

# **EXHIBIT 9**

JONATHAN M. RUSSELL

December 7, 2011

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1	TABLE OF CONTENTS	1	currently employed?
2		2	<b>A. At Memorial Medical Center.</b>
3	WITNESS PAGE	3	Q. How long have you been employed in that capacity?
4	JONATHAN M. RUSSELL	4	<b>A. In the ER for about two years.</b>
5		5	Q. About two years. Do you know off the top of your head
6	EXAMINATION BY MR. KOLKEMA: 6	6	your date of hire?
7	EXAMINATION BY MR. VANDER LAAN: 22	7	<b>A. I think May. May 2009, I think.</b>
8	EXAMINATION BY MR. FAHLSING: 24	8	Q. The records indicate you were there July 20, 2009?
9	RE-EXAMINATION BY MR. KOLKEMA: 37	9	<b>A. Uh-huh.</b>
10	RE-EXAMINATION BY MR. VANDER LAAN: 40	10	Q. So that's a little bit more, I guess.
11	RE-EXAMINATION BY MR. FAHLSING: 41	11	<b>A. Well, I worked in a different department before that,</b>
12		12	<b>during the summer --</b>
13	EXHIBITS	13	Q. Okay.
14		14	<b>A. -- of the following year.</b>
15	EXHIBIT PAGE	15	Q. Okay. Well -- okay. But you were -- in any event,
16	(Exhibit attached to transcript.)	16	you were working in the ER on July 20th?
17		17	<b>A. Yes.</b>
18	DEPOSITION EXHIBIT 1 43	18	Q. What are your duties and responsibilities as a nursing
19		19	assistant?
20		20	<b>A. Take vitals and kind of do some of the things the</b>
21		21	<b>nurses ask me to.</b>
22		22	Q. Such as?
23		23	<b>A. Take urinals away from patients, assist them to</b>
24		24	<b>commodes, clean, and stock.</b>
25		25	Q. Say that again?

  

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1	Ludington, Michigan	1	<b>A. Clean and stock rooms after a patient leaves.</b>
2	Wednesday, December 7, 2011	2	Q. Okay. Do you happen to know an individual by the name
3	11:50 a.m.	3	of Joseph McAdam?
4		4	<b>A. I do now.</b>
5	JONATHAN M. RUSSELL,	5	Q. You do now, okay.
6	was thereupon called as a witness herein, and after	6	<b>A. Yeah. Prior to -- I mean, during this time, no.</b>
7	having first been duly sworn to testify to the truth,	7	Q. What, if anything, have you done to prepare for your
8	the whole truth and nothing but the truth, was	8	deposition today outside of discussions with your
9	examined and testified as follows:	9	attorney?
10	MR. KOLKEMA: Let the record reflect that	10	MR. KILBANE: And review of the record.
11	this is the deposition of Jonathan Russell to be taken	11	MR. KOLKEMA: Yeah.
12	pursuant to notice for all purposes under the Federal	12	BY MR. KOLKEMA:
13	Court Rules.	13	Q. Apparently, you reviewed the record?
14	EXAMINATION	14	<b>A. Yeah, that's it.</b>
15	BY MR. KOLKEMA:	15	Q. Okay. Prior to -- did you have any independent
16	Q. Would you please state your name for the record.	16	recollection prior to reviewing your report or the
17	<b>A. Jonathan Russell.</b>	17	records that you signed?
18	Q. Mr. Russell, have you ever had your deposition taken	18	<b>A. I don't know what you mean.</b>
19	before?	19	Q. You know, that's good. Occasionally, I'll -- quite a
20	<b>A. No.</b>	20	bit, actually, I'll ask a terribly-worded question,
21	Q. And it's Nurse Russell, correct?	21	and just let me know that that's the case, okay?
22	<b>A. No.</b>	22	<b>A. Uh-huh.</b>
23	Q. What's your -- what's that?	23	Q. Do you -- do you have any independent -- do you -- are
24	<b>A. I'm a nursing assistant.</b>	24	you able to say -- outside of reviewing the report, do
25	Q. Nursing assistant, okay. How long -- where are you	25	you have any recollection as to what this incident

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<p style="text-align: right;">Page 9</p> <p>1 Involved?</p> <p>2 <b>A. You mean --</b></p> <p>3 MR. KILBANE: I think what he's asking you</p> <p>4 is, do you remember anything other than what's in the</p> <p>5 medical record? I think.</p> <p>6 MR. KOLKEMA: Sure. Yeah. Much better.</p> <p>7 THE WITNESS: No, not really. No.</p> <p>8 BY MR. KOLKEMA:</p> <p>9 Q. Okay. From the medical records, what's the -- the</p> <p>10 first time that you had any involvement in this</p> <p>11 matter, it's my understanding, is 1:12, is it?</p> <p>12 <b>A. Can you say that one more time? I'm sorry.</b></p> <p>13 Q. The first time you had any involvement, this record</p> <p>14 indicates that it was 1:12, I guess, right there. Do</p> <p>15 you see on page -- you're looking at page 6 -- page 6</p> <p>16 of Deposition Exhibit 1 from Holly Luft's deposition.</p> <p>17 But that reflects 1:12, correct?</p> <p>18 <b>A. Right.</b></p> <p>19 Q. What exactly -- you completed this section, at least</p> <p>20 those -- those parts that are in bold on the --</p> <p>21 <b>A. Yeah.</b></p> <p>22 Q. -- right-hand side?</p> <p>23 <b>A. Yeah. I took a set of vitals on him.</b></p> <p>24 Q. Okay. Do you recall doing anything other than that?</p> <p>25 <b>A. No. I just -- I mean, did a blood pressure and -- or</b></p>	<p style="text-align: right;">Page 11</p> <p>1 Q. What was it?</p> <p>2 <b>A. Well, they -- I think per protocol, they have to bring</b></p> <p>3 <b>a patient in -- or a person in when they Tase them,</b></p> <p>4 <b>just for medical clearance.</b></p> <p>5 Q. Okay. And they, being the police officers?</p> <p>6 <b>A. Yeah.</b></p> <p>7 Q. Did you know -- I think I asked you whether you knew</p> <p>8 Mr. McAdam's before this incident.</p> <p>9 <b>A. Yeah. Yeah, I don't -- I mean, no, I didn't know him.</b></p> <p>10 Q. How about any of the officers that brought him in?</p> <p>11 <b>A. I mean, I don't remember. If I saw their face, I</b></p> <p>12 <b>might recognize them, but I don't --</b></p> <p>13 Q. Are you familiar with Oscar Davila? I guess he's a</p> <p>14 deputy.</p> <p>15 <b>A. Uh-huh. Yeah, I know Oscar.</b></p> <p>16 Q. How do you know him outside of --</p> <p>17 <b>A. Just -- just in the ER I've seen him.</b></p> <p>18 Q. You don't go to the same church or anything of that</p> <p>19 nature?</p> <p>20 <b>A. Huh-uh.</b></p> <p>21 Q. How about Derek Wilson?</p> <p>22 <b>A. Yeah, just through the ER.</b></p> <p>23 Q. How about Dep- -- or former Deputy -- or former Police</p> <p>24 Officer Warmuskerken?</p> <p>25 <b>A. I don't -- I mean, I guess if I saw his face, I would</b></p>
<p style="text-align: right;">Page 10</p> <p>1 <b>an automatic one.</b></p> <p>2 Q. Any idea as to how long that would have taken you to</p> <p>3 do?</p> <p>4 <b>A. Probably less than -- less than a minute, I would</b></p> <p>5 <b>think. I mean, all I do is you hook the cuff up to</b></p> <p>6 <b>him and that's pretty much it.</b></p> <p>7 Q. Okay. Do you recall what his demeanor was?</p> <p>8 <b>A. I just know that he was -- you know, I don't know. I</b></p> <p>9 <b>don't really -- I don't really remember, no.</b></p> <p>10 Q. Okay. Earlier on in that report, there's a reference</p> <p>11 to him being, you know, angry, uncooperative, agitated</p> <p>12 or something like -- something of that nature. I</p> <p>13 think it's on like page 2 or 3 of that Exhibit 1.</p> <p>14 <b>A. Uh-huh.</b></p> <p>15 Q. Do you have any recollection as to whether that was</p> <p>16 the case?</p> <p>17 <b>A. I mean, when he came in, he was pretty -- pretty</b></p> <p>18 <b>aggressive and --</b></p> <p>19 Q. What exactly -- why do you say that? What was he</p> <p>20 doing?</p> <p>21 <b>A. He was just raising his voice, yelling.</b></p> <p>22 Q. What was he yelling?</p> <p>23 <b>A. I don't know. I don't remember.</b></p> <p>24 Q. All right. Do you recall what he was there for?</p> <p>25 <b>A. Yeah, he was -- yeah.</b></p>	<p style="text-align: right;">Page 12</p> <p>1 <b>recognize him, but I don't know him.</b></p> <p>2 Q. Okay. Did you have any occasion to view his wounds, I</p> <p>3 guess?</p> <p>4 <b>A. I don't remember seeing him.</b></p> <p>5 Q. Okay. According to these records, you would have seen</p> <p>6 him after the wound was dressed, I guess. Does that</p> <p>7 ring a bell?</p> <p>8 <b>A. You know, I -- I don't remember. I guess -- no, I</b></p> <p>9 <b>don't remember what time --</b></p> <p>10 Q. Okay.</p> <p>11 <b>A. -- the wound was dressed.</b></p> <p>12 Q. You have a reference on here, under oxygen and</p> <p>13 saturation, to finger probe.</p> <p>14 <b>A. Uh-huh.</b></p> <p>15 Q. What does that relate to?</p> <p>16 <b>A. The amount of oxygen muscles can get. And the finger</b></p> <p>17 <b>probe is the pulse ox that you put on your finger --</b></p> <p>18 Q. Okay.</p> <p>19 <b>A. -- to test that.</b></p> <p>20 Q. Do you have any recollection as to whether Mr. McAdam</p> <p>21 was -- whether a Taser was deployed in the hospital</p> <p>22 itself?</p> <p>23 <b>A. Uh-huh.</b></p> <p>24 Q. What do you recall of that?</p> <p>25 <b>A. I remember that he was sitting on the edge of the bed,</b></p>

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1 at the very end, and then he was Tased.

2 Q. Okay. Anything else?

3 A. No.

4 Q. What was he doing prior to that?

5 A. I don't remember.

6 Q. Do you recall if he had -- if he was complaining about

7 an iPhone?

8 A. I think I recall something about a phone, but I don't

9 remember the reasoning behind anything with it. I

10 think the officers had it, but, you know, I --

11 Q. Okay. How would you describe his behavior?

12 A. I just remember him, you know, like I said, at the

13 beginning kind of being, you know, aggressive and

14 yelling, but --

15 Q. Okay. Who was he yelling at?

16 A. I don't remember. I think he was just -- I don't

17 know.

18 Q. Was he yelling at you?

19 A. No.

20 Q. Was he yelling at the officers?

21 A. I don't know. I don't know who he was yelling at.

22 Q. Okay. Describe the room, if you can.

23 A. Like the layout of the room?

24 Q. Sure.

25 A. There's a cart in there and couple chairs, a monitor

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1 for the bedside, cardiac monitor, blood pressure cuff,

2 pulse ox.

3 Q. Okay. During this application of the Taser, while you

4 were there, was anybody else -- do you recall anybody

5 else being physically present?

6 A. Just the officers. And I -- I thought -- I think I

7 remember seeing someone else in the room, but, you

8 know, I have no idea who would have been in there.

9 Q. This is a room with a curtain, essentially?

10 A. Yeah, a curtain on each side and then a wall on the

11 other.

12 Q. Okay.

13 A. Kind of like a -- yeah. Like here would be the wall

14 and the curtain.

15 Q. What exactly is -- you come in under ED Generic

16 Reassessment. And I know from the -- you know,

17 there's been some testimony about this whole form and

18 the chronology in completing this. It looks like

19 there's, you know, this ED triage assessment and

20 history, general information, and, you know, wound

21 care, and then you come in at this -- is it -- is it

22 safe for me to characterize it in somewhat the latter

23 stages?

24 A. Yeah. Yeah. They -- I mean, the generic

25 reassessment?

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1 Q. Yeah.

2 A. Yeah.

3 Q. And in this particular situation, it -- it looks like

4 this is after his wound has already been -- or, I

5 guess, at least for the original condition in which he

6 presented, has been dressed. Okay. Do you have any

7 indication whether you would have been in contact with

8 him prior to the reported time of 1:12?

9 A. Like as in did I do anything for him?

10 Q. I'm trying to get a sense as to when this -- when this

11 Taser deployment occurred, if it was before or after

12 1:12.

13 A. I mean, I was in the room before -- I think before

14 that. I mean, because I probably would have hooked

15 him up to get a blood pressure right as he got there

16 and then --

17 Q. Okay.

18 A. -- they -- usually the triage nurse types it in.

19 MR. KILBANE: Okay. Yeah.

20 BY MR. KOLKEMA:

21 Q. So you're not able to give me any -- you don't know if

22 the Taser was deployed at the hospital before or after

23 1:12?

24 A. Yeah, I don't. I don't remember.

25 Q. When he first came in, do you know if he was

Page 16

1 handcuffed?

2 A. I think so.

3 Q. I want you to assume that there's been testimony

4 from -- I think that all the officers, as well as the

5 plaintiff, that he was -- he was initially handcuffed

6 one -- one hand. Do you -- and then after the

7 deployment, there was two. He was -- both hands were

8 cuffed to the bed. Any independent recollection of

9 that?

10 A. No.

11 Q. Do you know if he was -- when you were observing him

12 or during the deployment whether he was able to sit up

13 in the bed?

14 A. I think he was sitting on the edge of the bed.

15 Q. He's a big guy, too, right? You don't know that,

16 even?

17 A. Yeah, I don't.

18 Q. Okay. Do we have an idea as to how many times he

19 was -- the Taser was -- I guess he was Tased in drive

20 stun mode?

21 A. Uh-huh.

22 Q. Are you familiar with drive stun mode?

23 A. I mean, I have an idea of what it would be.

24 Q. Okay. What's your idea?

25 A. Well, I mean, you usually have the shooting one, you