

EXHIBIT 4

JOSEPH M. MCADAM

November 1, 2011

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT 2 WESTERN DISTRICT OF MICHIGAN 3 SOUTHERN DIVISION 4 5 JOSEPH M. MCADAM, 6 Plaintiff, 7 vs. Case No. 1:11-cv-00170 8 Hon. Janet T. Neff 9 OFFICER MATTHEW WARMUSKERKEN, 10 DEPUTY DEREK WILSON, DEPUTY 11 OSCAR DAVILA, CITY OF LUDINGTON 12 and COUNTY OF MASON, 13 Defendants. 14 15 16 17 The Deposition of JOSEPH M. MCADAM, 18 Taken at 29 Pearl Street, N.W., 19 Suite 145, 20 Grand Rapids, Michigan, 21 Commencing at 9:16 a.m., 22 Tuesday, November 1, 2011, 23 Before Peggy S. Savage, CSR-4189, RPR. 24 25</p>	<p style="text-align: right;">Page 3</p> <p>1 ALLAN C. VANDER LAAN 2 Cummings, McClorey, Davis & Acho, P.L.C. 3 2851 Charlevoix Drive, S.E. 4 Suite 327 5 Grand Rapids, Michigan 49546 6 (616) 975-7470 7 avanderlaan@cnda-law.com 8 Appearing on behalf of Defendants Officer Matthew 9 Warmuskerken and City of Ludington. 10 11 JASON D. KOLKEMA 12 Johnson, Rosati, LaBarge, Aseltyn & Field, P.C. 13 303 S. Waverly Road 14 Lansing, Michigan 48917 15 (517) 886-3800 16 jkolkema@jrlaf.com 17 Appearing on behalf of Defendants Deputy Derek Wilson, 18 Deputy Oscar Davila, and Mason County. 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 3 STEVEN J. VANDER ARK 4 Attorney at Law 5 29 Pearl Street, N.W. 6 Suite 145 7 Grand Rapids, Michigan 49503 8 (616) 454-6500 9 steve.vanderark@gmail.com 10 Appearing on behalf of the Plaintiff. 11 12 JOSHUA P. FAHLSING 13 Fahlsing Law, P.L.L.C. 14 29 Pearl Street, N.W. 15 Suite 145 16 Grand Rapids, Michigan 49503 17 (616) 558-2592 18 joshfahlsing@gmail.com 19 Appearing on behalf of the Plaintiff. 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 TABLE OF CONTENTS 2 3 WITNESS PAGE 4 JOSEPH M. MCADAM 5 6 EXAMINATION BY MR. VANDER LAAN: 5 7 EXAMINATION BY MR. KOLKEMA: 150 8 RE-EXAMINATION BY MR. VANDER LAAN: 182 9 RE-EXAMINATION BY MR. KOLKEMA: 197 10 RE-EXAMINATION BY MR. VANDER LAAN: 198 11 EXAMINATION BY MR. VANDER ARK: 199 12 RE-EXAMINATION BY MR. VANDER LAAN: 200 13 14 EXHIBITS 15 16 EXHIBIT PAGE 17 (Exhibits not offered.) 18 19 20 21 22 23 24 25</p>

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<p style="text-align: right;">Page 69</p> <p>1 would you have any reason to disagree with that?</p> <p>2 A. I would -- I mean, I'd like to see what I agreed to, I</p> <p>3 guess.</p> <p>4 Q. Your understanding is you may have pled guilty to</p> <p>5 assault?</p> <p>6 A. I understand I may have pled guilty to simple assault.</p> <p>7 Q. Okay. For which incident did you plead guilty to?</p> <p>8 A. I don't understand.</p> <p>9 Q. You pled guilty to assault, so you had to have</p> <p>10 assaulted someone. Who did you assault?</p> <p>11 A. They said that -- I don't understand this. I don't</p> <p>12 know how to answer that.</p> <p>13 Q. Okay.</p> <p>14 A. They told -- the prosecutor told my -- I don't know</p> <p>15 how to answer that.</p> <p>16 Q. All right.</p> <p>17 A. They told -- they told me that I was -- if I recall</p> <p>18 correctly, that I was -- if I pled to simple assault</p> <p>19 not against an officer, that it wouldn't -- it</p> <p>20 wouldn't stay on my record after my probation, and,</p> <p>21 otherwise, they were going to -- they were going to</p> <p>22 take me to trial with not one felony but five</p> <p>23 felonies, so I -- that's exactly what I was told.</p> <p>24 Q. Okay. So you did plead guilty to simple assault,</p> <p>25 which means you had to tell a judge what it is you</p>	<p style="text-align: right;">Page 71</p> <p>1 read in the transcripts.</p> <p>2 A. Then I'd like to see that. I don't recall.</p> <p>3 Q. Well, I wasn't there, but you were. You don't have</p> <p>4 any recollection of that?</p> <p>5 A. I don't recall.</p> <p>6 Q. Okay. Do you -- do you agree that you assaulted an</p> <p>7 officer on July 20, 2009?</p> <p>8 A. Like I say, I don't recall. I don't -- I don't</p> <p>9 recall. I don't know.</p> <p>10 Q. Then why would you plead guilty to it?</p> <p>11 A. Whatever it says I pled guilty to, I mean, whatever</p> <p>12 the paperwork says, I mean, that's what happened.</p> <p>13 Whatever the paperwork says, whatever I pled guilty</p> <p>14 to, I just don't recall what the paperwork said.</p> <p>15 Q. Well, let's go with you pled guilty to a simple</p> <p>16 assault. Do you recall what officer or which officers</p> <p>17 you assaulted on July 20, 2009?</p> <p>18 A. They didn't say. They didn't specify.</p> <p>19 Q. I'm asking you what you say.</p> <p>20 A. I don't -- I don't -- I didn't -- I don't think I</p> <p>21 specified. I don't know of any -- what they explained</p> <p>22 to me was that when -- when they tackled me that --</p> <p>23 like somehow -- I don't know, that -- I don't</p> <p>24 understand this. I don't -- whatever -- if you have</p> <p>25 the paperwork, I mean, I'll --</p>
<p style="text-align: right;">Page 70</p> <p>1 did. So I'm wondering which officer you said you</p> <p>2 assaulted.</p> <p>3 A. They didn't say that.</p> <p>4 Q. Can you tell me today which officer you believe you</p> <p>5 assaulted?</p> <p>6 A. I don't -- I don't know.</p> <p>7 Q. Did you assault an officer?</p> <p>8 A. I don't -- I don't know. I don't -- I mean, I don't</p> <p>9 know where the -- wherever the paperwork is, or</p> <p>10 whatever, I'd like to take a look at it.</p> <p>11 Q. Well, I'm asking you. Do you believe you assaulted an</p> <p>12 officer on July 20, 2009?</p> <p>13 A. I don't -- I don't recall.</p> <p>14 Q. You don't recall?</p> <p>15 A. No.</p> <p>16 Q. Okay. If the records would indicate, as I said -- I</p> <p>17 mean, I could be wrong. And if I'm wrong, I'm sure</p> <p>18 Mr. Vander Ark will correct me. If the record would</p> <p>19 indicate that you were -- in fact, you pled guilty and</p> <p>20 were found guilty by a judge of assault and battery as</p> <p>21 a result of that incident, that doesn't ring a bell</p> <p>22 with you?</p> <p>23 A. I told you they said I was pleading to simple assault</p> <p>24 not against an officer.</p> <p>25 Q. I don't know what they told you, but I know what I</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Well, give me your best --</p> <p>2 A. I'll agree to what I -- to what I pled to.</p> <p>3 Q. Put that aside for a minute. Let's just stick with</p> <p>4 assault. We can agree that you pled guilty to</p> <p>5 assault, correct, simple assault?</p> <p>6 A. I would -- I would say yes.</p> <p>7 Q. Okay. And that assault, was that an incident that</p> <p>8 occurred on July 19, July 20, 2009, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Involving officers from Mason County and from the City</p> <p>11 of Ludington, correct?</p> <p>12 A. That incident involved them, yes.</p> <p>13 Q. Okay. And that's the incident that -- it was from</p> <p>14 that incident that you pled guilty to assault?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. I take it that had you thought you weren't</p> <p>17 guilty, you wouldn't have pled guilty to it?</p> <p>18 A. Could you repeat that again?</p> <p>19 Q. Can I assume that had you thought you were not guilty,</p> <p>20 you would not have pled guilty to assault?</p> <p>21 A. I think you can assume that, yes. I don't know all</p> <p>22 this assume and not assume, I don't know, but I think</p> <p>23 I understand you.</p> <p>24 Q. Okay. I mean, you're of moral character. You</p> <p>25 wouldn't plead guilty to something you didn't do.</p>