an
9 unsafe thing?

10 MR. REESE: Objection, form.

11 A. He -- I mean, to my knowledge, he was
12 certified. I don't --

13 Q. (By Mr. Pletcher) Okay. I wanted you to
14 assume that he wasn't. It would be unsafe if he was
15 not.

16 A. Oh, yes.

17 Q. Okay. That's what I thought.

18 Now, "Sundry information. Children will
19 be grouped by age and ability to insure maximum
20 benefits."

21 A. Uh-huh.

22 Q. Do you see that?

23 A. Uh-huh.

24 Q. Is that "yes"?

25 A. Yes.

0262

1 Q. The 4-year-olds were grouped by age.

2 A. Correct.
3 Q. But they weren't grouped by their ability, were
4 they?
5 MR. REESE: Objection, form.
6 A. They were just grouped by their ages.
7 Q. (By Mr. Pletcher) Right. They were not
8 grouped by their ability. You didn't group them that
9 way, correct?
10 A. I didn't.
11 Q. And David didn't, correct?
12 A. No.
13 Q. That is correct?
14 A. Correct.
15 Q. Okay. Did you ever work the car pool line?
16 A. Yes. Every day.
17 Q. Did you ever ask a parent whether their child
18 needed to have a life vest or a floatation device?
19 A. No.
20 Q. And you never instructed your camp counselors
21 to ask that question, correct?
22 A. Correct.
23 Q. They weren't required to ask it, correct?
24 A. Correct.
25 Q. Other than the one floatation device that you
0263
1 described earlier, the one parent requesting that the
2 child have in the pool, do you recall any parent ever
3 sending a life vest with their child --
4 A. Yes.
5 Q. -- during 2007?
6 A. Yes.
7 Q. Who?
8 A. I don't know. I don't remember.
9 Q. What age?
10 A. I believe maybe a 4- or 5-year-old. I don't
11 recall.
12 Q. How many? One?
13 A. In my years of the --
14 Q. Yeah.
15 A. The five weeks?
16 Q. Yeah.
17 A. It could be about six different parents, maybe.
18 Q. Okay. Exhibit 42, the Camp Counselor
19 Agreement, the zero tolerance rule that we went over
20 earlier, "absolutely no horseplay will be tolerated with
21 the children or other counselors."

22 A. Uh-huh.
23 Q. You described the one counselor who was
24 terminated.

25 A. Correct.

0264

1 Q. Did you ever get any other complaints about
2 camp counselors conducting horseplay or not following
3 the rules?

4 A. No.

5 Q. You never received such a complaint?

6 A. No. Not me --

7 Q. Did you ever see --

8 A. -- directly.

9 Q. I'm sorry?

10 A. Not me directly.

11 Q. Did you ever -- are you aware of any?

12 A. No.

13 Q. Did you ever receive any complaints from
14 parents related to the pool or pool activities?

15 A. No.

16 Q. There was a tennis camp during week five of the
17 summer camp, was there not?

18 A. I don't know. Kids were playing out there,
19 but I --

20 Q. Sure.

21 A. -- that's not --

22 Q. That wasn't your job.

23 A. -- my duties to know --

24 Q. Right. Do you know if the tennis camp had swim
25 time?

0265

1 A. I was aware that they have -- you know, they
2 would go over there at the deck and eat and --

3 Q. But do you know if the tennis camp had swim
4 time?

5 A. I don't know.

6 Q. And you have no knowledge about how many
7 campers, counselors, be them 4 -- be 4 -- whether or not
8 they were 4-year-olds or older, were in the pool along
9 with other members, guests and other people and -- let
10 me start over. That was a poor question.

11 A. Sorry.

12 Q. Since you didn't go to the pool that day on
13 July 18th, you have no knowledge of the number of people
14 who were in the pool when John drowned, correct?

15 A. Correct.

16 Q. During your years of being assistant camp
17 director, what's the largest number of people, including
18 campers, counselors, members, guests, whoever, did you
19 personally see in that family pool when the 4-year-olds
20 were there?

21 A. I don't know. I never counted. When I went
22 over there to do my job to get the clipboard and I kind
23 of scanned the pool, that wasn't something that I did,
24 to count the amount of people that were in the pool. I
25 just didn't do that.

0266

1 Q. Any guesstimate?

2 A. I couldn't say. I don't even know how big that
3 pool is. I was just looking for --

4 Q. Sure.

5 A. -- my counselors being -- watching their kids
6 and watching the kids that they were safe in the pool
7 and they were having fun and --

8 Q. Right.

9 A. -- counselors were interacting.

10 Q. Sure. Now, Ms. CD, during your years of
11 being the assistant director of the summer camp at the
12 Houston Racquet Club, are you aware of any formal
13 emergency action plan that the Club had?

14 A. No.

15 Q. Are you aware or did you see any emergency
16 response drills being performed by anybody?

17 A. No.

18 Q. That includes camp counselors, lifeguards or
19 anybody.

20 A. There was not.

21 Q. Okay. In your years of being out there, do you
22 recall Mr. Lamkin or anybody else doing any sort of
23 formal training with the camp counselors on how to
24 respond to an emergency?

25 A. No.

0267

1 Q. You knew that your camp counselors were
2 required to be certified in CPR, correct?

3 A. David told me.

4 Q. David told you that?

5 A. Uh-huh.

6 Q. That was a new requirement or --

7 A. No.

8 Q. -- an old one?

9 A. No. That's David. David handles all the --

10 Q. Sure.
11 A. -- hiring and the expectations and whatever --
12 Q. Right.
13 A. -- certified they need.
14 Q. So, you didn't know that they even needed to be
15 certified, correct?
16 A. I'd known.
17 Q. Sure.
18 A. I was aware of it.
19 Q. Okay. So, you were aware of it. Do you recall
20 any CPR drills, practice drills?
21 A. No.
22 Q. Well, have you ever had to give CPR to a
23 person?
24 A. No.
25 Q. Have you ever had to respond to an emergency?
0268
1 A. No. Well, I take that back.
2 Q. Ma'am?
3 A. I take that back. I responded, but the
4 paramedics took over that when my father passed away.
5 Q. Do you need to break just for a minute?
6 A. No. I'm good.
7 Q. Were you aware of any rule for the family pool
8 concerning the times when the 4-year-olds were in the
9 pool other than what we've talked about?
10 A. I'm sorry. Can you re --
11 Q. Yeah. Let me rephrase it.
12 Are you aware of a rule that was in effect
13 that when the 4-year-olds were in the family pool, that
14 the camp counselors had to be within arm's length or
15 within their grasp of the 4-year-olds?
16 A. I was aware of something like that.
17 Q. Okay. And did -- do you know what the rule was
18 specifically?
19 A. Being close in hand. Being close to them.
20 Q. Right.
21 A. I know we ran over that in the orientation.
22 David began --
23 Q. Right.
24 A. -- when we went to the pool section --
25 Q. Right.
0269
1 A. -- David nailed all the pool about --
2 Q. Right.
3 A. -- them -- and I don't recall the exact --

4 Q. Right.
5 A. -- conversation of how -- how he told them, but
6 basically --
7 Q. Right.
8 A. -- staying very close to your kids.
9 Q. Right. And you don't know whether that rule
10 involved any particular areas of the pool or any
11 particular depths of the pool, correct?
12 A. More so 4-year-olds.
13 Q. Huh?
14 A. More so 4-year-olds.
15 Q. Just 4-year-olds regardless of where they were,
16 they needed to be within reach.
17 A. Yes.
18 Q. Or close by.
19 A. Correct.
20 MR. REESE: Matt, there's ten minutes left
21 till six hours.
22 MR. PLETCHER: Yeah.
23 Q. (By Mr. Pletcher) But you don't recall David
24 ever instructing the camp counselors that when the
25 4-year-olds were in the pool, that the counselors had to
0270
1 be within an arm's length of the child so that they
2 could grab them?
3 A. There was a discussion during orientation.
4 Q. You remember him specifically --
5 A. Yes.
6 Q. -- saying that in those terms?
7 A. I don't know the exact words.
8 Q. Okay. Something similar to that.
9 A. Something similar to that.
10 Q. Okay. Okay. Have you ever seen this booklet
11 that's titled How to Bake a Youth Program?
12 A. No.
13 Q. You've never seen it?
14 A. No.
15 Q. And let me just put it on the screen real
16 quick. I'm not going to mark it. It's got Bates number
17 HRC01003. You've never seen that document?
18 A. No, sir.
19 Q. Nobody shared this document with you, correct?
20 A. Correct.
21 Q. You have no idea where it came from.
22 A. No.
23 Q. You do not?

24 A. I do not.

25 Q. Okay. I need to ask you some questions about

0271

1 the exhibits that I've marked as 72A through 72E. Okay?

2 A. Okay.

3 Q. I'd just like to walk through these with you.

4 What does 72A appear to be?

5 A. A time-in sheet.

6 Q. For who?

7 A. Of the counselors.

8 Q. And Exhibit 72A is for which week?

9 A. Week one.

10 Q. Okay. And week one shows 4 y/o B-CC #5 . Who is

11 that, Supv CC #1 ?

12 A. Yes.

13 Q. And who is that?

14 A. 4 y/o B-CC #2 .

15 Q. 4 y/o B-CC #2 . Do you see on Page 2 another

16 name highlighted there?

17 A. Supv CC #2 .

18 Q. Supv CC #2 . Now, do you -- do you see

19 4 y/o B-CC #3 on that list?

20 A. No.

21 Q. Okay. So, according to this list, 4 y/o B-CC #3 did

22 not work during week one.

23 A. No, not to my knowledge.

24 Q. Now let's look at 72B. This is for the sign-in

25 sheet for week two, correct?

0272

1 A. Uh-huh. Yes.

2 Q. It says "final draft"?

3 A. Uh-huh.

4 Q. Okay. The first thing I want to ask you is

5 this: There appears to be a handwritten draft, got the

6 same names on it?

7 A. Uh-huh.

8 Q. Okay. How did this work?

9 A. In the mornings when they would get in, they

10 would come in and sign in.

11 Q. Okay. And then would somebody type it up?

12 A. And then SUPV went and transposed this to a

13 typed schedule.

14 Q. Okay. Now, this says "master" on it?

15 A. Uh-huh.

16 Q. And this says "revised number one." Do you

17 have any idea what that means?

18 A. That would have been maybe something SUPV
19 did because this is the handwritten one and this is the
20 typed one.

21 Q. Right.

22 A. And I think what she did was since this one
23 didn't have weeks -- June 22nd on here.

24 Q. Yes. She added them.

25 A. -- that she added it to revise the number one,
0273

1 I'm assuming.

2 Q. And this is the final draft, correct, 72B?

3 A. That's what it appears to be.

4 Q. Okay. And if we look at this, it shows
5 4 y/o B-CC #5 and then 4 y/o B-CC #3 shows up, correct?

6 A. Correct.

7 Q. Do you know why he was -- first showed up here?
8 Did he -- did he start working? Was he a new hire
9 probably?

10 A. Well, he was there last year.

11 Q. I understand. But for that summer did he just
12 show up in week number two?

13 A. That week.

14 Q. Okay. Supv CC #1 and 4 y/o B-CC #2 are also
15 on there as well as 4 y/o B-CC #5 .

16 A. Correct.

17 Q. Okay. Then if we go to 72C and we look at
18 the -- it's the same situation. Appears that we have a
19 typed up version.

20 A. Uh-huh.

21 Q. And a handwritten version.

22 A. Okay.

23 Q. Correct?

24 A. Correct.

25 Q. Now, in week three, do you see 4 y/o B-CC #2
0274

1 there?

2 A. 4 y/o B-CC #2 , you said?

3 Q. Yeah. She was out that week, wasn't she? And
4 4 y/o B-CC #4 shows up on that list, right, for week
5 three for the first time? Is that correct? Here. Look
6 here. This is the final version, isn't it? This is the
7 typed one. 4 y/o B-CC #3 , Supv CC #1 , 4 y/o B-CC #5 ,
8 4 y/o B-CC #2 , Supv CC #2 . And then 4 y/o B-CC #4 shows up
9 for the first time, correct?

10 A. Correct.

11 Q. And then if we go to 72D, which is week four,

12 we have 4 y/o B-CC #5 , 4 y/o B-CC #3 , Supv CC #1 ,
13 4 y/o B-CC #2 -- she shows back up -- Supv CC #2 ,
14 4 y/o B-CC #4. And then 4 y/o B-CC #2 shows up for the first
15 time. Was 4 y/o B-CC #2 newly hired during week four?

16 A. When you say "newly hired," was that her first
17 week?

18 Q. Yeah. Was that her first week according to
19 these schedules?

20 A. I would say so, yes.

21 Q. And then Exhibit 72E, we show 4 y/o B-CC #6 for
22 the first time; is that correct?

23 A. Yes.

24 Q. Now, 4 y/o B-CC #2 had never -- had never
25 worked as a camp counselor at the Houston Racquet Club
0275

1 before the summer of 2007, did she?

2 A. Not to my knowledge.

3 Q. I'm going to mark this as the next exhibit
4 which will be 72 -- I'm sorry -- 73.

5 (Exhibit 73 marked)

6 Q. (By Mr. Pletcher) This is her application, is
7 it not?

8 A. Yes, it is.

9 Q. Okay. Now, flip to the next page. When was
10 that filled out?

11 A. April the 10th, '07.

12 Q. Okay. Did you interview 4 y/o B-CC #2 or talk
13 to her in April --

14 A. No, sir.

15 Q. -- of '07?

16 A. No, sir.

17 Q. Who would have done that?

18 A. David Lamkin.

19 Q. Okay. Do you have any idea why she did not
20 show up until week four? Was she passed over the
21 first --

22 A. No. These kids gave us a schedule, and who are
23 actually -- I was aware of a schedule given --

24 Q. Yes.

25 A. -- to David that certain weeks they can work,
0276

1 certain weeks they couldn't.

2 MR. PLETCHER: Okay. Can we just stop for
3 a minute? I know I'm almost out of time. I want to
4 stop.

5 MR. REESE: You're out of time.

6 MR. PLETCHER: Will you just let me read
7 my notes and ask a couple more questions and we'll be
8 done?

9 MR. REESE: (Nods head)

10 MR. PLETCHER: Fair enough. Thanks.

11 THE VIDEOGRAPHER: 6:43 p.m. We're off
12 the record.

13 (Recess from 6:43 to 6:47)

14 THE VIDEOGRAPHER: The time is 6:47 p.m.
15 We're back on the record.

16 MR. PLETCHER: Ms. CD, just a couple
17 of wrap-up questions.

18 Q. (By Mr. Pletcher) Have you ever given a
19 written or recorded statement to anybody related to John
20 Pluchinsky's drowning, what occurred on July 18th?

21 MR. REESE: You gave a statement to
22 Memorial Village, correct?

23 THE WITNESS: Yes, sir.

24 Q. (By Mr. Pletcher) You gave a statement to the
25 police?

0277

1 A. (Witness nodding head)

2 Q. Any other statements?

3 A. No.

4 Q. And during week five of the summer camp, do you
5 recall any camp counselor asking for a reassignment?

6 A. No.

7 Q. Do you recall any new counselors being assigned
8 to the 4-year-old campers?

9 A. Not to my knowledge.

10 Q. 4 y/o B-CC #6 maybe?

11 A. Yeah.

12 Q. Okay. Now, you had told me earlier that you
13 had a morning meeting and then the afternoon meeting?

14 A. Yes.

15 Q. Kind of a debriefing?

16 A. Yes.

17 Q. Did you have a debriefing meeting on July 18th?

18 A. After the --

19 Q. Drowning.

20 A. -- the drowning? No. We just talked to the
21 kids and --

22 Q. Told them to write a statement.

23 A. Correct.

24 Q. But, really, that's all you -- you didn't ask
25 any questions. You just asked them to write a

0278

1 statement. I assume you comforted them.

2 A. Yes.

3 Q. Okay. Is that about it?

4 A. Yes.

5 Q. Now, the debriefing meetings, are they similar
6 to the morning meetings?

7 A. Yes, with an "at a boy" at the end of the day.

8 Q. Right.

9 A. Well job -- just they --

10 Q. Job well done.

11 A. Yes.

12 Q. Or, you know, if there was an incident, you
13 probably talked to them about it, right?

14 A. Correct.

15 Q. Okay. And throughout the day while you spent
16 most of your time at the camp house, would you be doing
17 administrative things?

18 A. No. No.

19 Q. What would you be doing?

20 A. I would go around the grounds. And if there
21 were groups that didn't have -- I mean, if I saw a group
22 maybe kind of standing along -- excuse me --

23 Q. Yeah.

24 A. -- standing -- just standing not doing an
25 activity just because they couldn't think of something

0279

1 more fun to do --

2 Q. Yeah.

3 A. -- I would get out there and interact and come
4 up with, you know, an extra --

5 Q. Activity. Sure.

6 A. -- extra activity and add to their activity.

7 Q. Okay.

8 A. I would, you know, go and visit --

9 Q. Yeah.

10 A. -- with the kids, go up to Mad Science making
11 sure everything's under control over at Mad Science.

12 Q. Okay.

13 A. I just pretty much kept myself busy. Admin
14 work was a very short time.

15 Q. Limited?

16 A. Yeah.

17 Q. Okay. I want to ask you -- I sent a deposition
18 notice and a request for documents. And I need to ask
19 you about it. But before I do, did you review any

20 documents in preparation for your deposition?

21 A. Yes.

22 Q. Did you read any depositions? Did you -- what
23 documents did you look at?

24 A. I looked at the deposition of David Lamkin.

25 Q. Who gave -- who gave you that?

0280

1 A. Mr. Snyder.

2 Q. Okay. Any other depositions?

3 A. No, sir.

4 Q. When did you look at Lamkin's deposition?

5 A. Between Thursday through Tuesday, just reading
6 the deposition.

7 Q. Did anything in Mr. Lamkin's deposition
8 testimony stand out in your mind that you recall sitting
9 right now that you didn't agree with or think was
10 inaccurate?

11 A. Not so much disagree, but it was about the
12 clipboard.

13 Q. Yeah.

14 A. I believe on the deposition it says two
15 counselors were with the clipboard.

16 Q. Uh-huh.

17 A. And what I instructed was one counselor with
18 the clipboard so the other -- so we could run the car
19 pool line --

20 Q. Right.

21 A. -- quicker with the majority of on-hand
22 counselors.

23 Q. Right.

24 A. That was about the only thing I --

25 Q. And the clipboard you're talking about is at

0281

1 the car pool drop-off.

2 A. No. It's at the -- it's at the tennis court.

3 Q. Okay. Yeah. Okay. And then anything else --

4 A. No.

5 Q. -- stand out in your mind?

6 A. No.

7 Q. Okay. And no other documents did you look at?

8 A. No, sir.

9 Q. Any meetings with anybody? Any discussions,
10 telephone calls, face-to-face meetings with anybody from
11 the Racquet Club in preparation for this?

12 A. Oh, in -- no, not for this.

13 Q. Okay. Had you had any discussions with people

14 at the Racquet Club about this lawsuit?
15 A. Just when they called me in.
16 Q. Here.
17 A. Yes.
18 Q. Here?
19 A. Yes, and at the Racquet Club.
20 Q. Who called you in at the Racquet Club?
21 MR. REESE: She --
22 MR. PLETCHER: Part of the investigation?
23 MR. REESE: Gardere, Wynne --
24 MR. PLETCHER: Okay.
25 MR. REESE: -- met with her before she

0282

1 gave her statement.
2 MR. PLETCHER: Oh, okay. That's fine.
3 Q. (By Mr. Pletcher) That's it?
4 A. And we -- I would just check on David from time
5 to time.
6 Q. But as far as this deposition, you didn't have
7 any discussions with David Lamkin or Mr. Griffin?
8 A. No.
9 Q. And nobody told you what other witnesses may
10 have testified to --
11 A. No.
12 Q. -- in this lawsuit?
13 A. No.
14 Q. Okay. Now, did anybody from Mr. Snyder's
15 office or Mr. Reese's office ask you to look for
16 documents?
17 A. I believe it was an e-mail that you might have
18 sent --
19 Q. Right.
20 A. -- to Mr. Snyder.
21 Q. Do you have a copy of your statements?
22 A. No.
23 Q. The statement that you gave?
24 A. No.
25 Q. Do you have a copy of any e-mails?

0283

1 A. No.
2 Q. Do you have any personal files related to your
3 work at the Houston Racquet Club or the incident of
4 July 18th?
5 A. No.
6 Q. You don't have copies of any certifications in
7 CPR at home?

8 A. No. It wasn't my job.

9 Q. Huh?

10 A. That wasn't my duties.

11 Q. No. I'm talking about your earlier
12 certifications.

13 A. No.

14 Q. You don't -- you didn't hang on to those?

15 A. No.

16 Q. Okay. Any files or documents that you have
17 related to your work as a camp counselor or the incident
18 of July 18th where John Pluchinsky drowned would have
19 been left at the Club.

20 A. Correct.

21 MR. REESE: I'm sure you didn't mean to
22 call her a camp counselor.

23 Q. (By Mr. Pletcher) As a camp assistant
24 director. Okay.

25 Do you still do business, your rental
0284

1 business?

2 A. Yes.

3 Q. And do you -- have you done any business with
4 the Houston Racquet Club this year?

5 A. Yes.

6 Q. How often?

7 A. I've done two.

8 Q. Okay. When?

9 A. Oh, I take that back. Just one just recently
10 on Memorial weekend.

11 Q. Okay.

12 A. They had a credit for the -- for the moon walks
13 that were rented for -- from me.

14 Q. Yeah.

15 A. And -- because we didn't finish out the year or
16 this last six weeks.

17 Q. They paid in advance?

18 A. Yes.

19 Q. Last year?

20 A. Yes.

21 Q. Okay.

22 A. And I --

23 Q. And so, you brought it out.

24 A. I just offered their -- I just honored their
25 credit back to them.

0285

1 Q. Okay.

2 A. And I had --

3 Q. Great.

4 A. -- one scheduled on Memorial. And the other
5 one's going to be scheduled on -- I take that back.
6 They've gotten the water slide twice.

7 Q. Okay. Okay. That's fine. But you're going to
8 take the moon walk out there later this summer?

9 A. Yes. July 4th.

10 Q. And I assume you plan to continue to do
11 business with them?

12 A. Of course. As long as they'll have me.

13 MR. PLETCHER: I think that's all I have
14 today.

15 THE WITNESS: Okay.

16 MR. PLETCHER: I really do appreciate your
17 patience, candidness and courteousness.

18 Q. (By Mr. Pletcher) Anything that -- well, have
19 I treated you okay?

20 A. I'm just -- I've never had to go through
21 anything like this before.

22 MR. PLETCHER: Sure. Thank you very much,
23 ma'am.

24 THE WITNESS: It's a tragedy.

25 MR. PLETCHER: I know. Very -- very

0286

1 horrible.

2 THE WITNESS: I'm sorry.

3 MR. REESE: We'll reserve until the time
4 of trial.

5 MR. PLETCHER: Thank you.

6 THE VIDEOGRAPHER: The time is 6:56 p.m.
7 We're off the record.

8 (Deposition concluded at 6:56 p.m.)

9

10 * * * * *

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CHANGES AND SIGNATURE

1 WITNESS NAME: CD DATE: JUNE 4, 2008

2 PAGE LINE CHANGE REASON

3	_____	_____
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0288

1 I, CD, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.

4
5
6 _____
7 CD

8 THE STATE OF _____)
9 COUNTY OF _____)

10
11 Before me, _____, on this day
12 personally appeared CD, known to me or
13 proved to me on the oath of _____ or through
14 _____ (description of identity card
15 or other document) to be the person whose name is

16 subscribed to the foregoing instrument and acknowledged
17 to me that he/she executed the same for the purpose and
18 consideration therein expressed.

19 Given under my hand and seal of office on this _____
20 day of _____, 2008.

21
22

23 _____
24 NOTARY PUBLIC IN AND FOR
THE STATE OF _____

25 My Commission Expires: _____

0289

1 CAUSE NO. 2007-54438
2 DAVID AND KATHLEEN PLUCHINSKY,) IN THE DISTRICT COURT OF
INDIVIDUALLY AND AS)
3 REPRESENTATIVES OF THE JOHN)
ALBERT PLUCHINSKY ESTATE,)
4 PLAINTIFFS,)
5 VS.) HARRIS COUNTY, T E X A S
6 HOUSTON RACQUET CLUB, STEPHEN)
GRIFFIN, DAVID LAMKIN,)
7 GUILLERMO PALMER, AND)
LG Supv,)
8 DEFENDANTS.) 281ST JUDICIAL DISTRICT

9

10 REPORTER'S CERTIFICATE
11 ORAL VIDEOTAPED DEPOSITION OF CD
12 June 4, 2008

13

14 I, Roxanne K. Smith, Certified Shorthand Reporter in
15 and for the State of Texas, hereby certify to the
16 following:

17 That the witness, CD, was duly sworn
18 and that the transcript of the deposition is a true
19 record of the testimony given by the witness;

20 That the deposition transcript was duly submitted on
21 _____ to the witness or to the attorney for
22 the witness for examination, signature, and return to me
23 by _____.

24 That pursuant to information given to the deposition
25 officer at the time said testimony was taken, the

0290

1 following includes all parties of record and the amount
2 of time used by each party at the time of the
3 deposition:

4 Mr. Matthew G. Pletcher (6 hours 10 minutes)
Mr. Wade Reese (No Time Used)

5
6 That a copy of this certificate was served on all
7 parties shown herein on _____ and filed
8 with the Clerk.

9 I further certify that I am neither counsel for,
10 related to, nor employed by any of the parties in the
11 action in which this proceeding was taken, and further
12 that I am not financially or otherwise interested in the
13 outcome of this action.

14 Further certification requirements pursuant to
15 Rule 203 of the Texas Code of Civil Procedure will be
16 complied with after they have occurred.

17 Certified to by me on this 13th day of
18 June, 2008.

19
20
21
22

23 ROXANNE K. SMITH, CSR
No. 6290 - Expiration 12-31-08
24 Firm Registration No. 510
4545 Post Oak Place, Suite 350
Houston, Texas 77027
25 (713) 626-2629

0291

1 FURTHER CERTIFICATION UNDER TRCP RULE 203

2

3 The original deposition was/was not returned to the
4 deposition officer on _____.

5 If returned, the attached Changes and Signature
6 page(s) contain(s) any changes and the reasons therefor.

7 If returned, the original deposition was delivered
8 to Mr. Matthew G. Pletcher, Custodial Attorney.

9 \$_____ is the deposition officer's charges to the
10 Plaintiffs for preparing the original deposition and any
11 copies of exhibits;

12 The deposition was delivered in accordance with Rule
13 203.3, and a copy of this certificate, served on all
14 parties shown herein, was filed with the Clerk.

15 Certified to by me on this _____ day of
16 _____, 2008.

17
18
19

20

ROXANNE K. SMITH, CSR

21

No. 6290 - Expiration 12-31-08

22

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