

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE SUPERIOR COURT

SEAN J. GANNON, :
PLAINTIFF :
 :
VS. : C.A. NO. 14-5838
 :
ROBERT THURBER, JR., :
ALIAS DEFENDANT, :
DEFENDANT :

Deposition of ROBERT F. THURBER, JR., a
Witness herein, taken on behalf of the Plaintiff,
on TUESDAY, APRIL 28, 2015, at 11:00 A.M., at the
offices of McCorry and Gannon, 727 Central Avenue,
Pawtucket, Rhode Island, before Cindy M. Tangney,
Registered Merit Reporter.

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WILLIAM W. MAHER, III
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(Deposition commenced at 11:20 a.m.)
ROBERT FRANCIS THURBER,
having been duly sworn, under oath, deposes and
testifies as follows:
COURT REPORTER: Please state and spell
your name for the record.
THE WITNESS: Robert Francis Thurber, Jr.,
T-H-U-R-B-E-R.
THE WITNESS: Thank you.
EXAMINATION
BY MR. VOTOLATO:
Q. Captain Thurber, my name is Joel Votolato.
I am the attorney for Sean Gannon in the matter
entitled, "Sean Gannon vs. Robert Thurber, Junior,"
but as we just discussed, that is incorrectly
captioned. The suit you're here on today is
actually in reference to your son, Robert Thurber,
III; is that correct?
A. Yes.
Q. And the case caption in Providence
Superior Court is: PC14-5838. You're here today
pursuant to a subpoena issued compelling your
attendance to give testimony in the lawsuit we just
mentioned because you were identified in Answers to
Interrogatories as someone who may have knowledge or

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had discussions with Robert Thurber, III. I'll get
this straight by the end of the day, I promise.
So I just want to start with some background
questions, and they may seem obvious -- actually,
let me start with some ground rules first. There's
a court reporter here taking everything down. I
would ask that you wait for me to finish the
question, even if you think you know what I'm
asking. It gets very difficult for her to type what
two people are saying at once, and I will try to do
the same. I'll wait for your answer to be completed
before I ask another question.
I understand you are represented here today as
a witness by Mr. Bliss. If at any time you need a
break, you want to talk to your attorney, that's
fine.
I will ask questions. I'll expect answers.
If you answer the question, I will assume that you
understood the question. And you're answering
honestly.
A. Okay.
Q. If you don't know, please tell me you
don't know. Don't guess, because again, if you
answer, I'll assume that you understood it, and
you're answering me truthfully. We just want to get

1 to the bottom of everything as best we can. That
 2 being said, where do you currently work?
 3 A. Pawtucket Fire Department.
 4 Q. And to speed things along, you are a
 5 captain in the fire department?
 6 A. Captain, city fire marshal.
 7 Q. And city fire marshal. When did you first
 8 become employed by the Pawtucket Fire Department?
 9 A. November 17, 1987.
 10 Q. Is there a reason you know the exact date?
 11 A. My dream job. I waited all my life for
 12 it.
 13 Q. It just surprises me. I don't know what
 14 date I started here.
 15 Could you tell me how you, I guess I'll say,
 16 progressed through the ranks? Like, what were your
 17 promotions? When were you promoted to different
 18 ranks? When did you first become captain?
 19 A. Well, I'll start with the beginning. I
 20 become a firefighter on November 17, 1987, and then
 21 I was promoted to rescue lieutenant in 1991 and
 22 served on Rescue 1 for the next ten years. I was
 23 promoted to fire lieutenant in 2001 and served on
 24 Engine Company 2 in the training division. Then I
 25 became a captain in 2010 and served on Engine

1 Company 2 until being asked to be the fire marshal
 2 by the chief of the department. And I believe that
 3 was in 2012 -- no, it was January 13, 2013.
 4 Q. Okay. But you said you began on the
 5 training division back in 2001?
 6 A. That is correct.
 7 Q. And it's predominantly the training
 8 division that we're going to talk about today. Back
 9 in 2001, what did your duties with the training
 10 division entail?
 11 A. I was appointed the fire department
 12 training officer as a firefighter, and that's when I
 13 went to NFPA 1041 fire service instructor school.
 14 Once I made -- I was in that division, the training
 15 division. Once I made lieutenant, I was still
 16 there. I couldn't be in that division anymore; so
 17 they transferred me to -- I think it was Engine 2.
 18 Hi, Jack.
 19 Q. So no -- no firefighter -- I'm sorry -- no
 20 lieutenants could be the training officer?
 21 A. No, there's a lieutenant. There was
 22 already one in there.
 23 Q. Oh, okay. All right. And you weren't
 24 going to replace him?
 25 A. Correct. He didn't want to leave at the

1 time; so I ended up on Engine 2.
 2 Q. Got you. Okay. And back then, 2001, what
 3 did the training officer, what did you do?
 4 A. My duties were I trained the 147
 5 firefighters that are already appointed. I was in
 6 charge of ordering supplies. Different duties
 7 throughout the year that I was there.
 8 Q. Okay.
 9 A. Safety. I was a certified safety officer,
 10 and I responded to all emergencies and acted as the
 11 safety officer for command.
 12 Q. Okay. Were you -- and I apologize if I
 13 don't know the terminology.
 14 A. Yup.
 15 Q. During that time you weren't assigned to a
 16 truck, you weren't going on calls regularly?
 17 A. No, that's correct. I was assigned to the
 18 division of training.
 19 Q. Okay. I believe you said it was 2010 you
 20 became head of the training division?
 21 A. I'll tell you in a minute.
 22 Q. Is that what you said?
 23 A. To lieutenant, yes. 12/5/01 I was
 24 assigned to the -- as a lieutenant in training. I
 25 forgot about that. Right there. So I was a

1 lieutenant in training, but it was only for, like, a
 2 month and then I went --
 3 Q. What is this that we're looking at?
 4 A. This is my file from the fire department.
 5 Q. Oh, okay. And that shows your date of
 6 hire and promotions?
 7 A. Yes, correct.
 8 Q. Okay. So previously to, and I don't know
 9 what number the class was, but previously to the
 10 class that Sean Gannon was a member of, how many
 11 fire academies were you a part of or in charge of?
 12 A. Okay. I'm not 100 percent certain, but I
 13 believe Sean was the eighth. So I would say I was
 14 in charge of seven prior to Sean's arrival.
 15 Q. So he was, you believe, the eighth class?
 16 A. Right. Now, I was not training officer at
 17 that time. I was instructor coordinator for the
 18 State of Rhode Island. And according to their
 19 rules, you have to have an instructor coordinator;
 20 so they put me in charge of the classes.
 21 Q. Okay. Prior to Sean's class?
 22 A. Right.
 23 Q. What were you for those classes?
 24 A. I was a lieutenant for some of them, a
 25 captain for some of them.

- 1 **Q. Okay. As a training officer?**
 2 A. They usually run them every two years, an
 3 academy.
 4 **Q. During your time with the Pawtucket Fire**
 5 **Department, have you ever been disciplined or**
 6 **reprimanded for any reason?**
 7 A. Not to my knowledge. I was on rescue for
 8 ten years; so I'm sure somebody complained, but I
 9 don't remember.
 10 **Q. My attitude is, if it doesn't get written**
 11 **up, it didn't stick.**
 12 **So to the best of your knowledge, there's**
 13 **never been a formal department reprimand or**
 14 **discipline against you?**
 15 A. No, there has not.
 16 **Q. You've never been suspended?**
 17 A. No.
 18 **Q. You've never been -- I guess that would**
 19 **really be it. Okay.**
 20 **Through the years as a firefighter, have you**
 21 **achieved or earned any special licenses,**
 22 **certifications, anything like that?**
 23 A. Yes.
 24 **Q. Could you list them for me?**
 25 A. Sure.

- 1 **Q. To the best of your knowledge.**
 2 A. I'm a certified Firefighter 1 and 2, which
 3 is the NFPA 1001. And I became an instructor, fire
 4 service instructor, which is NFPA 1041. I'm 1403
 5 for live burn. I can instruct live burns.
 6 **Q. What was that number again?**
 7 A. NFPA 1403. 1041 -- 1021, I'm a certified
 8 fire officer. These are all NFPA.
 9 **Q. Yup.**
 10 A. 1521, which is a certified safety officer.
 11 1031, fire marshal and fire investigator. I guess
 12 that's about it.
 13 **Q. Okay.**
 14 A. I was also a safety officer for the State
 15 USAR team, and I was deployed three times to
 16 Hurricanes Katrina, Charley, and Ivan. And I was
 17 also tasked with deployment to New York City during
 18 9/11, and I took 17 firefighters to Ground Zero.
 19 **Q. I want to get just some information in**
 20 **general about this particular academy that we're**
 21 **talking about.**
 22 A. Sean's academy?
 23 **Q. Sean's academy.**
 24 A. Yup.
 25 **Q. Was there a designation, like a class**

- 1 **designation?**
 2 A. Like a number?
 3 **Q. Yeah.**
 4 A. No, we don't do that.
 5 **Q. Okay.**
 6 A. It'd be the class of 20 -- whatever year
 7 it was.
 8 **Q. Okay. Just the year?**
 9 A. Yes.
 10 **Q. Was that the largest recruit class that**
 11 **you had ever been a part of?**
 12 A. No. I believe I had one of equal -- I
 13 think I had one -- and I don't remember -- with 25
 14 in it. Sean's class had 21.
 15 **Q. The class of 25, do you recall ballpark**
 16 **when that may have been, a year?**
 17 **ROBERT THURBER, III: It was mine.**
 18 **THE WITNESS: It was your class? So what**
 19 **year was that?**
 20 **MR. VOTOLATO: I'm sorry. You'll get your**
 21 **chance, Rob, I swear. I just need your dad to**
 22 **answer.**
 23 **ROBERT THURBER, III: I'm sorry.**
 24 **MR. VOTOLATO: I appreciate you trying to**
 25 **help out, but I just need your dad to answer for**

- 1 today.
 2 A. I don't.
 3 **Q. Okay. Now, that 25-person class, were you**
 4 **in charge of that class as well?**
 5 A. Yes. All the ones that I'm speaking of
 6 I've been the lead instructor or the instructor
 7 coordinator.
 8 **Q. Okay. So the academies consist of an**
 9 **academic portion; is that right?**
 10 A. Yes.
 11 **Q. And a practical portion?**
 12 A. Correct.
 13 **Q. Are they weighed equally, or is the**
 14 **academics more important than the practicals or the**
 15 **practicals more important than the academics?**
 16 A. I don't know how the State weighs it out;
 17 so I couldn't answer that question. But I believe
 18 the practical portion of it is pass/fail; it's a "P"
 19 or an "F." There's five quizzes given and two final
 20 exams. That's -- let me rephrase that. Five
 21 quizzes and one final exam for Level 1, and then one
 22 final exam for Level 2, no quizzes, and they have to
 23 pass a Hazmat portion, which, again, is one final
 24 test and one small practical for hazardous
 25 materials.

1 **Q.** Okay. I'm going to show you -- because
 2 we're going to be referring to this particular
 3 document quite a bit today.
 4 **MR. VOTOLATO:** And, Tim, just so you know,
 5 I'm using the redacted version of this.
 6 **MR. BLISS:** Thank you.
 7 **MR. VOTOLATO:** I only have three copies.
 8 You have this though, right?
 9 **MR. BLISS:** Yes. Can I just see what
 10 you're going to show him?
 11 **MR. VOTOLATO:** Yes. I'll have a copy.
 12 Bill, this is just what I'm going to show him in
 13 just a second.
 14 **MR. BLISS:** Bill and I can share?
 15 **MR. VOTOLATO:** Yeah. I'm going to mark
 16 this one as Exhibit 1.
 17 (Whereupon, Plaintiff's Exhibit No. 1 was
 18 marked for identification.)
 19 **Q.** Captain, would you look at that for me.
 20 Have you ever seen -- I understand this document is
 21 redacted, but have you ever seen this document
 22 before?
 23 **A.** Yes, I made this document.
 24 **Q.** You created this?
 25 **A.** Yes, that is correct.

1 **Q.** And as I said, we're going to refer to
 2 this on and off, but -- and again, you're familiar
 3 with it if you created it, but I believe along the
 4 top is Quiz 1, Quiz 2, Quiz 3, Quiz 4, and Quiz 5;
 5 are those the quizzes that you referred to?
 6 **A.** That is correct.
 7 **Q.** The final one, you said that was for Level
 8 1?
 9 **A.** That's correct.
 10 **Q.** Is that the Firefighter 1 certification?
 11 **A.** Yes. That would be the final exam for
 12 Firefighter 1, yes.
 13 **Q.** Okay. All right. I want to be clear on
 14 that. And the final two would be for Firefighter 2
 15 certification?
 16 **A.** That is correct, Level 2.
 17 **Q.** Now, are both those Firefighter Level 1
 18 and 2, are they both contained under -- I think you
 19 said it was 1001 NFPA?
 20 **A.** 1041 -- oh, no, it's 1001. 1001 is the
 21 course, and I believe Sean's book was the fifth
 22 edition.
 23 **Q.** Okay. But what I'm asking is, Firefighter
 24 1 and Firefighter 2 are both under 1001?
 25 **A.** Correct. And it's split by Level 1 and

1 Level 2.
 2 **Q.** Okay. I didn't know if Level 2 had 1002?
 3 **A.** No. 1002 would be a driver's course.
 4 **Q.** Okay. So if you look at the first five
 5 columns there after the name, and again, only Sean
 6 is identified here. His academic grades, I'm going
 7 across are: 90, 85, 75, 80, and 95; is that
 8 accurate?
 9 **A.** Yes.
 10 **Q.** I see where he finished here in class
 11 ranking, but how did you feel he did on the academic
 12 portion of his academy?
 13 **A.** Pretty good.
 14 **Q.** And then on the final one, which again is
 15 an academic exam, he scored an 80?
 16 **A.** Mm-hmm.
 17 **Q.** That's correct?
 18 **A.** Yes.
 19 **Q.** Okay. I'm sorry. One of the other rules
 20 I forgot to mention is that you need a "yes" or a
 21 "no."
 22 **A.** Okay.
 23 **Q.** "Mm-hmm" doesn't translate well --
 24 **A.** Doesn't cut it.
 25 **Q.** -- as a typed word.

1 So, again, just to finish up the academic, he
 2 finished with, it says, with a test average of
 3 84.39?
 4 **A.** That is correct.
 5 **Q.** Would that be considered a passing grade
 6 for the academic portion?
 7 **A.** Yes, it would be.
 8 **Q.** What would be considered a failing grade
 9 for the academic portion?
 10 **A.** Well, back in some of my classes it was a
 11 60, and then it was moved to a 70, and I believe the
 12 current director of the Rhode Island Fire Academy is
 13 still using a 70.
 14 **Q.** Okay. What's the notebook, can you
 15 explain to me what the notebook is?
 16 **A.** The Rhode Island Fire Academy makes our
 17 students keep a notebook, and they have to be
 18 graded, which I graded them every couple of weeks; I
 19 went through them. And they could get a total of
 20 five extra points if they had good notebooks.
 21 **Q.** Okay. And for Sean -- it looks like
 22 everyone in the class received a five on the
 23 notebook?
 24 **A.** Correct.
 25 **Q.** As far as the academic grades, do you

1 recall who graded each individual quiz?
 2 A. I did.
 3 Q. Okay.
 4 A. Personally.
 5 Q. And were those quizzes true/false, were
 6 they multiple choice?
 7 A. Both.
 8 Q. Okay. Was there ever a written portion or
 9 an essay portion?
 10 A. No.
 11 Q. Okay. So it was very objective; you knew
 12 if the answer was right or wrong?
 13 A. Correct. The final exams I'm not allowed
 14 to correct. They're computerized, and they go to
 15 the State. The secretary does them. Then she
 16 issues the grades to me. So that would be the final
 17 one and two.
 18 Q. When you say the secretary --
 19 A. Of the State Fire Academy. Her name is
 20 Tina.
 21 Q. I don't think there was ever much of a
 22 question about Sean's academics. Also, on this list
 23 after notebook there's "PFD practical," it looks
 24 like 05 or O5; do you see that, right before the
 25 very, very dark column?

1 A. I do.
 2 Q. I'm assuming "PFD" is Pawtucket Fire
 3 Department?
 4 A. Correct.
 5 Q. What did the Pawtucket Fire Department
 6 practicals, what do they consist of?
 7 A. I believe we had five stations. One was
 8 water supply, one was roof ladders, one was
 9 ventilation, search and rescue, and I'm not positive
 10 on this, but I think ropes and knots.
 11 Q. And how were those graded, pass/fail?
 12 A. No, I did it by a number. I did it one to
 13 five.
 14 Q. Okay.
 15 A. This was purely Pawtucket's way of doing
 16 it. It's not dictated by the State.
 17 Q. Now, is that one to five for each
 18 individual station?
 19 A. No. No. On all of them.
 20 Q. So if you passed that station, you got
 21 credit for that station?
 22 A. A point, yeah.
 23 Q. Okay. And it looks -- according to this,
 24 Sean got two?
 25 A. Right.

1 Q. So does that mean he did not pass three of
 2 the stations?
 3 A. I would say that, yes. I don't remember,
 4 but yes.
 5 Q. Okay. Well, my next question is: Do you
 6 remember which three stations he failed?
 7 A. I can tell you the roof ventilation was an
 8 abortion.
 9 Q. Why was that?
 10 A. He was unable to start the saw. We have a
 11 prop. He has to go up -- he has to put a ground
 12 ladder up, climb up the ground ladder, get onto a
 13 low pitched roof, and make a cut in the roof. He
 14 didn't know how to start the saw. And this is at
 15 the end of the academy. He did not know how to
 16 start the saw. We had to instruct him on it. When
 17 he got up there, he almost cut his foot off. Then
 18 he didn't know the tool that he needed to break down
 19 the ceiling, and he called it the Hokey Pokey. The
 20 Hokey Pokey thing was the quote, unquote. So he
 21 failed that station completely. The other ones I
 22 can't recall. I think it was one of the ladder
 23 stations. He put the ladder upside down.
 24 Q. Were you present during the roof ladder
 25 test?

1 A. Yes. Yes, I was present for all of them.
 2 Q. You were present for all of them?
 3 A. Yeah. The State only allows two people to
 4 watch over these. So I was doing, like, three of
 5 the -- I did ropes and knots, the roof station, and
 6 the ladder station; and the Captain -- Retired
 7 Captain Joe Cordeiro was handling the other two
 8 stations, which was water supply and search and
 9 rescue, I believe.
 10 Q. I'm sorry, Joe Cordeiro?
 11 A. Cordeiro.
 12 Q. And he's retired?
 13 A. He is.
 14 Q. Retired from Pawtucket or retired from the
 15 State?
 16 A. Retired from Pawtucket. He's still an
 17 instructor with the State.
 18 Q. Now, if he's retired from the City of
 19 Pawtucket, in what capacity was he there?
 20 A. He was a captain on the Pawtucket Fire
 21 Department serving on Engine Company 2.
 22 Q. No, for the practical exams.
 23 A. I needed some help because it was a big
 24 class. So the State only allows so many people to
 25 do these practical things. So he came back, and the

1 City of Pawtucket has no money; so Joe came back pro
2 bono, and he did not charge the City.

3 **Q. But I think you said you were at some of**
4 **the practicals and Mr. Cordeiro --**

5 A. Yeah. I was on three of them; he was at
6 two of them.

7 **Q. Okay. I'm going to ask you, again, let me**
8 **finish, just so it's easier for Cindy.**

9 **So you did roof ladder and ventilation, and he**
10 **did water supply, search and rescue, and the ropes**
11 **and knots?**

12 A. No. I did ropes and knots. He did water
13 supply and search and rescue.

14 **Q. And was Captain Cordeiro, was he in charge**
15 **of grading those?**

16 A. Yeah. He would have to tell me at the end
17 what the grades were.

18 **Q. Okay. Now, you said the State allows two**
19 **people at each practical. Was someone with you at**
20 **your practicals?**

21 A. No. They allow -- they allow state fire
22 service instructor coordinators to do a practical
23 station. So there were so many candidates, that I
24 needed help; so I asked Joe to help me. I got it
25 approved by the academy. And he did it pro bono; he

1 A. I'm not confident.

2 **Q. Okay. So I think you testified that Sean**
3 **failed the ventilation, failed the roof ladder.**
4 **What was the other one he failed?**

5 A. Roof vent, ladders -- I don't recall.

6 **Q. Okay. Does the City have a requirement**
7 **that a cadet or a recruit -- again, I don't know the**
8 **right terminology. I'll call him a recruit -- does**
9 **the City have a requirement that a recruit pass a**
10 **certain number of the practicals that are offered?**

11 A. The City does not.

12 **Q. Okay. Now, I've asked this question of a**
13 **few different people, and I'm still unclear with the**
14 **answer. The state practicals --**

15 A. Yup.

16 **Q. -- are those completely separate from the**
17 **Pawtucket practicals --**

18 A. Yes.

19 **Q. -- or are they sort of done at the same**
20 **time?**

21 A. No, separate.

22 **Q. Okay. Who was in charge of giving the**
23 **state practicals?**

24 A. Myself and Captain -- Retired Captain
25 Cordeiro.

1 didn't charge any money for it. So he was the
2 second guy. Not two at each station.

3 **Q. Okay. So I guess my question is: Was**
4 **there anyone with you at those three stations?**

5 A. The instructor doing the -- in charge of
6 that event, if you will.

7 **Q. Okay. Do you recall who the instructor**
8 **was for the roof ladder?**

9 A. Yes. It was the guy sitting next to you;
10 Lieutenant Will Maher was in charge of the roof
11 vent.

12 **Q. Of the roof vent. What about the ladder?**

13 A. Lieutenant Kenny Moreau.

14 **Q. And what about ropes and knots?**

15 A. I did them, because it was a quick one.

16 **Q. You were there alone?**

17 A. Yeah.

18 **Q. Do you recall who was with Captain**
19 **Cordeiro at water supply?**

20 A. I don't.

21 **Q. Okay. How about the search and rescue?**

22 A. Not sure. I have an idea, if you want me
23 to say it.

24 **Q. Only if you're confident in your answer.**
25 **If you're not, "I don't know" is fine.**

1 **Q. And were they similar to the state, you**
2 **had so many stations?**

3 A. Yup.

4 **Q. How many stations do you use?**

5 A. We use the same station.

6 **Q. So essentially the recruits were tested on**
7 **the same thing twice?**

8 A. Right. Our thing was a little practical
9 for them before they took the state practical.
10 That's all it was.

11 **Q. Okay. Were they all done on the same day?**

12 A. No. I'm not sure of the dates.

13 **Q. Okay. So essentially they went through**
14 **them?**

15 A. Right. Ours was like a little preview.

16 **Q. Okay. And for the state practical on the**
17 **spreadsheet that we've marked as Exhibit 1, for Sean**
18 **there's an "F"?**

19 A. Yes.

20 **Q. Can you tell me how the State grades the**
21 **practical examinations?**

22 A. Pass/fail, "P," "F."

23 **Q. Okay. Does a recruit have to pass a**
24 **certain -- strike that.**

25 A. Yes.

1 Q. There were five stations for the state
 2 practical?
 3 A. Yes.
 4 Q. Did the recruit have to pass a certain
 5 number to pass in total?
 6 A. All of them.
 7 Q. Had to pass five out of five?
 8 A. Mm-hmm.
 9 Q. Okay. Do you recall how many of the
 10 practical stations Sean did not pass?
 11 A. Again, he had trouble with the roof vent
 12 and the ladder, and I'm not sure of the third one.
 13 Q. Now, when I asked you a minute ago if they
 14 were done on the same days, was the roof vent
 15 exercise, was that done state and city on the same
 16 day?
 17 A. No.
 18 Q. Okay. Can you tell me what the
 19 requirements are for the State -- no, strike that.
 20 Can you tell me what the requirements are for
 21 the City to complete the fire academy and be hired
 22 as a full-time firefighter?
 23 A. Other than passing the academy, I wouldn't
 24 know the requirements.
 25 Q. When you say "passing the academy," would

1 that include the state portion or not?
 2 A. Yes. We follow the state guidelines --
 3 well, actually, they're federal guidelines that the
 4 State adopted.
 5 Q. Okay. So this spreadsheet that you
 6 created, what was the purpose of -- why did you
 7 create this particular document?
 8 A. To keep track of their grades.
 9 Q. Okay. And was this created all at once,
 10 or did you fill in grades as they became --
 11 A. No. I filled in grades as they did them.
 12 Q. Okay. So it was a work in progress
 13 throughout the academy?
 14 A. Correct.
 15 Q. Okay. And is this a requirement for the
 16 City that you create this document?
 17 A. No.
 18 Q. Okay. Is it a requirement of the State
 19 that you create this document?
 20 A. No, but they don't give me one, so I
 21 created my own.
 22 Q. Okay. Have you used this spreadsheet or
 23 at least this format in previous classes that you've
 24 been in charge of?
 25 A. Not all eight, but yes, in several of

1 them. I'll say four.
 2 Q. Okay. What did you do to keep track of
 3 grades in the other four?
 4 A. Notebook and pen.
 5 Q. Okay. What is required of you as the City
 6 training instructor -- is that what your title was?
 7 A. Instructor coordinator.
 8 Q. Instructor coordinator. What is required
 9 of you as far as communicating the grades to the
 10 State?
 11 A. What I did was put together a package
 12 which consisted of all five quizzes, the two final
 13 exams, this spreadsheet that I created, attendance
 14 sheets, and that package was turned over to the
 15 State of Rhode Island. Physically I gave them to
 16 Tina Ahlborg.
 17 Q. And it's the State that determines if a
 18 recruit will receive their Firefighter 1 and 2
 19 certificates?
 20 A. Correct.
 21 Q. And the Hazmat as well?
 22 A. Correct.
 23 Q. Okay. What was entailed at the Hazmat;
 24 was there an academic portion of that?
 25 A. Oh, yeah, a lot.

1 Q. Was there testing involved in the academic
 2 portion?
 3 A. One test. Yeah, one written test, one
 4 practical test.
 5 Q. Okay.
 6 A. That's administered by Battalion Chief
 7 John McLaughlin. He's in charge of the Hazmat
 8 portion.
 9 Q. Okay. Is the Hazmat grade, academic
 10 grade, reflected in this spreadsheet?
 11 A. No, it is not.
 12 Q. Okay. Is there a reason why?
 13 A. Because I have nothing to do with the
 14 Hazmat portion of it. It's separate. It's required
 15 to have the Hazmat certificate before you can get
 16 your Levels 1 and 2, Firefighter Level 1 and 2.
 17 Q. Okay. So that has to precede?
 18 A. That's correct. You have to pass that
 19 before you can take that final two. And Chief
 20 McLaughlin would have handled those grades, and
 21 again, turned them into Tina Ahlborg, the secretary
 22 of the academy.
 23 Q. Just so I'm straight, the order goes
 24 Firefighter 1, Hazmat, Firefighter 2?
 25 A. That is correct.

1 Q. Do you have any knowledge as to whether or
2 not Sean Gannon passed the Hazmat portion?

3 A. Yes.

4 Q. Did he pass the Hazmat portion?

5 A. Yes.

6 Q. Let me ask you this question: Would the
7 State have issued -- strike that.

8 Do you have any knowledge of whether or not
9 Sean Gannon received his Firefighter 1 and
10 Firefighter 2 certificates?

11 A. Yes, he did.

12 Q. Does the State practical examinations have
13 any bearing on whether someone receives their
14 Firefighter 1 or 2 certificate?

15 A. Repeat the question.

16 Q. Does the State practical, the section here
17 that we're looking at here with the "F," does that
18 have any bearing on whether or not someone can
19 receive their Firefighter 1 and 2, or is it simply
20 the final exams?

21 A. No, it's all of it.

22 Q. Okay. So if someone had failed the State
23 practical, they would not have received their
24 Firefighter 1 and 2?

25 A. No, they would not have.

1 A. Yes.

2 Q. Okay. When you created this
3 spreadsheet -- I'm trying to tiptoe -- is the
4 spreadsheet we see here as Exhibit 1, is this the
5 original form of the document you created?

6 MR. BLISS: Objection. I'm going to
7 advise my client not to answer this question.

8 Q. I'm sorry, Captain, if you're not going to
9 answer, I need you to put that on the record.

10 A. On counsel's advice, I invoke my right
11 under the Fifth Amendment not to answer, on the
12 grounds I may incriminate myself.

13 Q. Where did you create this document?

14 A. On a computer at fire headquarters.

15 Q. Okay. Is that in city hall or is that
16 elsewhere?

17 A. Well, it's next door to city hall; the
18 fire station.

19 Q. Where was it saved; was it saved to your
20 computer locally or to a server?

21 A. No, mine. Well, that's a good question.
22 I don't know.

23 Q. Okay. Would any other members of the fire
24 department, from the chief right on down to any
25 firefighter, would they have access to this document

1 Q. Okay. And I understand we're getting
2 into -- look at your attorney if you need to look at
3 him. I understand.

4 Is this the document -- again, assuming
5 all the names are filled out, is this the document
6 that was sent to the State?

7 MR. BLISS: Now I'm going to object, and
8 I'm going to advise my client not to answer. He can
9 give the answer, but I'm going to advise my client
10 not to answer that question. If you want him to
11 assert the privilege on the record, I can have him
12 do that.

13 MR. VOTOLATO: Yeah, I'm asking the
14 question.

15 MR. BLISS: Sure. Sure. All right. If
16 you just read that.

17 A. On counsel's advice, I invoke my right
18 under the Fifth Amendment not to answer, on the
19 grounds I may incriminate myself.

20 Q. Okay. So it's your testimony here today,
21 that Sean Gannon failed the State practicals; is
22 that correct?

23 A. Yes.

24 Q. But you also testified that Sean Gannon
25 received his Firefighter 1 and 2?

1 in any fire department computer?

2 A. Not to my knowledge.

3 Q. Okay. Did you share this document -- and
4 again, I'm specifically referring to this document
5 with the "F" in the State practical section -- did
6 you share this document with anybody within the City
7 of Pawtucket?

8 A. No, or not to my knowledge.

9 MR. VOTOLATO: Okay. This will be 2.
10 (Whereupon, Plaintiff's Exhibit No. 2 was
11 marked for identification.)

12 Q. Captain, would you look at that letter.
13 Have you ever seen this letter before?

14 A. (Witness perusing document.) What was the
15 question?

16 Q. Have you ever seen this before?

17 A. No, I have not.

18 Q. Okay.

19 A. I knew of it. I did not ever see it.

20 Q. How did you know of it?

21 A. Through Lieutenant Moreau telling me that
22 he wrote a letter.

23 Q. Okay.

24 MR. BLISS: Joel, can I just interrupt?
25 Are you identifying these are exhibits?

1 MR. VOTOLATO: Yeah.
 2 MR. BLISS: Okay. You called it Exhibit
 3 2; is that what we're on?
 4 MR. VOTOLATO: Yeah.
 5 MR. BLISS: I'm sorry. I just wanted to
 6 make sure. I missed that part. I wanted to confirm
 7 that it was.
 8 MR. VOTOLATO: Well, pay attention.
 9 MR. BLISS: I'm doing my best.
 10 **Q. I'm sorry. So Lieutenant Moreau told you**
 11 **that he was writing it?**
 12 A. Correct.
 13 **Q. Did you ever have any conversations with**
 14 **then Firefighter Johnson about it?**
 15 A. No.
 16 **Q. Okay. And what was the -- what was the**
 17 **extent of your conversation with Lieutenant Moreau**
 18 **about this letter?**
 19 A. I don't recall.
 20 **Q. Okay. Prior to July 9, 2013, which is the**
 21 **date of this letter, did you ever have any**
 22 **communications with Lieutenant Moreau about whether**
 23 **or not Sean Gannon had passed and/or failed -- I**
 24 **guess not "and/or" -- or failed any portion of his**
 25 **academy training?**

1 A. Yes.
 2 **Q. Could you tell me about that; when did you**
 3 **have that conversation?**
 4 MR. BLISS: Objection. I'm just going
 5 to -- I don't know where we're going with this. Can
 6 I just find out what the answer to this question is
 7 from my client; because otherwise, I'm going to have
 8 to advise him not to answer it, because I don't know
 9 what the answer is to this question?
 10 MR. VOTOLATO: He's a witness here.
 11 You're not a party. I'm giving you a lot of leeway
 12 objecting to stuff but --
 13 MR. BLISS: I don't think you're actually
 14 giving me --
 15 MR. VOTOLATO: I don't think it's a
 16 question that's going to incriminate him in any way.
 17 I'm asking him about a conversation he may have had.
 18 MR. BLISS: I don't know the answer. It
 19 could incriminate him based on what his answer is.
 20 Again, I think all of this is craziness about the
 21 criminal charges, but you're the one who's bringing
 22 up the possibility of criminal charges; so I have to
 23 find out what he's going to say. I could have had
 24 him not answer any of these questions.
 25 MR. VOTOLATO: You're on the record. Do

1 you want to go off the record for this, because
 2 you're the one who is putting this on the record?
 3 MR. BLISS: I'm happy to do this on the
 4 record or off the record.
 5 MR. VOTOLATO: Okay. That's fine.
 6 MR. BLISS: But can I -- I could --
 7 MR. VOTOLATO: Are you asking to take a
 8 break right now?
 9 MR. BLISS: Yes.
 10 MR. VOTOLATO: Okay. As I said, you can
 11 take a break any time. Why don't we go off the
 12 record.
 13 (Break taken)
 14 (Whereupon, the question was read back.)
 15 A. Okay. I do not know when I had that
 16 conversation, but I've had multiple conversations
 17 with Lieutenant Moreau, in his capacity as the
 18 director of training for the Pawtucket Fire
 19 Department. And in my capacity as the instructor
 20 coordinator for the academy, Sean struggled through
 21 the practicals for nine weeks going through multiple
 22 tutorings, doing one-on-ones with him.
 23 So Lieutenant Moreau and myself were very
 24 aware that Sean was struggling through this, and we
 25 offered multiple things for him to try to correct

1 some of his practical stuff that he was having
 2 difficulties with, such as taking an air pack home
 3 and practicing with it; such as taking his turnout
 4 gear and learning how to put it on properly in a
 5 timely fashion. Multiple things. And Sean refused
 6 at all to take it home because he told -- his direct
 7 saying to us was: "This eight-hour academy has me
 8 on edge, and I'm not going to be able to go home and
 9 continue to do it. I'll have to figure out how to
 10 do it in classes." So that's what he did.
 11 **Q. Does Lieutenant or did Lieutenant Moreau**
 12 **have any responsibility in grading?**
 13 A. No, he did not.
 14 **Q. Okay. I'm sorry, did Lieutenant Moreau**
 15 **tell you before he wrote this letter that he was**
 16 **going to do it, or did he let you know after the**
 17 **fact that he had written it?**
 18 A. After the fact.
 19 MR. VOTOLATO: Okay. And this will be
 20 Exhibit 3.
 21 (Whereupon, Plaintiff's Exhibit No. 3 was
 22 marked for identification.)
 23 **Q. Captain, would you take a look at that.**
 24 **Have you ever seen this e-mail before?**
 25 A. I have not seen this. Again, I knew of

1 it.
 2 **Q. And how did you know of this e-mail?**
 3 A. Chief McLaughlin told me about it.
 4 **Q. Okay. Now, would Chief McLaughlin have**
 5 **access to any of the grading from the fire academy?**
 6 A. No.
 7 **Q. Did you ever share Exhibit 1, the**
 8 **spreadsheet, did you ever share that with Chief**
 9 **McLaughlin?**
 10 A. No.
 11 **Q. Did you ever have a conversation prior to,**
 12 **and I believe the date of this is 7/14/13, it's the**
 13 **printed date, but I'm sure it's not January 1, 0001.**
 14 **I'm sure that's not the send date. Prior to July of**
 15 **2013, did you ever have a conversation with Chief**
 16 **McLaughlin about whether or not Sean Gannon passed**
 17 **or failed the academy?**
 18 A. Not to my knowledge.
 19 **Q. Okay.**
 20 MR. MACCARONE: I just have one quick
 21 question. My client's not in this. I'm trying to
 22 go through the names. Because of III -- III is not
 23 included in this e-mail, correct?
 24 MR. VOTOLATO: No.
 25 THE WITNESS: I'm not even included.

1 MR. MACCARONE: That's what I'm looking
 2 at.
 3 MR. VOTOLATO: Again, it was in his
 4 personnel file. I just want to know who seen what.
 5 MR. MACCARONE: I just saw McLaughlin,
 6 III, and this is the world of IIIs and juniors.
 7 MR. BLISS: It's Pawtucket.
 8 MR. VOTOLATO: This will be 4, Exhibit 4.
 9 (Whereupon, Plaintiff's Exhibit No. 4 was
 10 marked for identification.)
 11 **Q. Captain, would you look at that letter**
 12 **that's been marked as Exhibit 4. Have you seen this**
 13 **letter before?**
 14 A. Yes.
 15 **Q. Okay. Is that your -- it's not signed,**
 16 **but is that your name at the bottom of the letter?**
 17 A. It is.
 18 **Q. Okay. Do you recall if you ever signed a**
 19 **copy of this letter?**
 20 A. I did.
 21 **Q. Okay. And who did you send the signed**
 22 **copy to?**
 23 A. Chief William Sisson, chief of the
 24 Pawtucket Fire Department.
 25 **Q. Okay. Did you ever share an unsigned**

1 version with anybody else in the Pawtucket Fire
 2 Department?
 3 A. Not to my knowledge.
 4 **Q. Did you ever share an unsigned version**
 5 **with anybody in the City of Pawtucket?**
 6 A. Not to my knowledge.
 7 **Q. Okay. I'm just trying to get to why I**
 8 **have an unsigned version. That's all.**
 9 **This letter is dated June 11, 2013; is that**
 10 **correct?**
 11 A. Correct.
 12 **Q. So this letter would have been written**
 13 **during the training academy that Sean Gannon was a**
 14 **part of?**
 15 A. That is correct.
 16 **Q. Now, if you look at the first sentence of**
 17 **the second paragraph, you write, and correct me if**
 18 **I'm wrong, "Recruit Gannon does not meet the minimum**
 19 **criteria for becoming a firefighter with the City of**
 20 **Pawtucket"; is that accurate?**
 21 A. Yes.
 22 **Q. The last paragraph, I'll read it aloud**
 23 **again, tell me if I'm reading it incorrectly:**
 24 **"Recruit Gannon has done well academically and**
 25 **continues to improve in this area, but his lack of**

1 physical ability is forcing me to act on requesting
 2 that he be removed from the fire academy"; is that
 3 accurate?
 4 A. That is accurate.
 5 **Q. Subsequent to this letter, did you have**
 6 **any conversations with Chief Sisson about whether or**
 7 **not Sean should be removed from the academy or not?**
 8 A. I do not believe so.
 9 **Q. Okay. And you don't believe that Chief**
 10 **Sisson ever -- strike that.**
 11 **Did Chief Sisson ever follow up with you about**
 12 **this letter?**
 13 A. Yes.
 14 **Q. So did you have a conversation after this**
 15 **letter?**
 16 A. Not before, after.
 17 **Q. I said -- yeah, after this letter; that's**
 18 **what I was asking.**
 19 A. Okay. I'm sorry.
 20 **Q. So after you sent this letter to him, did**
 21 **you approach Chief Sisson, or did he approach you?**
 22 A. I handed him, so I approached him and gave
 23 him the letter.
 24 **Q. Okay. So you didn't mail this; you just**
 25 **handed it to him?**

1 A. Right.
 2 **Q. Okay. Did you have a conversation about**
 3 **it right then and there?**
 4 A. Yes, we did.
 5 **Q. Okay. And what did Chief Sisson, if**
 6 **anything, tell you about what he planned to do with**
 7 **Sean Gannon?**
 8 A. The only thing I recall is that he said he
 9 would bring it to the attention of the director of
 10 public safety.
 11 **Q. Okay.**
 12 A. And from there, I don't know what
 13 happened. That was all verbal.
 14 **Q. Okay. Let me back up for a second. As**
 15 **the instructor coordinator for the City of Pawtucket**
 16 **Fire Department, do you have the authority to remove**
 17 **someone from the fire academy?**
 18 A. No, I do not.
 19 **Q. If you know, who has that authority?**
 20 A. The director of public safety.
 21 **Q. Would the chief of the fire department**
 22 **have the ability to remove somebody from an academy?**
 23 A. I do not believe he does.
 24 **Q. Okay. What, if any, conversations did you**
 25 **have with your son, Robert Thurber, III, during the**

1 **training academy -- so I'm talking before**
 2 **graduation -- about Sean Gannon and his performance?**
 3 A. None.
 4 **Q. Okay.**
 5 A. He was a junior instructor; I had no
 6 business talking to him, and he had no business
 7 talking to me.
 8 **Q. After the academy, Sean Gannon is on the**
 9 **job, he's assigned to fire alarm. During that**
 10 **period of time, did you have any conversations with**
 11 **your son regarding Sean Gannon and his performance?**
 12 A. No.
 13 **Q. Okay. We've only got one time period**
 14 **left. After Sean Gannon was terminated, did you**
 15 **have any conversations with your son regarding Sean**
 16 **Gannon or his performance?**
 17 A. I don't recall. I truly don't recall. I
 18 don't know. I'm sure I did, but I don't remember
 19 what I said to him. I couldn't tell you.
 20 **Q. Let me go back for just a second. The**
 21 **practical examinations, we'll say for the City, the**
 22 **Pawtucket practicals, did you have any sort of**
 23 **grading sheet for each recruit that you had to fill**
 24 **out as they performed?**
 25 A. No. We just kept track of who we were

1 looking at, the student or the recruit, and it was
 2 nothing formal.
 3 **Q. Okay. So where did you keep track of**
 4 **that, in a notebook, a piece of paper?**
 5 A. Notebook, yes.
 6 **Q. So for each recruit that went through the**
 7 **practical, you would have their name?**
 8 A. Yeah.
 9 **Q. And what else?**
 10 A. That's about it.
 11 **Q. Would you mark down if they passed or**
 12 **failed?**
 13 A. No. I was keeping track of what they did
 14 for that practical. The station that they were at.
 15 So if Bobby Thurber came in and I did the
 16 ventilation station, I put ventilation station.
 17 Lieutenant Maher would write down notes what he was
 18 doing, what the recruit was doing, and then at the
 19 end of the day, I would siphon through my notes and
 20 give them their grade.
 21 **Q. Did your notes include -- and maybe you're**
 22 **saying this, and I'm just not getting it -- did your**
 23 **notes include things they did right and things they**
 24 **did wrong?**
 25 A. Mostly on the negative side.

1 **Q. Okay. So when did you make the**
 2 **determination that a recruit had either passed or**
 3 **failed that particular practical?**
 4 A. That night when I did the grading, when I
 5 looked at my notes.
 6 **Q. So at the end of the day?**
 7 A. Yes.
 8 **Q. Has the City of Pawtucket, as far as you**
 9 **know, ever used any sort of grading sheet for the**
 10 **practical examinations?**
 11 A. No.
 12 **Q. Okay. I'm off grading, I think, if you**
 13 **can believe it.**
 14 **Captain, during the training academy that Sean**
 15 **Gannon was a part of, did you ever use profanity in**
 16 **front of the recruits?**
 17 A. Yes.
 18 **Q. Did you ever use language that you thought**
 19 **after the fact may have been inappropriate?**
 20 A. No.
 21 **Q. I have to get a little graphic here, and I**
 22 **apologize. There was a female in the academy,**
 23 **wasn't there?**
 24 A. Yes, there was.
 25 **Q. Did you ever use the word "cunt" in front**

1 of any of the recruits, including the female?
 2 A. Yes.
 3 Q. Okay. You don't feel that was
 4 inappropriate?
 5 A. No.
 6 Q. Okay. Did you ever single out recruits
 7 to, I use the word, ridicule or harass them in any
 8 way?
 9 A. One-on-one?
 10 Q. No, in front of the class.
 11 A. Yes.
 12 Q. Okay. Can you think of any examples when
 13 you may have done that?
 14 A. If a group of guys were doing a search and
 15 rescue, and they were doing it wrong, I would
 16 address the situation right there and then. But
 17 again, I'm one guy; so I wasn't at every station. I
 18 was a float. I'd look at everybody getting
 19 instructions and seeing what they did, and if I saw
 20 something grossly negligent on a recruit's part, I
 21 would obviously say something.
 22 MR. BLISS: Can we take just a minute
 23 here?
 24 MR. VOTOLATO: Sure.
 25 (Break taken)

1 MR. VOTOLATO: I'll just state for the
 2 record, during that brief recess I spoke with the
 3 union president, who has expressed an objection to
 4 the line of questioning I think he believes I'm
 5 heading down -- he's probably correct -- as it may
 6 lead to possible disciplinary action against the
 7 witness. The objection's noted, but we're going to
 8 continue on, unless anybody else who has a right to
 9 object objects.
 10 THE WITNESS: Mr. Bliss, what do you think
 11 I should do?
 12 MR. BLISS: No, I'm not going to advise --
 13 MR. VOTOLATO: He's not your lawyer.
 14 MR. BLISS: I am his lawyer.
 15 MR. VOTOLATO: That's right. You're not
 16 his lawyer. You're his lawyer.
 17 MR. BLISS: I mean, I'll hear the
 18 questions when they come up. At this point, I'm not
 19 advising him not to answer anything.
 20 MR. VOTOLATO: Okay. So that's where
 21 we're at. And quite honestly, I have no idea what I
 22 asked last. Can we have that back? I know where I
 23 was heading, but I don't know what I said last.
 24 (Whereupon, the question and the answer
 25 were read back.)

1 MR. VOTOLATO: Okay. So it's actually on
 2 me to ask a question. Okay.
 3 Q. Captain, have you ever put your hands on a
 4 recruit in a way that could be viewed as
 5 inappropriate?
 6 MR. BLISS: Objection. I mean --
 7 MR. VOTOLATO: Yeah, that's a bad
 8 question. All right. I'll strike that one. Let me
 9 think of a better way to put it.
 10 Q. Have you ever pushed a recruit?
 11 A. No.
 12 Q. Have you ever grabbed a recruit and their
 13 clothing and pulled them towards you?
 14 A. No.
 15 Q. Okay. Going back a minute ago to where I
 16 asked if you had ever singled out a recruit, do you
 17 recall a time during the academy where you singled
 18 out a recruit because of something that was posted
 19 on Facebook?
 20 A. No.
 21 Q. Okay. Do you feel that you have ever
 22 intimidated a recruit before?
 23 A. Yes.
 24 MR. VOTOLATO: This will be 5.
 25 (Whereupon, Plaintiff's Exhibit No. 5 was

1 marked for identification.)
 2 Q. Would you take a look at that for me,
 3 please. Are you familiar with this document?
 4 A. Yes, I've seen this.
 5 Q. Okay. Could you turn to page -- the pages
 6 are a little confusing. Can you turn to Page 4:6.
 7 It will be Rule or Regulation 4-11.
 8 A. Yup.
 9 Q. It's entitled, "Instructor Rules and
 10 Regulations"?
 11 A. Yup.
 12 Q. Can you read No. 2 for us, please, out
 13 loud.
 14 A. "Instructor shall not use profanity and
 15 shall not use language or demeanor that will
 16 intimidate the students. Instructor shall refrain
 17 from manhandling students. The only contact should
 18 be for safety or the instruction of a manipulative
 19 skill."
 20 Q. Okay. Thank you. Getting back to
 21 individual instances, do you recall an instance
 22 where you -- I'll use the word "tossed" a jar of
 23 baby food at Sean Gannon?
 24 A. The only recall I have of it is in the
 25 charges that you charged me with. It's in there.

1 Q. But you don't remember it ever happening?

2 A. I do not.

3 Q. Okay. I'm going to back up a little bit.
4 You, I think, testified earlier that your son, Rob,
5 was a junior instructor, instructor trainee,
6 something to that effect?

7 A. I called him a junior instructor, but he's
8 an instructor trainee.

9 Q. Okay. What responsibilities did he have
10 during the training academy?

11 A. Stick by the instructor's side that he was
12 assigned to.

13 Q. Okay. So was he individually in charge of
14 teaching students, or was he always with another
15 senior instructor?

16 A. Always with another instructor.

17 Q. Okay. Who was it that appointed him as an
18 instructor trainee?

19 A. On his own he went to NFPA 1041 fire
20 service instructor school, graduated with high
21 honors, and then he had to do training with the
22 Pawtucket Fire Department. So this academy came
23 along, and he did his student training with us.

24 Q. I'm sorry, what was the NFPA section you
25 told me?

1 A. 1041, fire service instructor.

2 Q. Okay. After the training academy, did you
3 personally have any oversight over Sean Gannon once
4 he was on the job?

5 A. No, I did not.

6 Q. Okay. Do you have any knowledge of
7 whether or not Rob Thurber had any oversight over
8 Sean Gannon?

9 A. Not to my knowledge.

10 Q. Okay. Do you recall what battalion Sean
11 Gannon was assigned to?

12 A. Fourth Battalion, under the direction of
13 Battalion Chief John McLaughlin, III.

14 Q. And what battalion are you?

15 A. I'm citywide.

16 Q. And do you know what battalion your son
17 Rob Thurber's in?

18 A. Yes.

19 MR. MACCARONE: Objection. Can you be --
20 now? When are we -- like, I'm not sure --
21 obviously, he's been in one shift since this
22 incident occurred.

23 MR. VOTOLATO: I'm just asking for what
24 battalion he's in; has that changed?

25 MR. MACCARONE: I don't know; that's why

1 I'm asking.

2 Q. Immediately after, say in July of 2013, do
3 you recall what battalion Rob Thurber may have been
4 in?

5 A. Yes.

6 Q. What battalion was that?

7 A. Battalion 4, under the direction of Chief
8 John McLaughlin, III.

9 Q. Do you have any knowledge -- strike that.
10 What battalion is your son, Rob Thurber, in
11 now?

12 A. Fourth battalion.

13 Q. Okay. Do you know if -- I hate talking
14 about you in the third person, like you're not here.
15 I know you're here. Do you know if your son, Rob
16 Thurber, completed his student training or his
17 requirements to be a full-fledged instructor?

18 A. He did.

19 Q. Okay. So is it your belief that he is now
20 qualified as a State instructor?

21 A. I do not believe he's qualified as a State
22 instructor. I don't think he put the application
23 in, but you'd have to ask him that question.

24 Q. Okay. I'm just asking what you know.
25 Again, we're here in reference to the lawsuit

1 against him. So I'm just trying to get a little
2 information.

3 In November of 2013, prior to Sean Gannon's
4 termination, did you have any conversations with
5 Fire Chief Sisson regarding whether or not Sean
6 should stay on the force or be removed?

7 A. Give me a date again.

8 Q. November of 2013. Say October or
9 November.

10 A. I do not know. I don't believe I did.

11 Q. Okay. During that same time period, we'll
12 say October or November of 2013, up to, say,
13 November 12th, did you have any conversations with
14 Director of Public Safety Tony Pires about whether
15 or not Sean Gannon should remain on the fire
16 department or be removed?

17 A. Give me the date again.

18 Q. October or November of 2013.

19 A. No, I had no conversations with Director
20 Pires.

21 Q. Okay. At any time between June 11 of
22 2013, which was the date you wrote your letter to
23 Chief Sisson, to November of 2013, aside from that
24 initial conversation you had with Chief Sisson when
25 you handed him the letter, did you ever follow up

1 with Chief Sisson or Director Pires about Sean
2 Gannon's employment with the City of Pawtucket?

3 A. I'm sure there were conversations, but I
4 do not remember them and not with Director Pires. I
5 had no contact with him.

6 Q. Okay.

7 A. It would have been between me and Chief
8 Sisson. And I'm sure we had conversation over this
9 letter; however, I don't remember -- I don't recall
10 if I did.

11 Q. Okay. Do you have, as a captain in the
12 Pawtucket Fire Department, any authority to hire
13 firefighters?

14 A. No.

15 Q. I've got to ask this one. I know the
16 answer, but I have to at least have it. There you
17 go. You testified that Sean Gannon had failed his
18 state practical exam; is that correct?

19 MR. BLISS: Objection. I just --

20 MR. VOTOLATO: Am I wrong? He did testify
21 to that earlier.

22 MR. BLISS: You can answer that question.

23 Q. I'll give you a thumb's up when it's time.

24 A. Yes.

25 Q. Okay. And you testified that passing the

1 Q. Captain Thurber, are you a member of Local
2 1261?

3 A. I am.

4 Q. Do you hold any leadership position in the
5 union?

6 A. I do not.

7 Q. Would you have any information as to when
8 new firefighters are inducted into Local 1261?

9 A. I do.

10 Q. When would that be?

11 A. Usually after their six months of service.

12 Q. Okay. Do you know when the firefighters
13 in Sean Gannon's recruit class were inducted, if
14 that's the right word, into Local 1261?

15 A. I do not.

16 (Whereupon, Plaintiff's Exhibit No. 6 was
17 marked for identification.)

18 Q. Would you take a look at that for me.

19 Have you seen that e-mail before?

20 A. Yes.

21 Q. It says at the bottom there, from Captain
22 Robert Thurber; is that correct?

23 A. Right.

24 Q. Did you write this e-mail, or did you have
25 somebody write it for you?

1 state practicals was a requirement to be hired by
2 the City of Pawtucket?

3 A. Yes.

4 Q. Okay. Can you explain to me today how, if
5 Sean Gannon failed the Pawtucket fire academy, he
6 went on to become a uniformed employee of the City
7 of Pawtucket?

8 MR. BLISS: Objection.

9 A. On counsel's advice, I invoke my right
10 under the Fifth Amendment not to answer, on the
11 grounds I may incriminate myself.

12 Q. Is the spreadsheet marked as Exhibit 1, is
13 this the spreadsheet in a nonredacted form that you
14 sent to the City -- to the State of Rhode Island?

15 MR. BLISS: Objection.

16 A. On counsel's advice, I invoke my right
17 under the Fifth Amendment not to answer, on the
18 grounds I may incriminate myself.

19 Q. Did you send an altered version of this
20 document marked as Exhibit 1 to the State of Rhode
21 Island following the academy that Sean Gannon was a
22 member of?

23 A. On counsel's advice, I invoke my right
24 under the Fifth Amendment not to answer, on the
25 grounds I may incriminate myself.

1 A. Barbara Pacheco wrote it.

2 Q. Okay. And this e-mail instructs the
3 recipients up above to report on Wednesday, May 8,
4 2013, at 9 a.m., doesn't it?

5 A. It does.

6 Q. They are to report at DOT; what's that?

7 A. Division of Training.

8 Q. Okay. And where is that?

9 A. 250 Armistice Boulevard, Pawtucket, Rhode
10 Island 02861.

11 Q. Let me ask you this: As the instructor
12 coordinator, if one of the individuals who were
13 going to join that class, if they were not to show
14 up on May 8, 2013, would you have allowed them to
15 start training?

16 A. I don't believe it would be up to me. I
17 would probably say something to the fire chief, and
18 he would have the ultimate decision.

19 Q. Okay. Can you look just briefly at the
20 recipient list at the top.

21 A. I can.

22 Q. I think you'll note, the third line down,
23 the second name is seangannon@myuri.edu?

24 A. I see it.

25 Q. As far as you know, Sean Gannon received

1 this?
 2 A. Yeah.
 3 Q. Do you have any recollection of whether or
 4 not Sean Gannon presented himself on May 8, 2013?
 5 A. I do not know.
 6 Q. Okay. As training coordinator, do you
 7 know of anything prior to May 8, 2013 -- that the
 8 recruits would have been required to attend anything
 9 before May 8th?
 10 A. Not to my knowledge.
 11 Q. Okay. Is it true that prior to the start
 12 of the academy recruits had to take a physical
 13 examination?
 14 A. It's out of my realm.
 15 Q. All right.
 16 A. That's between the City and the recruit.
 17 Q. Okay. That answers that.
 18 Just give me one second?
 19 (P A U S E)
 20 Q. Prior to -- I'm going to word it
 21 carefully -- prior to transmitting any state
 22 practical grades to the State of Rhode Island, did
 23 you discuss any of the grades with Retired Captain
 24 Cordeiro?
 25 A. No.

1 Q. So literally you scored yours; he scored
 2 his?
 3 A. At the end of the day I did them all and
 4 put them on paper.
 5 Q. Including the ones that Captain Cordeiro
 6 did?
 7 A. Correct. He was there just to physically
 8 help me.
 9 Q. Okay. So he did none of the grading?
 10 A. Yes. He wrote his notes and gave them to
 11 me at the end of the day, and then I took those
 12 grades, and we put them on paper.
 13 Q. That's what I was trying to get at. Thank
 14 you. Do you still have those notes, the notes you
 15 took?
 16 A. No, I don't keep that from the schools. I
 17 guess I should have.
 18 MR. VOTOLATO: To quote My Cousin Vinny,
 19 "I'm done with this guy."
 20 A. Beautiful.
 21 MR. BLISS: I don't have anything.
 22 (Deposition concluded at 1:00 p.m.)
 23
 24
 25

CERTIFICATE

1 I, Cindy M. Tangney, hereby certify that I am
 2 expressly approved as a person qualified and
 3 authorized to take depositions pursuant to Rules of
 4 Civil Procedure of the Superior Court, especially
 5 but without restriction thereto, under Rules 28 and
 6 30(b)(4) of said Rules; that the deponent was first
 7 sworn by me; that this deposition was
 8 stenographically reported by me and later reduced
 9 to print through Computer-Aided transcription; that
 10 the foregoing is a full and true record of the
 11 proceedings; and that a review of the transcript by
 12 the deponent was not requested.
 13 Pursuant to Rule 30(f) of the Rules of Civil
 14 Procedure, original transcripts shall not be filed
 15 in court; therefore, the original is delivered to
 16 and retained by the Plaintiff's attorney, Joel J.
 17 Votolato, Esquire.
 18
 19 IN WITNESS WHEREOF, I have hereunto set my
 20 hand this 4th day of May, 2015.
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 22 _____
 23 CINDY M. TANGNEY, RMR
 24 COMMISSIONER/CERTIFIED COURT REPORTER
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