

BEFORE THE BOARD OF TRUSTEES OF THE
BARTLETT POLICE PENSION FUND

IN THE MATTER OF THE,)
DISABILITY APPLICATION OF:)
)
GZIM SELMANI,)
Appellant.)
VILLAGE OF BARTLETT,)
Intervenor.)

REPORT OF RESUMED PROCEEDINGS had at the hearing of the above-entitled cause, before the BOARD OF TRUSTEES OF THE BARTLETT POLICE PENSION FUND, held on the 23rd day of February, 2021, at the hour of 2:00 p.m. at 228 South Main Street, Bartlett, Illinois, before DINA G. MANCILLAS, CSR, RPR, CRR, CLR.

BOARD MEMBERS PRESENT:

MR. DAN PALMER, President;
MR. DEREK BANSLEY, Vice President;
MR. GARY MITCHELL, Secretary;
MR. JOHN SIAS, Trustee.
MR. MICHAEL POREMBA, Trustee.

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1 APPEARANCES:

2

3 THE LAW FIRM OF REIMER, DOBROVOLNY & KARLSON,

4 (15 Spinning Wheel Road, Suite 310,

5 Hinsdale, Illinois 60521,

6 630-654-9547), by:

7 MR. RICHARD J. REIMER,

8 rreimer@rdklaborlaw.com,

9 appeared on behalf of the Bartlett

10 Police Pension Board;

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1 APPEARANCES: (Continued)

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3 CLARK BAIRD SMITH, LLP,

4 (6133 North River Road, Suite 1120,

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6 847-378-7704), by:

7 MR. PAUL A. DENHAM,

8 pdenham@cbslaw.com,

9 appeared on behalf of the Village of

10 Bartlett.

11

12 ALSO PRESENT:

13 Officer Gzim Selmani.

14 Unidentified audience members.

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22 REPORTED BY:

23 DINA G. MANCILLAS, CSR, RPR, CRR, CLR

24 CSR No. 84-3400

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1 APPEARANCES: (Continued)

2

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9 -and-

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12 Naperville, Illinois 60540,

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14 MR. THOMAS S. RADJA, JR.,

15 radja@tsr-law.com,

16 appeared on behalf of the Applicant;

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I N D E X

2 WITNESS	EXAMINATION
3 OFFICER GZIM SELMANI	
4 By Mr. Figlioli	72
5 By Mr. Denham	128
6	
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8 E X H I B I T S	
9 NUMBER	RECEIVED
10 Board Exhibit 1, Disability Application of	54
11 Gzim Selmani and attorney	
12 correspondence.	
13 Board Exhibit 2, Winters Family Practice	54
14 medical records.	
15 Board Exhibit 3, Presence St. Joseph	54
16 Hospital medical records.	
17 Board Exhibit 4, Syed Waliuddin, M.D.,	54
18 Valley Psychiatry and Counseling	
19 psychiatric evaluation notes.	
20 Board Exhibit 5, Robert P. Marseilles,	54
21 M.D., Alliance Clinical Associates	
22 psychiatric office notes.	
23 Board Exhibit 6, Marla Friedman, Psy.D.,	62
24 summary report.	

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	E X H I B I T S	
	NUMBER	RECEIVED
1	Board Exhibit 7, CNS Counseling sheet	62
2	indicating no records are available.	
3	Board Exhibit 8, Documents received	54
4	responsive to subpoena issued to the	
5	Bartlett Police Department.	
6	Board Exhibit 9, Village of Bartlett	54
7	Police Officer Job Description.	
8	Board Exhibit 10, Supplemental records	54
9	from Applicant's attorney, independent	
10	internal investigation report, REM	
11	Management Service.	
12	Board Exhibit 11, Intervention documents.	54
13	Board Exhibit 12, Transcript of	54
14	proceedings dated February 20, 2020,	
15	and Board Group Exhibit A.	
16	Board Exhibit 13, Correspondence to Inspe	54
17	Associates, Ltd., regarding selection	
18	of physicians.	
19	Board Exhibit 18, Attorney correspondence	54
20	and emails regarding objections.	

	I N D E X (Continued)	Page 45
	E X H I B I T S	
	NUMBER	RECEIVED
1	Village Exhibit 1, Bartlett Police	246
2	Department Rules of Conduct.	
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1 MR. PALMER: I'm going to call the

2 meeting to order, special meeting of the

3 Bartlett Police Pension Board.

4 Will the secretary call the roll?

5 MR. MITCHELL: Dan Palmer.

6 MR. PALMER: Here.

7 MR. MITCHELL: John Sias.

8 MR. SIAS: Here.

9 MR. MITCHELL: Derek Bansley.

10 MR. BANSLEY: Here.

11 MR. MITCHELL: Mike Poremba.

12 MR. POREMBA: Here.

13 MR. MITCHELL: Gary Mitchell, here.

14 MR. PALMER: We have a quorum. For

15 purposes of introductions here, I will go

16 down the line. Mike Poremba is a mayoral

17 appointee. Gary Mitchell is employed with

18 the police officers. Derek Bansley is a

19 police officer. John Sias is a mayoral

20 appointee.

21 I'm Dan Palmer. I'm elected from

22 the retired and disabled police officers.

23 So I'm going to turn the meeting

24 over to our counsel.

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1 MR. REIMER: Good afternoon, ladies and

2 gentlemen.

3 This is the hearing being

4 conducted pursuant to Article 3 of the

5 Illinois Pension Code to determine the

6 disability claim or application of Officer

7 Gzim Selmani, the applicant in this case.

8 The applicant was previously sent

9 a notice of hearing, advising him of these

10 proceedings on this date and advising him of

11 his right to be represented by legal counsel,

12 to present evidence, and to respond to any

13 evidence before the Bartlett Police Pension

14 Fund.

15 Officer Selmani, do you

16 acknowledge receipt of the notice of hearing,

17 and are you ready to proceed?

18 OFFICER SELMANI: Yes.

19 MR. REIMER: Thank you. Counsel, would

20 you identify yourselves, please?

21 MR. FIGLIOLI: Yes. David Figlioli on

22 behalf of the applicant.

23 MR. RADJA: Thomas Radja on behalf of

24 the applicant.

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1 MR. DENHAM: Paul Denham on behalf of
2 the Village of Bartlett.
3 MR. REIMER: Thank you. Before we get
4 into the actual case, you are allowed to make
5 public comment. I see we have a studio
6 audience this afternoon.
7 Is there anybody from the
8 audience that wishes to make a public
9 comment? I think your words have a limit of
10 three minutes. Keep in mind your public
11 comments will not be contained in the
12 administrative record. So it's not evidence.
13 Is there anybody here that wishes
14 to make a public comment?
15 Okay. Going once, going twice,
16 no public comment.
17 This is a hearing being conducted
18 pursuant to Article 3 of the Pension Code.
19 First thing we want to do is have the record
20 reflect that this was commenced and continued
21 from February 23rd, 2020. At that time --
22 February 20th, 2020.
23 At that time, you appointed me
24 the hearing officer pursuant to the Board

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1 Rule 717, and you admitted Board Group
2 Exhibit No. A. No other action was taken.
3 The matter was continued to this date by
4 agreement of the parties.
5 The rules in this hearing are
6 going to be as follows:
7 Number one: Under the law, the
8 applicant has the burden of proving his
9 entitlement to a disability pension.
10 Number two: During the hearing,
11 we'll allow the applicant's attorney to make
12 an opening statement.
13 Number three: During the
14 hearing, we'll allow the intervenor's
15 attorney to make an opening statement.
16 Number four: They applicant may
17 then present any evidence, including
18 testimony and documentation, in support of
19 his dis claim.
20 Number six: The board or its
21 legal counsel, or me as hearing officer, can
22 ask any questions.
23 Number seven: The applicant's
24 legal counsel and the intervenor's legal

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1 counsel can make objections and ask
2 questions.
3 Number eight: Rulings on all
4 legal matters will be made by me as hearing
5 officer, an attorney for the board. However,
6 if I rule on an objection and you don't like
7 it, a simple majority roll call vote will
8 overrule me.
9 Number nine: During the hearing,
10 technical and the formal rules of evidence
11 and the Rules of Civil Procedure will not
12 apply.
13 However, rules of fundamental
14 fairness -- for example, the hearsay rule --
15 will apply to the extent there's any hearsay
16 objections.
17 Number ten: In the event that
18 this hearing cannot be completed on this
19 date, the matter will be continued from time
20 to time to dates that are agreeable to all
21 parties until it's completed.
22 Number eleven: At the conclusion
23 of the hearing, we'll allow the applicant's
24 attorney and the intervenor's attorney to

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1 make a closing statement or a closing
2 argument.
3 Number twelve: The board will
4 then render a written decision that will
5 become the final decision for purposes of
6 this claim.
7 I would expect, at the conclusion
8 of the hearing, the board may deliberate in
9 executive session. They may come out and
10 announce their vote orally. That would have
11 to be followed up by a written decision.
12 On behalf of the applicant, any
13 questions or objections to the hearing
14 procedures?
15 MR. FIGLIOLI: We have no objection.
16 MR. REIMER: On behalf of the Village?
17 MR. DENHAM: No objection as to the
18 procedures.
19 MR. REIMER: All right. Let's see if
20 we can expedite this matter.
21 There's a lot of documents. I
22 have documents that I have marked as Board
23 Exhibit Nos. 1 through 18. Board Exhibit
24 Nos. 1 through 18 were distributed to all

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<p style="text-align: right;">Page 52</p> <p>1 five trustees prior to this hearing, subject 2 to any objection either attorneys might have. 3 I've also sent copies to the 4 applicant's attorney, and I have sent copies 5 to the Village's attorney. 6 So let's start with you, Mr. -- I 7 don't know. Is one of you going to be the 8 primary counsel? 9 MR. FIGLIOLI: [Nonverbal response.] 10 MR. REIMER: Okay. Mr. Figlioli? 11 Great. 12 So, Mr. Figlioli, do you 13 acknowledge receipt of Board Exhibit Nos. 1 14 through 18, and do you have any objections? 15 MR. FIGLIOLI: We acknowledge receipt 16 of the Board Exhibits 1 through 18. We have 17 no objections. 18 MR. PALMER: Gentlemen, if you're going 19 to refer to certain documents throughout this 20 hearing, it would be appreciated if you could 21 give us the number that it's been identified 22 it as so that we can refer to it more 23 quickly. 24 There's a couple of us are</p>	<p style="text-align: right;">Page 54</p> <p>1 (Board Exhibit Nos. 1 through 5 2 were offered and received in 3 evidence.) 4 MR. REIMER: And then it appears that 5 you have no objection to Board Exhibit Nos. 8 6 through 13, is that right? 7 MR. DENHAM: That's correct. 8 MR. REIMER: So Board Exhibit Nos. 8 9 through 13 will be admitted into the 10 administrative record. 11 (Board Exhibit Nos. 8 through 12 13 were offered and received in 13 evidence.) 14 MR. REIMER: Board Exhibit No. 18, you 15 don't have any objections to, correct? 16 MR. DENHAM: I do not. 17 MR. REIMER: All right. So Board 18 Exhibit No. 18 will also be admitted in the 19 administrative record. 20 (Board Exhibit No. 18 was 21 offered and received in 22 evidence.) 23 MR. REIMER: So let's go through the 24 ones that you have identified an objection</p>
<p style="text-align: right;">Page 53</p> <p>1 operating off of laptops. So we have to go 2 back and forth. 3 MR. REIMER: And on behalf of the 4 Village, Mr. Denham, do you acknowledge 5 receipt of Board Exhibits 1 through 18, and 6 do you have any objections? 7 MR. DENHAM: The Village acknowledges 8 receipt to the board's records. It does have 9 objections to Board Exhibits 6, 7, 14, 15, 10 16, and 17. 11 MR. REIMER: All right. So 6, 7 -- 12 which other ones? 13 MR. DENHAM: 14, 15, 16, and 17. 14 MR. REIMER: Well, let's get the ones 15 out of the way that we know there's no 16 objection to. 17 So you have no objection to board 18 Exhibit Nos. 1 through 5, is that correct? 19 MR. DENHAM: Yes. 20 MR. REIMER: All right. So Board 21 Exhibit Nos. 1 through 5 will be admitted 22 into the record without any further 23 authentication or foundation. 24</p>	<p style="text-align: right;">Page 55</p> <p>1 to. 2 So Board Exhibit No. 6, the 3 report of Marla Friedman, F-r-i-e-d-m-a-n, a 4 psychiatrist, what's the basis of that 5 objection? 6 MR. DENHAM: Yes. Selmani disclosed 7 treatment with Dr. Friedman beginning in or 8 around May 15th, 2019. 9 As is customary practice, the 10 pension board requested true and correct 11 copies of Dr. Friedman's medical records. 12 However, in Bates No. 196, 13 Friedman crossed the phrase "true and correct 14 copies" and then attached what she called the 15 summary report of her opinion, which the 16 pension board never even asked for. 17 The Village objects first because 18 it's inappropriate for a treating physician 19 to issue some sort of medical opinion in this 20 context. The Village also objects to the 21 extent that this document was then provided 22 to the IME evaluators, and they considered 23 this document without considering any of the 24 underlying treatment records.</p>

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1 MR. REIMER: Okay. So I don't hear a
2 hearsay objection.
3 MR. DENHAM: There is a hearsay
4 objection as well just based on the fact that
5 it's an opinion produced by the medical
6 provider.
7 MR. REIMER: Mr. Figlioli, do you want
8 to respond to that objection concerning Board
9 Exhibit 6, Dr. Friedman's report?
10 MR. FIGLIOLI: Our response to the
11 Village's objection is, again, Dr. Friedman
12 is a treating physician. Historically the
13 medical records of a treating physician are
14 deemed to be true and accurate and
15 trustworthy. The fact that it was a summary
16 report does not change that in any manner.
17 We would argue that this should
18 be admitted. We did, however, in discussions
19 acknowledge that we're now having this
20 hearing nearly two years later. And it was
21 our intention to request that the board issue
22 subpoenas to get updated medical records
23 because our client will testify that he's
24 got -- he's received ongoing treatment from

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1 Dr. Friedman, as well as the psychiatrist,
2 Dr. Marseilles.
3 And I think if we issue those
4 subpoenas and get updated medical records, I
5 think then we can get all of the pertinent
6 medical records for the board to consider.
7 MR. REIMER: Okay. So let's stick with
8 the objection, then.
9 If your client is still treating,
10 why can't your client just authorize
11 Dr. Friedman to send us the records directly?
12 MR. FIGLIOLI: We will be more than
13 happy to do that, either way, any way that's
14 most convenient and expeditious.
15 MR. REIMER: All right. I'm going to
16 overrule the objection.
17 I agree that it's pretty unusual
18 for a treating doctor to just unilaterally
19 decide what they're going to tell you,
20 especially when Dr. Friedman was provided
21 with a basis.
22 So we'll allow those in, but then
23 it's going to be up to the board to determine
24 what weight to put on that document in light

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1 of that fact -- because it sounds like the
2 doctor didn't turn over everything that night
3 be relevant here.
4 So that will be the ruling on
5 that. We'll just have to cross that bridge
6 when we get to it.
7 Maybe at the conclusion of the
8 hearing, if you're going to ask -- let's just
9 address it now.
10 So if you're going to try to
11 supplement the record now, that means the
12 pension board's four physicians -- the three
13 doctors and one psychologist -- have not had
14 an opportunity to review any records.
15 So is it your position then that
16 the board should stop the hearing when we're
17 done, obtain those records, and then go out
18 and have the pension board spend more money
19 to read those records?
20 MR. FIGLIOLI: No, because then we
21 would be in the same position at that point
22 in time where we'd be three months later, and
23 he's continuing to get medical treatment. So
24 the dog is chasing its tail.

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1 I think the board can certainly
2 make a determination, once we receive the
3 updated medical records, as to whether or not
4 those updated medical records change anything
5 or add anything, whether the board feels they
6 maybe want the examining physicians to review
7 those updated medical records.
8 That's my position.
9 MR. REIMER: You're right. Then it's a
10 moving target. We're chasing our tail.
11 So I think the case law is pretty
12 clear that it's doctors that reviewed records
13 or examined someone around the time of either
14 the disability application or the hearing.
15 So it's maybe not all that clear.
16 We'll take it up later. I will give you an
17 opportunity. Let's go get through the
18 exhibits.
19 All right. The next one there is
20 an objection to is Board Exhibit No. 7, "CNS
21 Counseling. No records available."
22 MR. DENHAM: Yes. Again, this is a
23 situation where the pension board requested
24 documentation from the disclosed treater.

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1 In this case, the treater wrote a
2 letter in response, which is at Bates
3 No. 203, which basically says that based on
4 some sort of contractual arrangement, she's
5 not at liberty to share treatment records,
6 which is highly unusual based on the fact
7 that Officer Selmani released such
8 information.

9 Again, this objection isn't
10 necessarily to -- unlike Dr. Friedman's
11 situation, there wasn't any sort of summary
12 report.

13 So this objection isn't
14 necessarily to preclude that as hearsay.
15 It's just to make the objection that the IME
16 evaluators seemingly made their opinions
17 based on information that did not include the
18 treating individual's records.

19 In 2019, Officer Selmani
20 disclosed that he received therapy from EAP,
21 which are the records we're talking about in
22 Exhibit 6. He also disclosed that beginning
23 in March, he saw Dr. Friedman for treatment
24 as well.

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1 All of the therapists and
2 psychological notes that correspond to all of
3 Officer Selmani's treatment for 2/19 was not
4 disclosed to the pension board, and in effect
5 it was not disclosed to the IME evaluators
6 before they rendered opinions.

7 MR. REIMER: All right. Mr. Figlioli,
8 do you have a response to the Village's
9 objections to Board Exhibit No. 7, which is
10 really nothing?

11 I mean, it's the CNS counseling
12 records that the board tried to order using a
13 release signed by your client.

14 And basically I think it was the
15 EAP evaluation, and they didn't turn the
16 records over. Any response?

17 MR. FIGLIOLI: In response to the
18 Village's statement, I don't understand or I
19 don't know what their objection is.

20 MR. REIMER: Well, I'll make it easy.
21 I'm going to overrule it. There's nothing
22 there. This is just a way to record what was
23 disclosed and what we were able to obtain.
24 So that's why we try to get those

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1 records because Officer Selmani disclosed CNA
2 as one of the treaters or healthcare
3 providers who treated and evaluated him for
4 disability he is claiming here today.

5 So those records will be in. So
6 if it's not clear -- Board Exhibit No. 6 and
7 Board Exhibit No. 7 will be admitted into
8 evidence over the objection of the Village
9 without any further authentication or
10 foundation.

11 (Board Exhibit Nos. 6 and 7
12 were offered and received in
13 evidence.)

14 MR. REIMER: If somebody wants to
15 obtain those records and supplement that -- I
16 guess that somebody will have to be the
17 applicant -- the board will consider that.

18 Next we get to -- can we just
19 address --

20 MR. DENHAM: Before we move on, to the
21 extent that the Village requests a subpoena
22 with respect to No. 7, will the board be
23 willing to sign that subpoena?
24 MR. REIMER: Yes. So if you request a

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1 subpoena, then you prepare the subpoena. Get
2 it to me. I'll give it -- make sure you
3 serve Mr. Radja or Mr. Figlioli or both so
4 they have a chance to object if they choose
5 to do so.

6 I will get it signed. I'll give
7 it back to you. You will be responsible for
8 service. And in the event that there has to
9 be a motion to compel enforcement, which
10 might happen with 7, the Village will be
11 responsible to take any action on
12 enforcement --

13 MR. DENHAM: Thank you.

14 MR. REIMER: -- but I can also say that
15 the board -- if you're going to do that, I
16 would do that sooner rather than later
17 because I think when we get to the
18 Board Exhibit Nos. 14, 15, 16, and 17, that's
19 really going to be the heart of -- I think,
20 and I don't want to presume.

21 So do you have an objection to
22 14, 15, 16, and 17?
23 MR. DENHAM: Yeah. They're all the
24 medical evaluators. They're all hearsay.

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1 If you might remember, about a
2 year ago, we met as well talking about what
3 information will be provided to them. At
4 that point, it was decided that a timeline
5 document that the Village provided was not
6 going to be provided to them.

7 At that time, it was -- the
8 Village was informed that the recourse would
9 be to take evidence depositions of these
10 evaluators. In addition to the objections I
11 just made based on 6 and 7 related to them
12 not reviewing all of the pertinent
13 information prior to opining, that's the
14 Village's objection here.

15 MR. REIMER: Okay. Fair enough. Any
16 response to that, Mr. Figlioli?

17 MR. FIGLIOLI: Again, my response would
18 be, the pension statute requires the board to
19 obtain evaluations. That's exactly what
20 happened in this particular case.

21 We believe that the doctors were
22 provided all relevant information, and we
23 would ask you to overrule the Village's
24 objection.

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1 We don't believe that -- well, if
2 they have questions or want to question the
3 physicians about how they formulated their
4 opinions and the basis for those opinions, I
5 believe they would have the right to do that
6 under your rules.

7 They would then have to
8 ultimately take the evidence depositions of
9 these particular physicians.

10 MR. REIMER: All right. So I think
11 this shouldn't come as a surprise.

12 Board Rule No. 715 does allow if
13 a party objects on the basis of hearsay,
14 which as the Village has done, that they
15 would be responsible to pay the costs
16 associated with the expert witnesses' live
17 testimony, which is difficult. So I think an
18 evidence deposition would be appropriate.

19 So the Board Exhibit Nos. 14 and
20 17, based on the hearsay objection, I'm going
21 to reserve ruling.

22 Keep in mind that the board has
23 read all that. They've seen it. They can't
24 unring the bell, but those four documents are

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1 not in evidence, but there may be fair-game
2 questioning, and the board will cure the
3 hearsay defect.

4 So it will be continued. If
5 we're able to conclude the initial
6 applicant's case in chief today, depending on
7 how far we get, we can work on scheduling
8 evidence depositions, but typically, that would not
9 happen until after the Village rests.

10 So I think we have all --
11 addressed all the documents. Are there any
12 other -- does the applicant have any
13 additional documents that they want to have
14 barred or admitted?

15 MR. FIGLIOLI: At this time, no.

16 MR. REIMER: Do you have any additional
17 documents you wish to have barred or admitted
18 on behalf of the Village?

19 MR. DENHAM: Subject to introducing
20 documents.

21 MR. REIMER: Sure. That doesn't mean
22 either party is forever barred. At this
23 time, there's nothing.

24 All right. Do you wish to make

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1 an opening statement, Mr. Figlioli?

2 MR. FIGLIOLI: Before we get to that,
3 Mr. Reimer, again, I would make a motion to
4 exclude witnesses.

5 My understanding was, at least
6 coming in, that this was only to present the
7 testimony of the applicant, but now my
8 understanding is, there may be some of the
9 Village's case in chief and with some
10 witnesses as well.

11 So we would make a motion to
12 exclude witnesses at this time.

13 MR. REIMER: Fair enough. I think
14 whether or not we get to the Village
15 witnesses is going to depend on how long the
16 direct and cross examination takes of the
17 applicant and how long the board wants to go.

18 MR. PALMER: We're willing to spend the
19 afternoon, but other people have things they
20 have to do, too.

21 So, you know, we'll go as long as
22 is comfortable. I think John wants to say
23 something.

24 MR. SIAS: Can I ask a question? It's

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1 procedural. The previous topic, did we just
2 decide that 14 through 17 are not to be
3 considered?
4 MR. REIMER: No. You can -- right now,
5 they're not admitted into evidence. You
6 obviously all read them. You did your
7 homework.
8 You can ask questions off of
9 them, but they won't be admitted into
10 evidence until I lay a foundation for those
11 depositions and doctors.
12 So you can -- you're not voting
13 today. You have it all the evidence. At the
14 end of the day, when the smoke clears and all
15 the evidence is in, then you're going to be
16 able to consider them, if that makes sense.
17 MR. SIAS: Through the lens of reading
18 14 through 17, we can consider them while we
19 are here today, but there may be more
20 feedback as to what they mean?
21 MR. REIMER: Correct. The doctors are
22 all going to be subject to cross examination
23 by the Village, questioning by the
24 applicant's attorneys.

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1 MR. FIGLIOLI: Just for clarification,
2 too, now that that subject was brought up
3 that we may have some limited time and the
4 Village may not have the ability today to
5 present their witnesses, another aspect of my
6 motion to exclude witnesses would be to
7 exclude the Village from presenting the
8 transcript of any testimony today to be
9 reviewed by any witness they may want to call
10 in the future.
11 So that's the scope of my motion
12 in addition to that.
13 MR. REIMER: All right. Let's do one
14 at a time, and I'll let you respond.
15 I'm going to grant the motion to
16 excludes witnesses. Is there anybody in here
17 that may be a witness for Mr. Denham and the
18 Village? Are any of your witnesses here?
19 MR. DENHAM: I don't think I'm going to
20 call Chief Ullrich, but he's my primary
21 representative.
22 MR. REIMER: Okay. I think Chief
23 Ullrich is entitled to be a party. If he
24 wants to come up here and sit with you --

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1 he's not going to be --
2 MR. DENHAM: He doesn't have to sit
3 next to me. I just -- I need to make sure I
4 have that on the record.
5 MR. REIMER: I think you have the right
6 to have a representative.
7 MR. DENHAM: In terms of the objection
8 related to showing my witnesses parts of the
9 transcript, that shouldn't be an issue.
10 Obviously, at some point, I might
11 show that to the evidence deposition IMEs who
12 are not my -- but that's just during
13 questioning.
14 MR. REIMER: All right. So what I
15 think that -- let's address that.
16 So there will be a motion to
17 exclude any witnesses. If either of you see
18 someone -- well, you don't have -- you all
19 just one witness, the applicant, is that
20 right?
21 MR. FIGLIOLI: That's correct.
22 MR. REIMER: All right. So if you see
23 one of your witnesses pop in, please ask them
24 to leave to the extent you notice.

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1 With respect to the showing of
2 the transcript, I think it's appropriate that
3 no witness should discuss with each other or
4 observe the other -- read the other's
5 testimony.
6 I think that's different than
7 saying, at a deposition you couldn't take the
8 transcript and say, "If I were to tell you
9 that witness so-and-so said X-Y-Z, does this
10 in any way alter or modify or change your
11 opinion," I think that's fair game.
12 So what I'm saying is, please
13 don't show any other witness the transcript.
14 Is that your --
15 MR. DENHAM: No objection to that
16 ruling.
17 MR. FIGLIOLI: That is what my concern
18 would be.
19 MR. REIMER: Okay. I think that will
20 be the order.
21 Okay. Now, do you want to make
22 an opening statement?
23 MR. FIGLIOLI: We'll waive opening
24 statement.

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1 MR. REIMER: Okay. First witness --
2 well, let me ask Mr. Denham, do you want to
3 reserve or do you want to --
4 MR. DENHAM: I'll reserve.
5 MR. REIMER: You want to reserve?
6 Okay. So he's reserved.
7 You can call your first witness.
8 Officer, raise your right hand, and this
9 young lady will swear you in.
10 (The witness was duly sworn.)
11 MR. REIMER: Your witness.
12 OFFICER GZIM SELMANI,
13 called as a witness herein, having been first duly
14 sworn, was examined and testified as follows:
15 DIRECT EXAMINATION
16 BY MR. FIGLIOLI:
17 Q. Officer Selmani, would you please state
18 your name for the record and spell your last name.
19 A. Gzim Selmani, S-e-l-m-a-n-i.
20 Q. Officer Selmani, do you currently
21 reside in South Elgin, Illinois, is that correct?
22 A. Correct.
23 Q. You were a member of the Village of
24 Bartlett Police Department on August 11th, 2014,

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1 is that correct?
2 A. Correct.
3 Q. According to your application that you
4 filed with this board, you were initially hired by
5 the Village of Bartlett Police Department on
6 September 25th of 2012, is that correct?
7 A. Correct.
8 Q. You had some experience with another
9 law enforcement agency prior to being hired by the
10 Village of Bartlett, is that correct?
11 A. Correct.
12 Q. If, again, my information is correct,
13 you had been a police officer, sworn police
14 officer, for approximately four years with the
15 Rock Valley College Police Department, is that
16 correct?
17 A. Correct.
18 Q. Prior to being hired by that police
19 department, you underwent a physical evaluation
20 and passed that, is that correct?
21 A. Correct.
22 Q. Did you undergo a psychiatric
23 evaluation with that department as well prior to
24 being hired?

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1 A. Yes.
2 Q. And I'm presuming, since they hired
3 you, you passed that psychological examination, is
4 that correct?
5 A. Correct.
6 Q. You went through a course of training
7 prior to coming back to that particular police
8 department, is that correct?
9 A. Correct.
10 Q. What type of training did you complete?
11 A. I went to the Police Training Institute
12 in University of Illinois.
13 Q. That would be down in Champaign-Urbana
14 or Springfield, is that correct?
15 A. Correct.
16 Q. And back then, was it a 10-week or
17 12-week course?
18 A. I believe it was 12. I mean, I don't
19 recall exactly, but it was a three-month, roughly.
20 Q. Did you have any difficulties
21 completing those training requirements?
22 A. No.
23 Q. Before being hired by the Village of
24 Bartlett Police Department, did you undergo a

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1 physical and psychological examination?
2 A. Yes.
3 Q. I'm presuming, since you were hired by
4 the department, that you successfully passed both
5 of those exams, is that correct?
6 A. Yes.
7 Q. Now, prior to being hired by the
8 Village of Bartlett Police Department, had you
9 ever sought or received any treatment for any
10 psychological condition?
11 A. No.
12 Q. Since you had already had some law
13 enforcement experience when you were hired by the
14 Village of Bartlett, did you have to undergo any
15 further training when you first came to this
16 department?
17 A. I just went through the FTO process.
18 Q. How long was that?
19 A. I believe it was three months. I don't
20 recall exactly.
21 Q. Did you have any difficulty completing
22 that training?
23 A. No.
24 Q. My understanding is that the

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1 probationary period for that police department is
2 approximately 18 months, is that correct?
3 A. Correct.
4 Q. And during that 18 months, you're
5 continually evaluated by various field training
6 officers and supervisors, is that correct?
7 A. Correct.
8 Q. And they have completed various
9 evaluation forms that are contained in
10 Board Exhibit No. 8, is that correct?
11 You've had an opportunity to review
12 that, is that right?
13 A. Correct.
14 Q. And you successfully completed your
15 probationary period, and then you became a
16 full-time non-probationary sworn officer in --
17 sometime in -- I believe in March of 2014, is that
18 correct?
19 A. Correct.
20 Q. Up to that period of time, let's say
21 March, April, May, June of 2014, you were
22 performing all the job duties required of a police
23 officer for the Village of Bartlett, is that
24 correct?

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1 A. Correct.
2 Q. Did you have any difficulties
3 performing any of those job duties?
4 A. No.
5 Q. Now, you've had an opportunity to
6 review Board Exhibit No. 9, which is the Village
7 of Bartlett -- apparently a job description
8 document, is that correct?
9 A. Correct.
10 Q. Does that accurately reflect many of
11 the job duties required of a Village of Bartlett
12 police officer?
13 A. Yes.
14 Q. Again, looking at that document, did
15 you have any difficulties performing any of those
16 job duties?
17 A. No.
18 Q. What division or bureau were you
19 assigned to at this particular time after you
20 completed your probationary period?
21 A. Patrol.
22 Q. And would you rotate shifts during this
23 period of time, or were you on a permanent shift?
24 A. We rotate every two months, I believe

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1 it was.
2 Q. During this period of time, again,
3 during your probationary period up to, let's say,
4 August of 2014, had you ever sought any treatment
5 or received any treatment for any psychological
6 condition?
7 A. No.
8 Q. Now, according to the information I've
9 received, you were asked to become a part of a
10 special unit called a SPEAR Team, and that's an
11 acronym for Specialized Emergency Action Response
12 Team, is that correct?
13 A. Correct.
14 Q. What does that team do, just in general
15 terms?
16 A. For the most part, it serves search
17 warrants on warrants within the Village.
18 Q. You were asked to put in an application
19 to become part of that SPEAR Team
20 sometime in the early summer, I believe, of 2014,
21 is that correct?
22 A. Well, it was the -- it was a letter
23 basically asking us to let them know of our
24 interest. It wasn't an application.

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1 Q. Did you have an interest in becoming a
2 member of the SPEAR Team in the summer of 2014?
3 A. Yes.
4 Q. What did you -- what steps did you take
5 to try to become a member of the SPEAR Team?
6 A. I initially wrote a memo advising the
7 SPEAR Team of my interest, and then I had an
8 interview.
9 Q. Who did you interview with?
10 A. Commander Winterstein and Sergeant
11 Naydenoff. He's a commander now.
12 Q. After the interview, did you have to
13 undergo any type of testing?
14 A. It was just a physical test, I believe.
15 Q. What did that entail?
16 A. Just their physical that they kind of
17 had every SPEAR member do. It was a series of
18 push-ups, sit-ups, I think one pull-up, some
19 running exercises.
20 I don't know exactly what I had to go
21 through, but it was a physical test.
22 Q. Ultimately after this interview,
23 putting in your application, performing that
24 particular physical test, were you accepted to

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1 become a member of the SPEAR Team?
2 A. Yes.
3 Q. When did that occur?
4 A. August 8th, I believe. Chief Williams
5 indicated via memo to the department that they
6 accepted me onto the team.
7 Q. So the incident that now this entire
8 process ultimately stems from, the date is
9 August 11th, 2014.
10 Am I to presume that this was the very
11 first time you had actually participated in any
12 type of activity, whether it's training or
13 otherwise with the members of the SPEAR Team?
14 A. Correct.
15 Q. Now, who is surprised -- what
16 particular individuals were on the SPEAR Team at
17 this particular time?
18 A. There was commander, sergeants, and
19 other patrol officers.
20 Q. Did you ever have any experience with
21 these members of the SPEAR Team in your regular
22 duties performing on the police department as a
23 patrol officer in patrol during the year and a
24 half, almost two years, that you were on the

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1 department?
2 A. Yes.
3 Q. In what manner did you have contact
4 with them and interact with these individuals?
5 A. It was all, for the most part, just
6 during my work duties.
7 Q. Were some of these individuals your
8 immediate supervisors?
9 A. Yes.
10 Q. And others of the police officers or
11 the patrol officers were either on your shift or
12 other shifts that you would have contact with, is
13 that correct?
14 A. Correct.
15 Q. Up to August 11th of 2014, did you have
16 any difficulties in any types of relationships
17 with any of, first of all, the patrol officers of
18 the SPEAR Team?
19 A. No.
20 Q. You had worked with them on occasion,
21 is that correct?
22 A. Yes.
23 Q. Did you have any difficulties or any
24 kind of conflicts with any of the supervisors that

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1 were on the SPEAR Team in August of 2014?
2 A. No.
3 Q. And were those supervisors supervisors
4 that you would report to or would oversee your
5 activities in patrol prior to August of 2014?
6 A. Yes.
7 Q. Calling your attention to the actual
8 incident that occurred on August 11th, 2014, on
9 that particular day were you actually -- was that
10 a duty date for you as a patrol officer for the
11 department?
12 A. Yes.
13 Q. And what was your assignment that
14 particular date?
15 A. Just being a part of the training, kind
16 of mostly in a supervisory role, just trying to
17 get accustomed to exactly what they did as far as
18 room clearing and stuff like that, just kind of
19 thinking step-by-step, taking it slow, being a new
20 member.
21 Q. So in other words, there was actually a
22 training session that was scheduled that
23 particular day that you were going to be involved
24 with, is that correct?

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1 A. Correct.
2 Q. And was that training session solely
3 for the members of the SPEAR Team?
4 A. Yes.
5 Q. How did you receive that particular
6 assignment? I'm presuming you were advised that
7 you had to report that particular day for this
8 activity or training session sometime prior to
9 that date, August 11th of 2014.
10 How did you receive that particular
11 assignment?
12 A. Usually, it was always through email,
13 work-related emails, advising us of the training,
14 the location, what we had to bring.
15 And usually, it would be the
16 instructors that were in charge of that training
17 that would send that email out or one of the team
18 leaders or also possibly Commander Winterstein.
19 So it would vary. We would also
20 communicate through text message as well.
21 Q. And, again, would you have either
22 received emails from these instructors or
23 commanders or text messages in order to learn of
24 that training exercise on that particular day?

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1 A. Yes.

2 Q. Did you receive any documentation from
3 any of the supervisors or instructors with respect
4 to what was going to be discussed and involved
5 with on that particular day in that training
6 exercise?

7 A. Yes.

8 Q. What kind of documents did you receive?

9 A. Just, again, basic emails. Usually,
10 they would tell us the location, what exactly we
11 had to bring, sometimes what exactly the training
12 would entail.

13 A lot of times, they would also tell us
14 on site what it would entail, that type of thing.

15 Q. So on this particular day, there were
16 some specialized equipment or gear or protective
17 clothing that you were required to bring, and you
18 were advised to do that, is that correct?

19 A. Correct.

20 Q. And how would you have gotten that
21 information?

22 A. Through the instructor or the command
23 staff, like I said, either one of the two team
24 leaders or Commander Winterstein.

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1 Q. Now, where did this training exercise
2 on that particular day take place?

3 A. 1600 Dundee Avenue in Elgin. It was
4 the old Boys Home.

5 Q. So in other words, that was outside of
6 the boundaries of the Village of Bartlett, is that
7 correct?

8 A. Correct.

9 Q. And is there any kind of rule with the
10 police department that, when you're on duty, if
11 you're required or if you have to go out of the
12 boundaries of the municipality, do you have to get
13 permission from a supervisor?

14 A. Yes. It's approved by administration.

15 Q. And I'm presuming you reported there on
16 duty in Elgin outside of the boundaries of the
17 Village of Bartlett pursuant to the instructions
18 of the supervisor, is that -- a supervisor?

19 A. Correct.

20 Q. What time did this training session
21 begin, if you recall?

22 A. I don't recall the exact time. It
23 usually would begin around 8, 8:30, just -- around
24 that time usually in the morning.

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1 Q. So was it your understanding that it
2 was an all-day training session?

3 A. Correct.

4 Q. And you would not have to then report
5 back to work for your regular patrol shift; this
6 was your duty day and activities on that day, is
7 that correct?

8 A. Right. If I had patrol, they would --
9 this training would actually take the place of
10 patrol, and they would rearrange the schedules.
11 So it was a training day.

12 Q. And you traveled to this location, this
13 boys school in Elgin, Illinois, in your personal
14 vehicle, is that correct?

15 A. Correct.

16 Q. And what type of equipment did you
17 bring as requested by the supervisors to -- in
18 order to participate in this training program?

19 A. I recall bringing a long-sleeve shirt,
20 pants, a long-sleeve -- obviously, you know, long
21 pants covering your entire legs, boots.

22 I'm not sure if I had a
23 department-issued rifle at the time or if I had my
24 own. I don't recall, but I had a rifle, I

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1 believe, outfitted with a conversion kit that shot
2 simulated rounds.

3 I had a face mask, just protective gear
4 so you don't get injured from the simulator rounds
5 either being fired from pistols or our duty rifles
6 that were outfitted with conversion kits.

7 Q. What was the goal of this training
8 exercise that day? What were you going to cover
9 during this session?

10 A. Again, just basically room clearing.
11 We were shooting targets. Most of them were just,
12 like, paper targets, but I also believe there
13 might have been role players.

14 I don't -- I don't remember exactly
15 every single detail.

16 Q. Now, again, shooting at targets, things
17 of that nature, just for so some members of the
18 board, more of the lay people than the law
19 enforcement people, you had a particular weapon,
20 whether it was your rifle or a handgun, that had a
21 conversion kit that actually shot paint-type
22 pellets, is that correct?

23 A. Correct.

24 Q. And you're familiar with that

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1 conversion kit and that process, is that correct?
2 A. Well, at the time, it was brand-new,
3 but, yes, I am.
4 Q. Now, when you fire those rounds,
5 those -- first of all, how large are those paint
6 rounds?
7 A. It's usually just a regular -- it looks
8 just like a real ammo and -- but it's just
9 obviously filled in with some type of detergent,
10 but, I mean, it shoots exactly like you would
11 shoot a real automatic rifle round or a pistol
12 round, but it's not real ammo.
13 Q. And, again, in reading some of the
14 material regarding these conversion kits, the
15 velocity of those rounds, do they travel at a rate
16 similar to a live round?
17 MR. DENHAM: Objection; foundation.
18 BY MR. FIGLIOLI:
19 Q. If you know.
20 MR. REIMER: Overruled. He can answer
21 if he knows.
22 BY THE WITNESS:
23 A. I believe it shoots, like, 600 feet per
24 second from what I recall doing research on it

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1 when we were using those types of rounds because
2 they were painful.
3 BY MR. FIGLIOLI:
4 Q. Now, you were given instructions
5 throughout the day with respect to what you needed
6 to do during this training exercise, is that
7 correct?
8 A. Correct.
9 Q. So, for example, if you were up on --
10 one scenario is, you would be going up to the
11 second floor and doing certain room clearances, is
12 that correct? And then after that's done, there
13 would be other instructions to do other types of
14 activities, is that correct?
15 A. Yeah. Just whatever the instructor
16 that day had planned out, that's exactly what we
17 would do, but, yeah.
18 Q. And the instructor or the supervisors
19 were the individuals that would give you those
20 commands to perform those activities, is that
21 correct?
22 A. Correct.
23 Q. Can you describe for the board
24 throughout the day what were some of the

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1 activities that you were required to perform?
2 A. Well, we'd do room clearings, and
3 basically I was just kind of following the lead.
4 Being brand-new, I was just trying to get an idea,
5 and I was kind of told, you know, to sit back and
6 just kind of watch everybody to kind of do the
7 room clearings and other training scenarios and
8 just basically participating, but also observing
9 and try to take in exactly what the SPEAR Team
10 training entailed.
11 Q. How long did this training session
12 last?
13 A. So, again, I estimated it would roughly
14 start at around 8:00 in the morning or so. Again,
15 that's an estimation.
16 And I would estimate that it probably
17 lasted until, like, 2:30, 3:00 maybe until when we
18 were dismissed. Although, I'm sure they have a
19 record of exactly what times in the training logs.
20 Q. Now, at the conclusion of this course,
21 this program, the training where you were
22 observing and participating in these particular
23 activities with the SPEAR Team, were you
24 instructed to do something as a last activity to

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1 the day?
2 A. Yes.
3 Q. Who instructed you to begin that last
4 activity?
5 A. I believe it was Commander Winterstein,
6 but I'm not exactly sure, but I believe it was his
7 voice, from what I recall.
8 Q. Now, how many members of the SPEAR Team
9 were participating in this training session on
10 that day?
11 A. Roughly ten. I don't have the exact
12 count.
13 Q. Of those ten or so members, how many
14 supervisory officers were there?
15 A. Well, there was Commander Winterstein,
16 Commander Naydenoff, who was a sergeant at the
17 time. There's Sergeant Rummell. There's Sergeant
18 to Rybaski. There was Commander McGuigan, Officer
19 Amore, Officer Bubis, Gary -- Officer Mitchell.
20 He left early that day.
21 Who else? There was Officer Tellschow
22 was present. Off the top of my head, that's all I
23 can recall.
24 Q. Now, at some time, again, toward the

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1 end of the day, one of those supervisors
2 instructed you to do what?
3 A. Well, everybody was taking off their
4 gear. So they were "kitted down," is what they
5 called it, and I followed suit. I basically did
6 whatever they did.
7 So they were starting to take off their
8 protective gear. I did the same thing. And then
9 at that point, when I took off my protective gear,
10 we were told that there was one more scenario.
11 Q. Who instructed you that there was one
12 more scenario as you recall?
13 A. Again, I believe it was Commander
14 Winterstein's voice that I -- that I recall
15 hearing.
16 Q. And this last scenario, what were you
17 instructed to do?
18 A. Well, we were instructed to take the
19 lead and basically enter a room, and basically we
20 were told -- and, again, I don't recall -- I don't
21 recall the exact phrase that they said, but they
22 basically were saying, "Find work," or, "Find a
23 target," or something along those lines, and we
24 entered the middle of the room.

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1 Q. And this was, like, a classroom size
2 room?
3 A. Yeah. It was -- it was fairly small.
4 It was kind of a -- you know, a cubicle type of
5 room, not like this, but it was just kind of a
6 regular classroom, I guess.
7 Q. Now, you testified, "We were told," and
8 you said that in the plural. It was you.
9 Was there another individual that was
10 instructed to do the same that you were instructed
11 to do?
12 A. Yes.
13 Q. Who was that?
14 A. Officer Sieckman.
15 Q. And this officer, was he someone who
16 was new to the SPEAR Team as well?
17 A. Correct.
18 Q. So after receiving that instruction
19 from one of the supervisors, you then went into
20 this room, and you had taken all your protective
21 gear off, is that correct?
22 A. Correct. And I've told -- I've told
23 this to investigators that were interviewing me
24 regarding this incident, when I disclosed it.

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1 I don't recall if I put on my helmet --
2 or, my face mask is what it was. There's a lot of
3 details I don't remember going through that
4 incident.
5 Q. Now, when you entered into that
6 particular room, what did you observe?
7 A. So as soon as we get into the middle of
8 the room, we get flanked by the SPEAR members that
9 were there, and they kind of positioned kind of in
10 a semicircle.
11 And they start shooting rounds,
12 simulated rounds, from their automatic rifles, not
13 their pistol, but their automatic rifles at us.
14 Q. Again, do you have any idea the number
15 of other SPEAR Team members that were in that
16 semicircle facing you and the other new officer?
17 A. I would say all that were left were --
18 were present there. I didn't -- I mean, I was
19 getting shot at. It's not like I could, you know,
20 tell every single person that was shooting rounds
21 at me.
22 Q. So at a minimum, there were six or
23 seven. There was one individual that left early,
24 and you thought there was a total of about ten

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1 members.
2 So you and another member were the new
3 members. That leaves eight. The one person left
4 early. That would leave somewhere right around
5 seven. Would that be accurate?
6 A. I would say that would be accurate.
7 Q. You said they began firing rounds at
8 you.
9 Again, were these paint-type pellets or
10 rounds?
11 A. Correct. The simulator rounds coming
12 from our patrol rifles, our automatic patrol
13 rifles that were converted with the conversion kit
14 to shoot these simulated rounds.
15 Q. Now, you mentioned patrol rifles.
16 So these are the rifles that actually
17 patrol officers maintain as part of their
18 equipment in their actual patrol vehicles when
19 they go out on patrol?
20 A. Exact same ones.
21 Q. And what are those types of rifles?
22 Can you name some of the models that are --
23 A. Rock River Arms, Rock River Arms. From
24 what I can -- I mean, there was Bushmaster. I

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1 mean, there's many different ones, but I think the
2 department-issued ones were Rock River Arms. And
3 a lot of the same guys in the SPEAR Team, from
4 what I recall, have those.

5 **Q. And that's AR-15 rifles, is that**
6 **correct?**

7 A. Correct. Correct. Military grade.

8 **Q. Now, this happened almost immediately**
9 **when you entered the room, is that correct?**

10 A. As soon as we got -- as soon as we got
11 in the middle of the room, they formed that
12 semicircle, then that's what it started.

13 **Q. Can you estimate for us how many rounds**
14 **struck you during this particular incident?**

15 A. 30 to 50.

16 **Q. What parts of your body were struck by**
17 **these various rounds fired by these other**
18 **individuals?**

19 A. Well, my forearms. They were exposed
20 because, like I said, when I saw everybody else
21 removing their protective gear, I did the same
22 thing. I didn't get a chance to put on a long
23 sleeve -- before going into that room.

24 So my forearms were bleeding. I had

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1 two simulator rounds embedded in my left forearm.
2 They were both bleeding, my left more significant.

3 I had paint detergent all over my body.
4 My legs were hit heavily, and, I mean, I was just
5 hit all over.

6 **Q. And immediately after this incident**
7 **happened, what did you notice about yourself with**
8 **respect to where you ultimately were shot with**
9 **these particular rounds?**

10 A. I was just -- I mean, I was just angry.
11 I mean -- please repeat the question. I was...

12 **Q. What did you notice about your forearms**
13 **and your legs?**

14 A. Well, they were in pain.

15 **Q. Did you notice that some of these**
16 **rounds had broken skin and caused wounds?**

17 A. Correct. I was bleeding. Correct.

18 **Q. And you expected this to occur at all?**
19 [Sic]

20 Were you told by anyone that this was
21 something that would be done in this particular
22 training exercise?

23 A. Absolutely not.

24 **Q. Had you ever heard at any time before**

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1 **or after that this was something that was done on**
2 **a regular basis?**

3 A. I -- I didn't hear that it was done on
4 a regular basis, no.

5 **Q. What did you feel after you experienced**
6 **this particular incident on your very first**
7 **training exercise with the SPEAR Team?**

8 A. I was extremely angry, upset. I was
9 humiliated. I was shocked. I mean, I feared for
10 my life when it happened.

11 I mean, when something like that
12 happens just right outside of the blue, you think
13 you're going into some training scenario and you
14 get just blasted with 30 to 50 sim rounds from
15 automatic rifles at close range -- I mean, you're
16 literally in fear for your life.

17 **Q. Now, again, I've never experienced it.**
18 **I don't know if anyone in this room has ever**
19 **experienced it, but when you fire these --**
20 **either -- they're simulated rounds. We understand**
21 **that.**

22 **The noise they make, is that comparable**
23 **to the noise a regular round makes when it's fired**
24 **out of the rifle?**

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1 A. It's not as loud as a real round, but,
2 I mean, you can hear it. A sim round coming from
3 an automatic rifle is maybe a little bit louder
4 than coming from a pistol with simulated rounds
5 coming out it, but it's not as loud as a real
6 pistol or real automatic rifle round.

7 **Q. And does it produce the smoke or the**
8 **fumes from the --**

9 A. I mean, it could --

10 **Q. -- expulsion of the power?**

11 A. It could as times, yeah. I would say
12 so.

13 **Q. Did that occur in the room where you**
14 **experienced your incident?**

15 A. I would imagine it did. I mean, I
16 was -- I was more just so overwhelmed of what just
17 happened and just in fear for my life. I
18 didn't -- I couldn't really -- I wasn't thinking
19 about seeing if there was smoke in the room or
20 anything like that.

21 **Q. How long were you subjected to these**
22 **rounds being fired at you?**

23 A. You know, I estimated maybe a 10- to
24 15- to 20-second time span. Again, it's not like

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1 I'm sitting there timing it, but it happened
2 fairly quickly and at close range.

3 **Q. Did you have an opportunity to try to**
4 **turn away or protect yourself at all?**

5 A. Well, what I did was, as soon as I
6 started feeling those rounds going against my
7 body, what I basically did was, I covered my head
8 from what I recall.

9 And I was basically just
10 high-knee-stepping, just trying to dodge them, but
11 obviously unsuccessfully because you're such at
12 close range.

13 And, I mean, that's all I can remember.
14 Usually, you're, I mean, kind of in tunnel vision
15 when you're experiencing something like that.

16 **Q. And can you recall the distance between**
17 **you and the individuals that formed that**
18 **semicircle that fired those rounds?**

19 A. Yeah. I mean, I would say five, 10, 15
20 feet. I mean, measurements were taken during the
21 investigation. So, I mean, they should have them.

22 **Q. After the incident was over, what were**
23 **you told with respect to why this occurred?**

24 A. Basically they said, "That was your

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1 initiation."
2 I remember everybody laughing and
3 high-fiving each other, and I just -- I mean, at
4 the time, you just kind of play along. I mean,
5 it's not like you're just going to, you know, lose
6 control because obviously, you know, you don't
7 want to upset them, but you kind of just go along
8 with it.

9 I mean, there's really nothing I could
10 do.

11 **Q. Over the next couple of days, how did**
12 **you feel after experiencing this particular**
13 **incident?**

14 A. Well, just still angry, upset,
15 humiliated. I mean, you know, when something like
16 that happens, you just develop a -- just a
17 distrust in them, you know.

18 Here's -- you know, it's the last thing
19 that you would suspect happen when you're a part
20 of the police department.

21 **Q. Now, did you report this to any**
22 **individual supervisor immediately after it**
23 **happened, I mean, over the next few days or a**
24 **week?**

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1 A. Well, the thing is, the supervisors are
2 the ones that committed this, but I did approach
3 Sergeant Rummell and again Sergeant Naydenoff at
4 the time, who is a commander now. I did approach
5 them. They shared an office when I approached
6 them during this time.

7 **Q. When you approached them, what did you**
8 **relay to them?**

9 A. That I wanted to seek treatment.

10 **Q. For what purpose?**

11 A. I initially told them that I had a -- I
12 had simulated -- blue simulated detergent that was
13 embedded in my left forearm. There's two embedded
14 in there.

15 And then I -- I tried to pick out most
16 of it with a knife. I used tweezers. I used
17 different utensils that night when I got home to
18 pick it out, and I couldn't get all of it.

19 And I -- I had asked treatment for them
20 to actually get that removed, and Sergeant Rummell
21 said that he would have to fill out an IRMA form.

22 **Q. Did you ultimately receive any response**
23 **from the department or any person in the**
24 **department or the Village giving you permission to**

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1 **seek treatment to have that dye paint removed from**
2 **your body?**

3 A. I never heard anything after that
4 request.

5 **Q. Again, moving forward, then, from this**
6 **incident over the next few years, can you just**
7 **briefly relay to us how you were feeling with**
8 **respect to your relationship with your coworkers**
9 **and the other SPEAR members who were involved in**
10 **this incident when you would interact with them**
11 **performing your job duties as a police officer?**

12 A. Well, I started to definitely have a
13 high level of pessimistic -- you know, I was very
14 pessimistic after that, again, shocked that
15 something like that would happen coming from a
16 police department. I had a lot of distrust,
17 especially even after I requested treatment, and
18 it went bas- -- it went ignored and just -- just
19 continuing -- just being angry at what I was
20 subjected to, you know.

21 And, obviously, that -- that got worse
22 and worse over time as well.

23 **Q. You ultimately resigned from the**
24 **SPEAR Team in November of 2017, is that correct?**

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1 A. Yes, I did.

2 Q. Now, you also, according to the
3 records, you suffered a work-related shoulder
4 injury in June of 2016 and ultimately had to
5 undergo a surgical procedure to your left shoulder
6 in October of 2016, is that correct?

7 A. Correct.

8 Q. And you were off work for a period of
9 time.

10 Ultimately, after recovering from the
11 surgery, you returned to work full duty, according
12 to the records I reviewed, in May of 2017, is that
13 correct?

14 A. Full duty, correct.

15 Q. Now, up to the time before, meaning the
16 time before you suffered your shoulder injury, how
17 would you deal with the symptoms that you
18 experienced resulting from this SPEAR Team
19 incident?

20 A. Yeah. Well, I basically channeled it
21 through high intensive strength training. I'm
22 sure everybody, you know, in the police department
23 knows I was always working out. I was always one
24 of the main guys that was always downstairs in

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1 that police department always working out after my
2 shift, sometimes even before my shift.

3 Even when I was not working, I would
4 religiously strength-train, and that's exactly how
5 I helped -- that's exactly what helped me cope
6 with my symptoms, and it helped me manage my
7 symptoms tremendously, is the high-intensive
8 strength training.

9 Q. When you suffered the injury to your
10 shoulder, how did that affect your ability to do
11 that training?

12 A. I lost -- I lost -- I lost my ability
13 to cope and manage my symptoms.

14 Q. And you ultimately sought treatment
15 from various medical providers for your symptoms,
16 is that correct?

17 A. Yes.

18 Q. According to the records, you sought
19 treatment from a family physician affiliated with
20 Winters Family Practice on a number of occasions,
21 is that correct?

22 A. Correct.

23 Q. You sought some treatment from a
24 psychiatrist in May of 2017, a Dr. Waliuddin, is

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1 that correct?

2 A. Correct. I also went in May -- just to
3 add on to that, I also went to the St. Joseph
4 Hospital emergency room because I was suffering
5 from panic attacks in March. It was late
6 March 2017.

7 So it was before my visits to my -- my
8 family doctor and also Dr. Waliuddin.

9 Q. And you received some medications in
10 response to those symptoms, is that correct?

11 A. Correct.

12 Q. And did that medication help you to any
13 degree?

14 A. I mean, it helped me. I needed more
15 help, though.

16 Q. Now, the records also reflect that you
17 suffered a knee injury in December of 2018, is
18 that correct?

19 A. Correct.

20 Q. And that was a minor knee injury where
21 you received some conservative treatment, some
22 physical therapy, is that correct?

23 A. Correct.

24 Q. Ultimately, you were on some light duty

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1 work after that injury, is that correct?

2 A. Correct.

3 Q. Now, while you were on light duty, were
4 you continuing to experience the same symptoms
5 that you were experiencing before?

6 A. Yeah. Well, there was -- there was a
7 situation that happened during that training --
8 yeah. And my symptoms started getting worse and
9 worse after that as well.

10 Q. Now, you ultimately, then -- because of
11 the ongoing symptoms and the worsening of the
12 symptoms, you did finally meet with some
13 supervisors in order to discuss that, is that
14 correct?

15 A. That's correct.

16 Q. During this period of time that you
17 were performing your job duties as a police
18 officer, were you having any kind of difficulties
19 or confrontations with any officers or the public
20 that were out of character for you?

21 A. Well, that's exactly the thing. The
22 way this traumatic incident affected me is, I
23 started becoming -- gradually, I started becoming
24 more aggressive and confrontational against my

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1 coworkers, and I would also say the public as
2 well.
3 I just had an extremely bad attitude,
4 but when you're subjected to something that I was
5 subjected to, you know, that hostility, that
6 anger, I mean, manifested itself in so many
7 different ways.
8 It not only affected my work experience
9 being subjected to workplace violence, but it also
10 started affecting my life in the way I perceived
11 reality.
12 I think the record -- my medical
13 records will reflect that as well.
14 **Q. Now, you ultimately --**
15 MR. REIMER: Officer, do you want to
16 take a break?
17 THE WITNESS: Yes, please.
18 MR. REIMER: Let's take five, ten.
19 Take whatever time you need.
20 (A recess was had from
21 3:03 p.m. until 3:09 p.m.)
22 MR. REIMER: Let's go back on the
23 record. Please continue.
24

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1 BY MR. FIGLIOLI:
2 **Q. Officer Selmani, ultimately you did**
3 **have a meeting with Commander Naydenoff and Deputy**
4 **Commander Snider in late January 2019 where you**
5 **did advise them of your symptoms emanating from**
6 **this incident, is that correct?**
7 A. Correct. Just to clarify, it was
8 Commander Naydenoff and Deputy Chief Snider.
9 **Q. Now, ultimately, you were requesting,**
10 **at that point in time, to be put on paid leave by**
11 **the department in order to obtain additional**
12 **treatment for your ongoing symptoms, is that**
13 **correct?**
14 A. Well, at that -- when I disclosed this
15 at that time, I did not request for a paid leave
16 at that time. I think that happened a couple
17 weeks later, I believe.
18 That was basically just telling them of
19 what I was going through and what -- how my
20 attitude -- how the traumatic hazing affected my
21 attitude throughout the years and kind of my
22 behavioral downfall, so to speak, and just
23 struggling, dealing with what they subjected me
24 to.

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1 And I think their memos in the pension
2 board exhibits will reflect that.
3 **Q. Ultimately, you were placed on family**
4 **medical leave from the department, I believe,**
5 **beginning sometime in February of 2019, is that**
6 **correct?**
7 A. Well, that's correct, because I was
8 told that a paid leave was not available for me to
9 take. And I subsequently had a meeting with Chief
10 Ullrich, Human Resource Director Janelle Terrance,
11 Deputy Chief Snider.
12 And they all collectively told me that
13 basically they had nothing in place for the
14 Village to give me a paid leave and that I could
15 take my FMLA. So that was the only option I had
16 to take in order for me to seek psychological
17 treatment from the hazing.
18 **Q. Ultimately, as a result of your**
19 **advising these superior officers of this incident,**
20 **you were made aware of an independent**
21 **investigation that was initiated by the Village**
22 **and the department, is that correct?**
23 A. That's correct. And just to clarify,
24 they all knew exactly why I was seeking treatment.

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1 And, again, their records would reflect that, but,
2 yes, correct.
3 **Q. You were asked to cooperate with this**
4 **independent investigation, and you provided**
5 **information to those particular investigators at**
6 **that company that completed this investigation, is**
7 **that correct?**
8 A. Yes.
9 **Q. And as a result of that investigation,**
10 **a number of officers were disciplined, is that**
11 **correct, to the best of your knowledge?**
12 A. To the best of my knowledge and from
13 also what the Daily Herald indicated in their
14 newspaper articles, I believe it was titled "Eight
15 Bartlett Officers Suspended for Hazing," something
16 along those lines, but exactly what -- how long
17 they were suspended for or anything like that, I'm
18 not sure, but they were disciplined from my
19 understanding, correct.
20 **Q. Also prior to the investigation being**
21 **completed, one of the supervising officers retired**
22 **from the department, is that correct?**
23 A. Correct. So Deputy Chief Snider at the
24 time told me that the investigators, Investigator

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1 Fields and McDivott were supposed to interview
2 Commander Winterstein.

3 Although, he decided to resign and then
4 ultimately filed for his retirement pension. So
5 he did not speak with investigators.

6 Q. Well, when you were placed on
7 administrative leave, you requested PEDA benefits,
8 is that correct?

9 A. Well, I don't know -- it was titled
10 "Unpaid Discretionary Leave" by the Village, and I
11 responded by not agreeing to that.

12 And then I also responded by a
13 grievance requesting PEDA benefits. Although,
14 PEDA is not in our CBA, our contract.

15 So that was really never addressed in
16 that grievance.

17 Q. You ultimately then filed an
18 application with this pension board when you were
19 denied the PEDA benefits by the department and the
20 Village, is that correct?

21 A. Correct.

22 Q. You then sought treatment ultimately
23 from a psychiatrist, a Dr. Marseilles, and if his
24 records reflect that you first were evaluated by

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1 this Dr. Marseilles on May 6th, 2019, would that
2 be accurate?

3 A. Correct.

4 Q. And you conveyed to the psychiatrist,
5 Dr. Marseilles, this incident that occurred with
6 the SPEAR Team in 2014 and all of the symptoms you
7 had experienced up to the date of that evaluation,
8 is that correct?

9 A. Correct.

10 Q. And he ultimately diagnosed you with
11 posttraumatic stress disorder, anxiety disorder,
12 and panic disorder, is that correct?

13 A. Correct. OCD and major depression as
14 well, all related to the hazing.

15 Q. He then recommended that you not return
16 to work as a police officer and continue to get
17 medical treatment, is that correct?

18 A. Correct. I also just really want to
19 note really quickly -- actually, never mind.

20 Q. Dr. Marseilles referred you for some
21 additional care to a psychologist, a Dr. Marla
22 Friedman, is that correct?

23 A. Correct.

24 Q. And if her record reflects that she

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1 began evaluating you on May 15th, 2019, would that
2 be accurate?

3 A. Yes.

4 Q. She also offered a diagnosis of
5 posttraumatic stress disorder, is that correct?

6 A. She did. Her report also indicated --
7 or, she told me she believed it was with a delayed
8 onset, and that's what her report reflects as
9 well.

10 Q. She also recommended that you not
11 return to work as a police officer and receive
12 additional treatment, is that correct?

13 A. Correct.

14 Q. And is it true that you have continued
15 to see or treat with both Dr. Marseilles, the
16 psychiatrist, and Dr. Marla Friedman up to the
17 present time?

18 A. Well, I tried to -- current right now,
19 I'm still treating with Dr. Marla Friedman. With
20 Dr. Marseilles, it's a little bit sporadic because
21 I just cannot afford the treatment due to the
22 Village taking away my health benefits and my pay.

23 So I only see Dr. Marseilles whenever I
24 need to refill my medications. So he does his --

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1 a session, and he'll prescribe me -- for me to
2 continue the medications.

3 Q. And you see Dr. Friedman, though, on a
4 monthly basis, is that correct?

5 A. Yes. Through TeleMed due to, you know,
6 coronavirus.

7 Q. Now, at the request of this board, you
8 were evaluated by a number of physicians and a
9 psychologist, and I can go through those;
10 initially Dr. Donald Catherall, who is a
11 psychologist on March 20th of 2020.

12 Do you recall him interviewing you and
13 performing a battery of various tests that you
14 completed over this evaluation?

15 A. Yeah. He -- he's -- I had to submit to
16 a series of psychological diagnostic tests
17 regarding, you know, whatever he tests me for, and
18 obviously he ruled the way he ruled in his report.

19 Q. And you answered those questions and
20 completed those tests truthfully and accurately?

21 A. Yes.

22 Q. You were also interviewed or evaluated
23 by three additional psychiatrists; a Dr. Geoffrey
24 Shaw on April 22nd, 2020, Dr. Robert Reff on

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1 July 6th of 2020, and Dr. Stevan Weine on
2 July 20th of 2020, is that correct?
3 A. Correct.
4 Q. And, again, you were honest and
5 truthful with those doctors with respect to what
6 occurred on August 11th, 2014, and your continued
7 symptoms up to the time of their evaluation, is
8 that correct?
9 A. Yes.
10 Q. Now, were you able to provide these
11 psychiatrists with a copy of the investigative
12 report of the incident performed by that
13 independent investigative company hired by the
14 Village?
15 A. After refusing to sign a protective
16 order, I -- what I did was, instead of having
17 Mr. Reimer, the pension board attorney, file a
18 motion to compel enforcement because the Village
19 refused to turn over that investigation without me
20 signing this protective order, I decided that I
21 was better suited for me to kind of save some time
22 to move this process along because I didn't want
23 to it to last up to six months up to a year.
24 So what I did was, I requested, through

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1 Mr. Figlioli, to submit it as an applicant exhibit
2 which was my FOIA request of that REM report into
3 my hazing.
4 Q. So, again, the question was, at the
5 time that the doctors evaluated you, they did not
6 relay to you that they had received a copy of the
7 investigative report; isn't that correct?
8 A. That is correct.
9 Q. But, ultimately, we learned that they
10 did receive a copy of a redacted investigative
11 report, and you've seen their addendum reports
12 after reviewing that redacted investigative
13 report, is that correct?
14 A. Correct.
15 Q. You also had an opportunity to review
16 that redacted investigative report?
17 A. Correct.
18 Q. And does that -- at least the portions
19 that you could read that were legible, does that
20 report accurately reflect the information you
21 provided to the investigators, first of all?
22 A. Yes.
23 Q. And does that report accurately reflect
24 the facts surrounding the incident that occurred

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1 on August 11th of 2014?
2 A. I would say yes.
3 Q. Just briefly, Officer Selmani, can you
4 describe for the board what, if any, symptoms
5 you're continuing to experience up to the present
6 time?
7 A. Well, it varies. Every day is not the
8 same. You know, just like any other human being,
9 I have my good days. I have my bad days.
10 I still have nightmares regarding my
11 hazing thinking that there are real bullets coming
12 at me.
13 Whether I look at my injuries every
14 single day that I have to see them, I get reminded
15 of what I was subjected to. It's kind of
16 impossible not to think of what you were subjected
17 to when you've -- when you see injuries that this
18 SPEAR Team caused me, you know. I still have
19 certain obsessions over certain things, you know.
20 Again, they come and go. Highly
21 pessimistic. There's a sense of hostility that's
22 in me that I've never had prior to this hazing.
23 Distrust of people. Again, just severe mood
24 disturbances.

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1 I'm always hyper-aroused. I mean, the
2 littlest thing would scare me. I mean, I'm having
3 difficulty concentrating. There's times where,
4 you know, I feel detached from people. I can't
5 even enjoy my kids' baseball games and stuff like
6 that. I try to go to them, but I'm mentally
7 checked out.
8 A lot of times, I hang out in the
9 outfield by myself because I can't just be around
10 people. I mean, the list goes on and on, man.
11 Q. And you conveyed all of these ongoing
12 symptoms to the various psychiatrists and
13 psychologists that evaluated you on behalf of the
14 board, is that correct?
15 A. Correct.
16 Q. Those have not changed to any degree up
17 to the present time?
18 A. Again, I have my good days. I'll have
19 bad days, but mostly no. I mean, basically, I've
20 been like this for quite some time.
21 Q. Has any doctor that has either
22 evaluated you or treated you for these symptoms up
23 to the present time released you to return back to
24 work as a police officer?

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1 A. No. It's not safe.

2 **Q. Now, there some injuries in the medical**

3 **records and some of the other documentations that**

4 **you've conveyed to the various doctors and taken**

5 **the position that ultimately you would like to**

6 **return back to work as a police officer.**

7 **Is that accurate?**

8 A. That is absolutely accurate. My

9 intention to seek treatment was to try to seek

10 treatment to better myself in order so I can

11 continue to perform my duties as a police officer.

12 My intention was never to go on disability. I

13 think the record would reflect that.

14 And even the documents throughout the

15 pension board exhibits, there's clearly

16 correspondence that that was always my goal, was

17 to seek treatment and to come back as a full-time

18 police officer.

19 It's my doctor, Dr. Marseilles, who

20 ruled that I cannot do that. And every single

21 doctor, including Dr. Catherall, who submitted --

22 or, who administered those psychological

23 diagnostics tests, have all agreed of my condition

24 and their opining of me not being able to perform

Page 121

1 my full and unrestricted police duties due to

2 PTSD, all attributable to the hazing that I was

3 subjected to by the SPEAR Team.

4 **Q. Now, again, at any time since this**

5 **incident, which is probably, you know, six and a**

6 **half years or so up to the present time, have you**

7 **been involved in any other type of a traumatic**

8 **incident regarding you or your family?**

9 A. No.

10 **Q. Can you attribute any of these symptoms**

11 **to any other cause? Are you having marital**

12 **problems at all?**

13 A. No. The thing -- what people have to

14 understand -- and doctors are the ones who are

15 actually able to verify this -- is, this traumatic

16 incident affected not only initially my work

17 duties and my anger, but that's also going to

18 affect your everyday single life and any problems

19 that I had regarding my wife and the irrational

20 thinking, the obsessive thoughts that I had was

21 all related to that traumatic incident that I was

22 subjected to by the SPEAR Team.

23 So that trauma is going to affect my

24 everyday life, and it has. There's no other way

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1 around it. I couldn't just turn it off and turn

2 it on.

3 MR. FIGLIOLI: That's all I have at

4 this time.

5 MR. REIMER: All right. I assume

6 there's going to be cross. We just took a

7 break.

8 Do you need another break before

9 we go on?

10 THE WITNESS: No. I'm fine.

11 MR. REIMER: Do you want to keep going?

12 All right. It's your witness.

13 Cross exam?

14 MR. DENHAM: Yes. I actually brought

15 exhibit binders that kind of follows what I

16 have planned for cross examination.

17 I don't know if the members of

18 the board would prefer to have the exhibits

19 in front of them as I'm referring to them.

20 MR. REIMER: Well --

21 MR. FIGLIOLI: At this time, again, are

22 these exhibits meaning copies of the exhibits

23 that have are been submitted --

24 MR. REIMER: Right.

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1 MR. FIGLIOLI: -- or are you arguing --

2 MR. DENHAM: Every document in the

3 binder has the Bates number that the pension

4 board put on it.

5 MR. REIMER: Right.

6 MR. PALMER: Are the exhibits different

7 than what we have?

8 MR. REIMER: No. They're summaries,

9 correct.

10 MR. DENHAM: They're just -- if I ask

11 them, it's going to be at Tab 1, and you can

12 kind of follow along with the exhibits then.

13 MR. REIMER: It sounds to me, tell me

14 if I'm wrong, it will be duplicative, not in

15 addition to. This isn't new evidence.

16 MR. DENHAM: It is not new evidence.

17 It's literally just asking about the record

18 evidence and allowing you to follow along.

19 I presume you didn't print out

20 all of the binders for the --

21 MR. PALMER: They're the same or

22 they're summaries?

23 MR. REIMER: They're the same.

24 MR. PALMER: Just point me to which

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1 one.

2 MR. REIMER: I'm not going to argue on

3 his behalf, but I've seen Mr. Denham in

4 action.

5 What he does is, rather than

6 girlfriend you a couple thousand pages, he's

7 going to ask questions, and it will be the

8 same Bates stamps, the same exhibit number.

9 So all it is --

10 MR. PALMER: Is it shorter than the

11 exhibits we have here, like?

12 MR. REIMER: It sure looks like it,

13 yeah.

14 MR. DENHAM: Yes. They're simply what

15 I'm going to hit on in the cross examination.

16 MR. REIMER: And you are not moving for

17 admission of these, right?

18 MR. DENHAM: Right. These have already

19 been admitted or they are the documents that

20 are still pending approval in front of the

21 IME --

22 MR. REIMER: Okay. Tender a copy to

23 Mr. Figlioli.

24 MR. DENHAM: I just did provide copies

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1 to everyone.

2 MR. REIMER: Take a look at it. Go

3 ahead and distribute it.

4 Before you open the book, let

5 Mr. Figlioli have an opportunity to look at

6 that to see if there's any objection, but

7 Mr. Denham, you are representing to the board

8 that these are not new exhibits. These are

9 just duplicates.

10 MR. DENHAM: These are board exhibits.

11 They're all containing the Bates numbers that

12 were file-stamped by the pension board.

13 MR. REIMER: So it's easier for you.

14 Now, the only confusing thing

15 that's going to be here -- I'm still looking

16 at the objections. Using the tabs that you

17 provided, 1 through 37, that's going to be

18 confusing, I think, when we look at the

19 record.

20 MR. DENHAM: I'm going to refer to both

21 the tab as well as the Bates number. I am

22 going to focus on the Bates number, which is

23 in the middle of the page.

24 Some of the documents that were

Page 126

1 produced by the Village also have a Bates

2 number in the lower right corner. I'm not

3 going to refer to that.

4 MR. REIMER: So these are more in the

5 line of demonstrative, not --

6 MR. DENHAM: Again, it's just for me to

7 produce something without -- with COVID, not

8 having to give it to everyone else and just

9 hopefully streamline things.

10 I know it looks daunting, but

11 actually, I'm not going to be spending much

12 time on any of these exhibits at all.

13 MR. REIMER: All right.

14 MR. FIGLIOLI: Just for clarification,

15 if Mr. Denham could, rather than just

16 alluding only to the Bates stamps only, it

17 would be helpful to say, "Okay. Let's look

18 at Board Exhibit No." -- whatever it is and

19 then -- because maybe they don't have the

20 page numbers so we don't know exactly which

21 exhibit. It would make things a little more

22 streamlined that way.

23 MR. REIMER: I'm fine with that. The

24 confusing part, again, is going to be, you

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1 know, if the record says "Tab No. 1," that

2 doesn't necessarily equate with

3 Board Exhibit No. 1. That's going to be --

4 MR. FIGLIOLI: I would agree. I think

5 he should just identify them by board exhibit

6 and page number.

7 MR. REIMER: Well, if he can, that will

8 be great, but sometimes -- like, if you look

9 at the first one, for example, 654 --

10 MR. FIGLIOLI: That's

11 Board Exhibit No. 8.

12 MR. REIMER: Do you know which --

13 MR. FIGLIOLI: I can tell you

14 Board Exhibit No. 8 starts at Page 204 and

15 goes all the way up to Page 1593.

16 MR. REIMER: Do the best you can --

17 MR. DENHAM: Sure.

18 MR. REIMER: -- with that, okay?

19 So, go ahead. You can open the

20 secret envelope. I think it will actually

21 make it easier for the board.

22 I think you will find this is

23 easier than having to go through and -- we'll

24 do the best we can.

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1 All right. It's your witness.
2 CROSS EXAMINATION
3 BY MR. DENHAM:
4 Q. Officer Selmani, you were just asked
5 some questions about your current symptoms.
6 Do you recall that?
7 A. Yes.
8 Q. You recalled that you have nightmares
9 related to the alleged hazing incident, is that
10 right?
11 A. Correct.
12 Q. You mentioned that you have a sense of
13 hostility currently, is that right?
14 A. Correct.
15 Q. You mentioned hyperarousal, is that
16 right?
17 A. Correct.
18 Q. You've mentioned distrust of other
19 people, is that right?
20 A. Correct.
21 Q. You mentioned difficulty concentrating,
22 is that right?
23 A. Correct.
24 Q. Prior to May of 2019, did you disclose

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1 those symptoms to any medical provider or
2 therapist?
3 A. Not those, no.
4 Q. I'm looking at what I just provided to
5 you, which is Tab No. 1. I am looking at a
6 document that's been labeled by the pension board
7 in the middle of the first page as Bates No. 654.
8 I believe it's in Board Exhibit 8 of the
9 materials.
10 Do you see that?
11 A. Page 654?
12 Q. Yes.
13 A. Yes, I see it.
14 Q. And this appears to be a ten- or
15 eleven-page letter.
16 Did you draft this letter?
17 A. Yes.
18 Q. On Bates No. 654, it looks like it was
19 received by the Village on April 1st, 2019.
20 Is that consistent with your
21 recollection?
22 A. Correct.
23 Q. And if you look at the last page, it is
24 signed by you?

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1 A. Correct.
2 Q. Both electronically, and it looks like
3 you initialed it, is that right?
4 A. Correct.
5 Q. About two lines above your signature,
6 you wrote, "Again, I really hope neither you, nor
7 the police administration, take this letter
8 personally because I know none of you had any
9 doing in this matter."
10 Is that accurate?
11 A. This letter was addressed to Paula
12 Schumacher, who is the Village administrator, and
13 also the police administration consisting of Chief
14 Ullrich, Deputy Chief Snider, and also Deputy
15 Chief Pretkelis.
16 So that's what it was referring to.
17 Q. I just asked if you wrote that.
18 Did you write that?
19 A. Yes.
20 MR. PALMER: Excuse me. Can you take
21 me to where that line is to make sure that
22 I -- I think I missed that.
23 MR. DENHAM: Sure. If you look at the
24 last page, which is Bates No. 664, the

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1 salutation says, "Respectfully, Gzim
2 Selmani."
3 Two lines above that where it
4 starts, "Again, I really hope," do you see
5 that?
6 MR. PALMER: I do.
7 MR. DENHAM: Okay.
8 BY MR. DENHAM:
9 Q. And if you look at Page 657, the second
10 full paragraph, you mention Deputy Chief Leonas,
11 is that correct?
12 A. Oh, yes. He's retired. He was
13 retired.
14 Q. In fact, it seems like in this letter,
15 you said some nice things about Deputy Chief
16 Leonas, is that correct?
17 A. Yeah. I think he's a great person.
18 Q. And was Deputy Chief Leonas the deputy
19 chief of police at the present time, at the time
20 of the August 2014 incident?
21 A. Yes.
22 Q. In August of 2014, was Kent Williams
23 serving as the chief of police?
24 A. Yes.

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1 Q. And current Chief Ullrich was serving
2 as the deputy chief of police in August of 2014,
3 is that right?
4 A. Yes.
5 Q. If you look at the third paragraph on
6 that same page, 657, you wrote, "Since I am on the
7 subject, I want you to know directly Chief
8 Ullrich, Deputy Chief Snider, and Deputy Chief
9 Pretkelis have always and still have my complete
10 trust and the utmost respect."
11 A. Correct.
12 Q. Do you have any evidence or information
13 that suggests that this 2014 incident was ordered
14 by the chief or deputy chiefs who were in place at
15 the time?
16 A. Was it ordered by them, is what you're
17 asking?
18 Q. Yes.
19 A. I wouldn't have any -- I wouldn't -- I
20 don't believe that they did, but I also don't have
21 information that it wasn't.
22 So I don't -- I can't answer that
23 question.
24 Q. Do you agree that the conduct of the

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1 officers who participated in this SPEAR Team
2 incident violated the department's rules and
3 regulations?
4 A. I think that the report would reflect
5 that they definitely did.
6 Q. Do you agree that that conduct at the
7 time violated the department's rules and
8 regulations?
9 MR. FIGLIOLI: Objection; asked and
10 answered.
11 MR. DENHAM: I just asked if he agreed
12 with that finding.
13 MR. REIMER: That's a separate
14 question. Overruled.
15 BY THE WITNESS:
16 A. Could you repeat your question?
17 BY MR. DENHAM:
18 Q. Yes. Do you agree that the officers
19 conduct in the SPEAR Team ceremony or incident
20 violated the department's rules and regulations?
21 A. Yes.
22 Q. This alleged hazing incident was not a
23 sanctioned activity of the police department, was
24 it?

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1 MR. FIGLIOLI: I'll object to the word
2 "alleged."
3 MR. REIMER: There -- well --
4 MR. DENHAM: I'm willing to call it
5 whatever he wants. I'm not --
6 MR. REIMER: One at a time. One at a
7 time.
8 So, I mean, we can cut to the
9 chase. Is there a factual basis that the
10 Village can assert that this hazing --
11 MR. DENHAM: He's called it hazing.
12 It's an allegation that it's hazing. Hazing
13 is not just the conduct, but how he perceives
14 the situation.
15 MR. REIMER: How about "hazing,"
16 "initiation," not for any intent -- not for
17 any legal purpose.
18 Go ahead and ask your question.
19 I'm going to overrule it.
20 BY MR. DENHAM:
21 Q. Okay. This initiation incident was not
22 a sanctioned activity of the police department,
23 was it?
24 A. Not that I am aware of.

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1 Q. In fact, you've made statements that
2 the actions of the SPEAR Team members that day
3 were criminal, right?
4 A. I believe they were. Correct. And
5 they were, being a police officer.
6 Q. And if you look at Page 655, a few
7 pages before what we were just looking at, that
8 final full paragraph, you wrote, "First, I want to
9 let you know I was fully cognizant and within my
10 right to pursue criminal charges to each
11 individual member who committed this crime against
12 me. It would have easily been an open-and-shut
13 case, as you by now have the facts of the matter.
14 "The criminal charges could have raged
15 from hazing, battery, aggravated battery, etc."
16 Did you write that?
17 A. Correct. I did.
18 Q. So you believe what the SPEAR Team did
19 was unlawful, is that right?
20 A. Yes.
21 Q. But you chose not to press charges at
22 the time of the incident, is that correct?
23 A. That's correct.
24 Q. Did you take any steps to pursue

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1 **criminal charges after you reported this incident**
2 **in 2019?**
3 A. I simply thought about it constantly,
4 but I did not do it, no.
5 Q. **And I think you testified that this**
6 **incident occurred in the municipality of Elgin, is**
7 **that right?**
8 A. Yes. I believe it's the municipality
9 of Elgin. I know it's Elgin, but due to the
10 geographic limitations, I don't know. I mean, it
11 may not have been, but the incident was in Elgin.
12 Q. **Fair enough. Have you done anything to**
13 **report this incident to the Elgin Police**
14 **Department or a police department in the area**
15 **adjoining or near Elgin?**
16 A. No.
17 Q. **Obviously none of the SPEAR Team**
18 **members were ever convicted of a crime, were they?**
19 A. Because I didn't press charges, they
20 were not.
21 Q. **And no one was ever charged with**
22 **engaging in unlawful activity, were they?**
23 A. Because I didn't press charges, they
24 were not.

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1 Q. **As a police officer, your job involves**
2 **arresting people who have broken the laws, is that**
3 **correct?**
4 A. Correct.
5 Q. **To the IME evaluators, did you indicate**
6 **that the reason why you did not report this**
7 **incident earlier was because of some sort of what**
8 **you've called a "code of silence"?**
9 A. Code of silence? With other reasons,
10 including the code of silence, yes.
11 Q. **And what is the code of silence?**
12 A. Code of silence is basically what
13 Commander Winterstein and Commander Naydenoff told
14 me in an interview.
15 They said, "What happens in SPEAR stays
16 in SPEAR," referring to the code of silence. It's
17 also why, if you refer to Dr. Reff's supplemental
18 report, not one person in the SPEAR Team also
19 reported the incident, but it's common practice in
20 law enforcement.
21 Q. **I'm going to show you what's been**
22 **marked as Village Exhibit 1.**
23 MR. FIGLIOLI: This is something new?
24 MR. REIMER: Could be. I haven't seen

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1 it. Let's take a look at it.
2 Mark it for identification only
3 as Village Exhibit No. 1. Pass it around.
4 I'm going to give Mr. Figlioli an opportunity
5 to look at it to see if there's any
6 objection.
7 BY MR. DENHAM:
8 Q. **Do you recognize Village Exhibit 1?**
9 A. I may have signed off on it when I was
10 first hired.
11 Q. **What is Village Exhibit 1?**
12 A. Well, it's titled "Bartlett Police
13 Department Rules of Conduct."
14 Q. **So the Village of Bartlett Police**
15 **Department has a rule of conduct, is that correct?**
16 A. Correct.
17 Q. **And were you expected to follow this**
18 **document?**
19 A. You are expected to follow that, yes.
20 MR. PALMER: Is that admitted?
21 MR. REIMER: Not yet.
22 MR. DENHAM: I'm short one.
23 MR. PALMER: We'll set it aside until
24 it's admitted.

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1 MR. REIMER: No. You can look at it.
2 It's for identification only.
3 MR. DENHAM: I'm short one.
4 MR. FIGLIOLI: Do you need another one?
5 MR. DENHAM: Yeah. I'm sorry.
6 BY MR. DENHAM:
7 Q. **Rule 49 of the department's rules of**
8 **conduct prohibits officers from failing to report**
9 **to the department any violations of the rules of**
10 **conduct or any improper conduct, is that right?**
11 A. Correct.
12 Q. **Does Rule 50 of the department's rules**
13 **of conduct prohibit officers from failing to**
14 **report promptly to the department any information**
15 **concerning any crime or other unlawful action?**
16 A. That's what it says, yes.
17 Q. **And you did not timely report any of**
18 **these claims to the department in accordance with**
19 **Rules 49 and 50.**
20 **Do you agree?**
21 A. I do not agree.
22 Q. **So you did timely report this to the**
23 **department?**
24 A. I reported to Sergeant Rummell when I

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1 requested treatment.

2 **Q. And you're accusing Sergeant Rummell of**

3 **violating the rules of conduct, right?**

4 MR. FIGLIOLI: Objection; misleading,

5 calls for a conclusion.

6 MR. REIMER: I'm not sure I understand

7 the objection. The question was, are you

8 accusing Sergeant Rummell of misconduct?

9 MR. DENHAM: Yes. That's the question.

10 MR. REIMER: I think it's a fair

11 question. How is that calling for a

12 conclusion? It's asking him if that's the

13 allegation.

14 So you can answer that. I'll

15 overrule it.

16 BY THE WITNESS:

17 A. Sure. Well, it's not me to rule it. I

18 alleged it, and the REM report confirms it.

19 BY MR. DENHAM:

20 **Q. And you accused Sergeant Michael**

21 **Rummell of being a criminal at the bottom of**

22 **Page 655, is that correct?**

23 A. They engaged in criminal activity, yes.

24 **Q. And you never reported that criminal**

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1 **activity to the department or any of Sergeant**

2 **Rummell's superiors, did you?**

3 A. If you read the letter, no, I did not

4 because I was also concerned for their well-being

5 as well. That's how much empathy I showed them.

6 **Q. Are you aware of any written document**

7 **that sets forth what you called the code of**

8 **silence?**

9 A. I'm sure there's publishings on it.

10 **Q. Are you aware of any document?**

11 A. I'm not a doctor. So, no.

12 **Q. The code of silence is something that's**

13 **within the department, though, is that correct?**

14 A. I think it's pretty universal. I would

15 say yes.

16 **Q. I want to switch gears a bit. I'm**

17 **looking at Tab 2 of the Village's binder, which is**

18 **also, I believe, in Board Exhibit 8. It has been**

19 **labeled by the pension board as Bates No. 638 at**

20 **the bottom. It's a three-page document.**

21 **Do you recognize this document,**

22 **Officer Selmani?**

23 A. Yes. It was the memo that I had

24 written to Deputy Chief Snider because he had

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1 requested a memo regarding the information

2 regarding the hazing.

3 **Q. So you gave this document to Deputy**

4 **Chief Snider, is that right?**

5 A. Correct.

6 **Q. It's dated January 31st, 2019.**

7 **Did you give this memo to Deputy Chief**

8 **Snider on that day?**

9 A. I mean, I don't recall. I mean, I

10 dated it 1/31 of 2019. Exactly if I handed it to

11 him or if I sent it to him in an email, I don't

12 recall, but it was obviously turned in to him.

13 So...

14 **Q. Fair enough. So it would be fair to**

15 **say that it was given to Deputy Chief Snider**

16 **either on or shortly after January 31st, 2019, is**

17 **that right?**

18 A. Yes.

19 **Q. I just want to highlight for the board**

20 **some of the points that you raise in this memo.**

21 **In the first full paragraph on 638, you**

22 **wrote that a conversation that you had with Deputy**

23 **Chief Snider about a week earlier had motivated**

24 **you to report the 2014 training incident, is that**

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1 **correct?**

2 A. Correct.

3 **Q. You also wrote that you think about the**

4 **August 2014 incident often, is that right?**

5 A. The August -- the -- yes, the

6 SPEAR Team incident where I was hazed, yes. I

7 always have. It never left me.

8 **Q. And at the top of Page 639, you**

9 **indicated that the SPEAR Team members**

10 **characterized the incident afterwards as some sort**

11 **of initiation for the team, is that right?**

12 A. Correct.

13 **Q. So you earlier testified about giving**

14 **high-fives and that sort of thing.**

15 **Was it called an initiation ceremony at**

16 **that time?**

17 A. They didn't say it was an initiation

18 ceremony. They said, "That was your initiation."

19 They high-fived me and congratulated me for being

20 on the team.

21 **Q. You previously testified about there**

22 **being another individual who was a target of this**

23 **initiation, is that right?**

24 A. Correct.

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1 Q. Did that other individual ever complain
2 about the initiation incident?

3 A. I don't -- he wasn't happy about it,
4 but, I mean, I don't want to testify what he told
5 me or what his recollection is.

6 I don't think that I am in a position
7 to answer for him.

8 MR. REIMER: Can you just answer the
9 question?

10 THE WITNESS: Oh, sure.

11 MR. REIMER: Do you know? If you don't
12 know, you don't know.

13 THE WITNESS: Yeah. He told me that he
14 didn't like it, but it wasn't a detailed
15 conversation that we had.

16 MR. REIMER: Okay. I just want to make
17 sure your question is answered. I'm not
18 trying to try your case for you.

19 It will help us -- just answer
20 the -- if you don't know, Officer, that's a
21 fair answer.

22 THE WITNESS: Sure.

23 MR. REIMER: If you know, you know. If
24 you don't, tell us that you don't.

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1 BY MR. DENHAM:

2 Q. And I'm looking at Bates No. 640,
3 again, Tab 2. It's the second paragraph.

4 You wrote in this memo, "I know for a
5 fact at least from what I was told that no other
6 SPEAR member who joined the team after me were
7 subjected to any hazing or initiation by the
8 SPEAR Team because I specifically inquired about
9 it."

10 Is that accurate?

11 A. Correct.

12 Q. And then looking at the last sentence
13 on your page at 640, you wrote, "Lastly, I
14 wouldn't be telling the truth if I said that this
15 incident didn't or hasn't affected my relationship
16 with certain individuals who have been or are now
17 my supervisors."

18 Is that accurate?

19 A. That is accurate.

20 Q. I'm looking at what's been produced as
21 Tab 3. Again, I believe this is in pension board
22 Exhibit 8, Bates No. 642.

23 Now, I realize that you did not draft
24 this memo, but it appears that this is a two-page

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1 memo summarizing a meeting that you had with
2 Commander Naydenoff on January 31st, 2019.

3 I believe in your direct testimony, you
4 acknowledged meeting with Commander Naydenoff on
5 that day, is that right?

6 A. Correct.

7 Q. Did you request to speak with Commander
8 Naydenoff on that day?

9 A. Yes, I did.

10 Q. Did you tell Commander Naydenoff that
11 you wanted to discuss something with him as a
12 courtesy because you always had a good
13 relationship with him?

14 A. Yes.

15 Q. Now, I want to read an excerpt from
16 this memo. And then at the end of reading the
17 excerpt, I will just simply ask you if it's an
18 accurate summary of your conversation with him.

19 MR. FIGLIOLI: At this time, if we
20 can just point it out. You don't have to
21 read it. We all have it. We can follow
22 along.

23 We're all adults. Just tell us
24 where and what to read, and we'll read it,

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1 and then ask your question. That's --

2 MR. REIMER: Well, I think -- I'm not
3 going to tell him or you how to try your
4 case. I think he's entitled to say -- he can
5 read it into the record and ask him if he
6 agrees or disagrees or if it's accurate,
7 however he wants to do it.

8 MR. FIGLIOLI: I'm just trying to
9 streamline things here.

10 MR. REIMER: We appreciate it.

11 BY MR. DENHAM:

12 Q. So I'm going to read an excerpt for you
13 and just ask you simply whether you agree with
14 that statement.

15 Do you see, on Page 642, the big
16 paragraph that takes up the majority of the page,
17 about halfway through the middle of the paragraph,
18 it says, "Officer Selmani said he was shot in the
19 arm which caused permanent paint color mark on his
20 arm"? Do you see that?

21 A. Yes.

22 Q. Again, I'm just going to ask you at the
23 end whether you agree with this statement.

24 "Officer Selmani said he was shot in

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1 the arm which caused a permanent paint color mark
2 on his arm. He said he was also shot in the leg
3 which led to a protruding vein he did not have
4 prior to the incident.
5 "Officer Selmani said from that point
6 on, he promised himself he wouldn't take any shit
7 from any officer. He said the incident caused him
8 to change his attitude towards employees
9 internally.
10 "Officer Selmani said he feels like he
11 has PTSD from the incident because when he looks
12 at the paint color in his arm, he thinks of the
13 SPEAR Team. He said it does not affect him on a
14 daily basis, but he gets upset when he thinks
15 about the incident.
16 "Officer Selmani said he later quit the
17 team because of the incident. He said he never
18 told his wife about the incident or how it made
19 him feel because she did not want him to join the
20 SPEAR Team in the first place."
21 Is that an accurate statement of your
22 conversation with Commander Naydenoff?
23 A. Yes.
24 Q. Going back to Tab 1 for a second. If

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1 you look at Bates No. 655, in your April 1st, 2019
2 letter to the Village administrator, Paula
3 Schumacher, you also wrote, "After criminal
4 charges, I could have pursued civil lawsuits
5 against each offender on the SPEAR Team who
6 committed this hazing crime against me. After
7 that, I knew I could have also sued the Bartlett
8 Police Department and the Village of Bartlett and
9 very bluntly could have retired in my early 30s."
10 Did you write that?
11 A. Yes.
12 Q. So we are clear, in your response, you
13 wrote that you believe that by filing a lawsuit,
14 it would result in such a payout that you could
15 retire, is that right?
16 A. Potentially, yes, and I didn't do it.
17 Q. And after sending this letter to the
18 Village administrator, did you take the steps to
19 file a federal lawsuit against the Village and
20 certain individuals who worked for the Village?
21 A. I was basically forced to. My wife
22 wanted me to.
23 Q. I'm just asking if you filed the
24 lawsuit or not.

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1 A. Yeah. I did.
2 Q. And you currently have a pending civil
3 lawsuit filed against the Village Chief Ullrich
4 and the Village president, is that right?
5 A. That's correct.
6 Q. A few pages later at 658, the
7 third-from-the-last paragraph at the bottom -- and
8 I'm going to skip over the first sentence, but did
9 you write, "Never in my life was I hazed or a
10 victim of a crime until I became a police officer
11 for the Bartlett Police Department. How sad is
12 that? Is the Bartlett Police Department a bunch
13 of high schoolers or a college fraternity, or are
14 they a professional police agency?"
15 Did you write that?
16 A. Yes.
17 Q. Just so I'm clear about what you were
18 saying here in the response, you agree with me
19 that there are instances where a college
20 fraternity might haze new recruits, is that right?
21 A. I'm sorry. I didn't -- I didn't hear
22 that.
23 Q. You agree that there are instances
24 where a college fraternity might haze new

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1 recruits, is that right?
2 A. From what I've heard through the news,
3 yes.
4 Q. And, likewise, a high school sports
5 team might also haze new members, is that right?
6 A. From what I heard through the news,
7 yes.
8 Q. But members of the Bartlett Police
9 Department SPEAR Team should not be acting like
10 they are part of a college fraternity or high
11 school team, is that right?
12 A. Yeah. They should act professional.
13 Correct.
14 Q. So I want to follow up on some of your
15 testimony about the actual SPEAR Team training,
16 not the initiation part of it, but the training
17 before that.
18 Did you attend other trainings with the
19 SPEAR Team after this incident?
20 A. Yes.
21 Q. Approximately how many other SPEAR Team
22 trainings did you participate in?
23 A. I mean, the record will reflect in the
24 training logs, I never kept track. I mean, I

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1 would say -- I think from my recollection, we had
2 one SPEAR Team training session every two months,
3 I believe.
4 And we might have had -- we didn't have
5 many search warrants, but, I mean, maybe throw in
6 a search warrant in there once in a while. I
7 mean, they weren't very common, though.
8 **Q. So, roughly six trainings a year, and**
9 **you were on the SPEAR Team for about three years,**
10 **is that right?**
11 A. Correct. And we also had -- just from
12 my recollection, we -- we also did -- I believe
13 every year we had -- we had Claggett training for
14 what we called -- they were -- an instructor from
15 a different state would come out, and we would do,
16 like, a whole week's session, correct.
17 **Q. Approximately how many trainings did**
18 **you attend where officers fired these simulation**
19 **rounds?**
20 A. Every -- I would imagine every
21 training.
22 **Q. And I think you mentioned wearing a**
23 **mask during your testimony, is that right?**
24 MR. FIGLIOLI: What period of time?

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1 BY THE WITNESS:
2 A. When I was shot at or when?
3 BY MR. DENHAM:
4 **Q. So, again, I'm just asking you**
5 **questions not about the -- what we're calling the**
6 **initiation incident.**
7 I'm talking to you just about regular
8 trainings where officers or SPEAR Team members
9 would fire these simulation rounds.
10 A. Yes.
11 **Q. So during those sorts of incidents or**
12 **during those exercises, would you typically wear**
13 **masks throughout the training?**
14 A. Yes.
15 **Q. And these are just regular paint ball**
16 **masks, is that right?**
17 A. I wouldn't -- I don't know what you
18 consider a regular paint ball mask, but they're
19 just masks that we were told to purchase for
20 training.
21 **Q. You didn't mention anything about chest**
22 **protection.**
23 **Did you wear a chest protector during**
24 **some of these training exercises?**

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1 A. Sometimes it would be chest protection.
2 Other times, I may not have had it, but most of
3 the time, I would have it, yes.
4 **Q. You didn't have chest protection**
5 **because you forgot it during some of these**
6 **training incidents?**
7 A. I just said that we usually have it.
8 Although, I'm not sure if I had it on every single
9 training session, but I would imagine that I did,
10 yes.
11 I can't -- I can't recall every single
12 training session exactly what I had on, what -- if
13 I had cup protection on one day or kneepads or a
14 chest protector.
15 Just generally, you're supposed to use
16 protective gear, and for the most part, that's
17 exactly what I did.
18 **Q. Did you use throat protection?**
19 A. I'm sorry?
20 **Q. Did you use throat protection,**
21 **something to protect your throat?**
22 A. Yeah. That was issued through the
23 SPEAR Team where they had -- I think they might
24 have borrowed it, or they had it in-house. I

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1 think they had it in-house, but some equipment, we
2 would borrow from different police departments,
3 you know, such as, like, the pistol guns that we
4 used that fired Simunition rounds, but, you know,
5 I did use throat protection.
6 **Q. You mentioned long sleeves and pants,**
7 **is that right?**
8 A. Correct.
9 **Q. In terms of protecting your arms and**
10 **your legs, was there anything to protect them**
11 **other than long sleeves and pants?**
12 A. I mean, that's what we were told to
13 use, and that's what we used.
14 **Q. But there's no additional padding on**
15 **your legs and arms, was there?**
16 A. You can use kneepads. You can use
17 elbow pads, but -- and here's the thing. You're
18 not -- even if you -- you didn't have to wear a
19 long sleeve either if you didn't want to. That
20 was more of a personal choice, but, I mean,
21 those -- those rounds are painful coming from an
22 automatic rifle.
23 They're military-grade rifles that we
24 used on patrol. They're extremely painful. No

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1 one is going to just go ahead and take rounds off
2 of that because it -- I've always said that it
3 feels like somebody is stabbing you when you get
4 hit with something like that, especially coming
5 from an automatic rifle. It's painful.

6 Q. During trainings -- and, again, I'm not
7 talking about the initiation incident.

8 During these trainings, did you get hit
9 by the simulation rounds?

10 A. Yes.

11 Q. Did you get hit in the arms and the
12 legs during these training incidents?

13 A. Yes.

14 Q. And other officers got hit in the arms
15 and legs during these training incidents as well,
16 right?

17 A. I would say yes.

18 Q. And I think you just mentioned that you
19 didn't have to wear long sleeves or pants during
20 these training incidents, is that right?

21 A. Yeah. It wasn't required, but I always
22 did.

23 Q. Did other officers not wear sleeves and
24 pants during some of these training incidents to

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1 your recollection?

2 A. I don't take note what other officers
3 would wear. I would always just basically concern
4 myself with what I'm wearing.

5 Q. I think you mentioned during your
6 testimony something about role players, too,
7 right?

8 A. Correct.

9 Q. Did these trainings also involve
10 civilian role players?

11 A. Yes.

12 Q. Who typically served as civilian role
13 players during the SPEAR Team trainings that you
14 attended?

15 A. Usually it was Dr. Kammie, who's the
16 in-board psychologist with the police department,
17 and usually her students, but also people would
18 recruit different role players, and it could be
19 family, friends.

20 It could be just a variety of people,
21 but for the most part, a lot of the times, I would
22 say, throughout my team being on the SPEAR Team
23 until I resigned, it would be Dr. Kammie and her
24 students.

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1 Q. Would you agree that civilian role players
2 would typically play the role as bad guys during
3 the SPEAR Team training exercises?

4 A. Sometimes they would play the role of a
5 good guy. So, I mean, both.

6 Q. These civilians, were they provided --
7 or, were they wearing masks and chest protection
8 as well?

9 A. Yeah. They were provided -- besides
10 the protective gear that they were told to bring,
11 if they didn't bring it, the police department or
12 the SPEAR Team would provide it for them.

13 Q. So there were instances where these
14 role players also got hit by simulation rounds, is
15 that right?

16 A. I would say yes, but, again, I can't
17 confirm that, but I would say yes.

18 Q. And I'm now looking at Tab 4. Again, I
19 think we're on Board Exhibit 8. These are, at the
20 bottom of the page, 472 and Bates No. 473.

21 I believe these are Village payroll
22 records. Before I get to those, after this
23 August 2014 incident until early 2019, did you
24 take any time off of work to deal with

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1 psychological issues?

2 A. I didn't report that I had
3 psychological issues, no.

4 Q. I asked if you took any time off from
5 work to deal or to address psychological issues
6 from --

7 A. Not specifically, no.

8 Q. And the records that the Village
9 produced indicate that you took one sick day
10 before the incident in 2013, and then the first
11 sick day that you took following the August 2014
12 incident was on November 14th, 2014.

13 Is that accurate?

14 A. If that's what the record reflects, I
15 would agree with that. There's no information for
16 me to not trust that.

17 Q. Fair enough. Are you aware of any
18 other time off, other than this November 14th,
19 2014 sick day that you took during the calendar
20 year of 2014?

21 A. I didn't keep track of that, no.

22 Q. So following the SPEAR Team training
23 on -- in August of 2014, you continued to report
24 for duty each shift, is that right?

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1 A. Yes.

2 Q. You also only took one sick day during
3 the entire year of 2015, is that right?

4 A. If that's what the record reflects, I
5 don't have any information to not trust that. So
6 I would say that's correct, yes.

7 Q. A little over a month after the
8 August 11th, 2014 incident on September 25th,
9 2014, you sought treatment for a sprained left
10 shoulder, is that right?

11 A. Yes.

12 Q. I'm going to show you what's been
13 Bates-numbered Page 61. It's at Tab 5. I believe
14 it's part of Board Exhibit 2.

15 MR. REIMER: I believe that's correct.
16 Winters Family Practice medical records?

17 MR. DENHAM: Yes.

18 BY MR. DENHAM:

19 Q. There's a note that you visited a
20 physician assistant Cynthia L. Applehoff at the
21 Winters family clinic, is that right?

22 A. Yes.

23 Q. And prior to that visit, you were
24 lifting weights and doing a bench press when you

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1 experienced some left shoulder discomfort, is that
2 right?

3 A. Well, that's what I reported, yes.

4 Q. And did you also report to Physician
5 Assistant Applehoff that you worked out
6 occasionally and had occasional left shoulder pain
7 with overuse by these workouts?

8 A. Yes.

9 Q. And the middle of Page 61, the notes
10 indicate that you were asked a series of questions
11 related to something called the Whooley Depression
12 Screen.

13 Do you see that?

14 A. Yes.

15 Q. During your visit that day to the
16 Winters family clinic, were you asked during the
17 past month, "Have you often been bothered by
18 feeling down, depressed, or hopeless?"

19 A. I was asked that, yes.

20 Q. And you answered that you were not
21 down, depressed, or hopeless, is that right?

22 A. Correct.

23 Q. You were also -- I'm sorry. Strike
24 that.

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1 During that visit, you also denied
2 having issues with showing little interest or
3 pleasure in doing things, is that right?

4 A. Correct.

5 Q. Did you seek any psychological
6 treatment on September 25th, 2014, during your
7 visit to the Winters family clinic?

8 A. No.

9 Q. Did you seek any treatment on
10 September 25th, 2014, for the marks you testified
11 about on your arm or on your leg as a result of
12 the August 2014 incident?

13 A. No.

14 Q. About a month later, on October 13th,
15 2014, did you visit Physician Assistant Jessica L.
16 Gavzer at the Winters family clinic for an annual
17 physical?

18 A. Yes.

19 Q. So that's approximately two months
20 after the August 14, 2014 incident, is that right?

21 A. Yes.

22 Q. Now I'm looking at Tab 6, Page 57.
23 Again, we're in Board Exhibit 2.
24 Do you see that?

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1 A. Yes.

2 Q. It looks like, again, you denied
3 feeling down, depressed, or hopeless during this
4 September 13th, 2014 visit, is that right?

5 A. Yes.

6 Q. And then if you turn the page to Bates
7 No. 58, there is a heading under "Review of
8 Systems" -- "Review of Systems," there's a heading
9 that says "Psychiatric."

10 Do you see that?

11 A. Yes.

12 Q. The note indicates that you denied
13 depression, anxiety, memory loss, mental
14 disturbance, suicidal ideation, hallucinations,
15 paranoia.

16 Is that note accurate?

17 A. For the fear of losing my gun and
18 badge, yes.

19 Q. So you do remember denying those things
20 during your annual physical in October of 2014?

21 A. Yes.

22 Q. You testified earlier that the Winters
23 family clinic is your personal physician, right?

24 A. Well, she's my PHC, but, yes.

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1 Q. Does the Village of Bartlett have any
2 sort of communication between your visits two the
3 Winters family clinic and --
4 A. No, I don't think so. I hope not.
5 Q. During this October 2014 physical, you
6 also asked to have either a wart or multiple warts
7 on your feet removed, is that right?
8 A. I don't recall, but if that's what the
9 record reflects, I would say yes.
10 Q. Do you recall whether you sought any
11 treatment on October 13th, 2014 for the alleged
12 physical injuries on your arm or your leg as a
13 result of this August 2014 incident?
14 A. No.
15 Q. About 13 months later, on
16 November 24th, 2015, did you again visit Physician
17 Assistant Gavzer at the Winters family clinic for
18 another annual physical?
19 A. Yes.
20 Q. You again denied feeling down,
21 depressed, or hopeless during this November 24th,
22 2015 visit, is that right?
23 A. For the fear of losing my gun and
24 badge, yes.

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1 Q. You again denied depression, anxiety,
2 memory loss, mental disturbance, suicidal
3 ideation, hallucinations, paranoia during this
4 November 24th, 2015 visit, is that right?
5 A. For the fear of losing my gun and
6 badge, yes.
7 Q. During this visit in November of 2015,
8 you did ask the physician assistant to treat some
9 issues you were having with acne, is that right?
10 A. Yes.
11 Q. Did you also ask for the doctor, the
12 physician assistant, to look at the simulation
13 marks on your arm or on your leg on November 24th,
14 2015?
15 A. I don't recall, no.
16 Q. On April 25th, 2016, did you again
17 visit Physician Assistant Gavzer at the Winters
18 family clinic due to alleged low back pain which
19 began three months earlier when lifting weights?
20 A. Yes.
21 Q. During that visit, did you again deny
22 feeling down, depressed, or hopeless, during this
23 April 25th, 2016 visit?
24 A. For the fear of losing my gun and

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1 badge, yes.
2 Q. You reported a work shoulder injury in
3 June of 2016, right?
4 A. June of -- where is it?
5 Q. June of 2016. I'm just asking you. I
6 don't think there's a --
7 A. I don't know. I don't know. If I
8 don't have the record, I don't know what I did.
9 Q. At some point in 2016, you had a
10 shoulder injury based on something related to
11 work, is that right?
12 A. Oh, correct.
13 Q. And I believe you testified earlier
14 that you had your shoulder operated on in
15 October of 2016, is that right?
16 A. Correct.
17 Q. At any point during your treatment or
18 surgery on your shoulder in 2016, did you seek
19 treatment for any mental or physical injury
20 resulting from the 2014 incident?
21 A. No. I don't recall, no.
22 Q. Were you cleared to return to light
23 duty in February of 2017?
24 A. Yes.

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1 Q. Did you return to work light duty in or
2 around February of 2017?
3 A. I believe so, yes.
4 Q. You did seek psychological treatment in
5 March of 2017, is that right?
6 A. Correct.
7 Q. Did you visit the emergency room of
8 AMITA Health St. Joseph hospital on March 26th,
9 2017?
10 A. Yes.
11 Q. And I believe you testified earlier
12 that you visited the emergency room based on panic
13 attacks that you were having?
14 A. Correct. I testified to that earlier,
15 correct.
16 Q. And you reported that you were having
17 panic attacks over the past month as the reason
18 for your visit, is that right?
19 A. Yeah. I've had them ever since the
20 hazing, but that's what I told them, yes.
21 Q. During your trip to the emergency room,
22 did you meet with a social worker to discuss some
23 of the issues you had been having?
24 A. I believe I did.

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1 Q. I'm looking at Tab 9, Bates No. 129,
2 about midway through the page, it states that your
3 mode of arrival was ambulatory and that you were
4 not accompanied by anyone, that you were
5 accompanied by yourself.
6 Is that accurate?
7 A. That was accurate. It was reported
8 before that my wife dropped me off, but I had
9 never indicated that because I -- I do recall
10 reading that in one of the exhibits that the
11 pension board had.
12 So that was -- I'm not sure how it
13 happened, but I did not testify or tell any
14 interviewer or any doctor that my wife dropped me
15 off because that just did not happen. I drove
16 myself.
17 Hopefully that clears some stuff up for
18 you.
19 Q. If you could just answer my questions,
20 I'd appreciate it.
21 A. Sure. Sorry. Sure.
22 Q. I'm now looking at a note on Page 133
23 at Tab 9.
24 Did you tell the social worker that you

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1 had been experiencing an increase in anxiety over
2 the past week over family stressors?
3 A. I did report that.
4 Q. Did you deny any suicidal or homicidal
5 ideations during this visit?
6 A. If fear for losing my gun and badge,
7 yes, I did.
8 Q. Did you ask for resources to talk to
9 someone and manage your stress better?
10 A. I may have. I don't recall if the
11 record reflects that. I may have, yes.
12 Q. Did you tell the social worker that you
13 had not been having any problems with daily
14 functioning due to the stress?
15 A. Yes, I did, in fear of losing my gun
16 and badge.
17 Q. And you told the social worker that you
18 were able it work and be active, is that right?
19 A. Yes, I did.
20 Q. Ultimately, based on your trip to the
21 emergency room, were you treated for anxiety and
22 prescribed Xanax?
23 A. Yes.
24 Q. A few months later, on May 3rd, 2017,

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1 did you report your issues with anxiety during
2 another visit to Physician Assistant Gavzer?
3 A. Yes.
4 Q. Did you report at that time to
5 Physician Assistant Gavzer that your son had been
6 prescribed with an eye condition?
7 A. That's what I told her. It wasn't
8 accurate, but, yes, that's what I told her.
9 Q. And you told your medical provider that
10 you felt guilty you did not catch this sooner, and
11 you were concerned about an old eyedrop
12 prescription that you had given your son, is that
13 right?
14 A. Again, I have OCD. That is correct. I
15 also have medical documentation that proves
16 otherwise from my son when he was a baby.
17 Q. I'm just asking what you reported
18 during this medical visit.
19 Did you report that to your physician
20 assistant at the time?
21 A. I had a terrible sense of reality, and,
22 yes, I did say that.
23 Q. Did you tell your treating physician
24 that your anxiety is also wearing on your

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1 marriage?
2 A. Yes, I did.
3 Q. And did you inform your physician
4 during this March 3rd, 2017 appointment that you
5 and your wife had been arguing frequently, and you
6 would like to go to counseling, but your wife
7 refuses?
8 MR. FIGLIOLI: And just for
9 clarification, Paul, you said March 3rd. I
10 think you mean, just for clarification of the
11 record, May 3rd.
12 MR. DENHAM: I will re-ask the
13 question.
14 BY MR. DENHAM:
15 Q. During this May 3rd, 2017 appointment,
16 did you indicate to the physician assistant that
17 you and your wife had been arguing frequently, and
18 you would like to go to counseling, but your wife
19 refuses?
20 A. Correct. She refused because I was
21 believing things that were not true. We both knew
22 that my son was born with this medical condition.
23 We have medical documentation to prove
24 it from then. She did not -- she refused to go to

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1 medical -- excuse me -- marriage counseling
2 because I was believing things that were not true.
3 So she did not play into my
4 psychological falsehood, if you want to call it,
5 because that's exactly what it was. She refused
6 to go to marriage counseling and demanded that I
7 go seek psychological treatment because I was
8 believing things that were not true.
9 Again, all stemming from the hazing.

10 Q. But you didn't mention the hazing
11 during this appointment, did you?

12 A. In fear of losing my gun and badge, no,
13 I did not.

14 Q. And you didn't mention all of those
15 other symptoms that we discussed at the start of
16 my cross examination, is that right?

17 A. Correct.

18 Q. You were advised to see a counselor at
19 that time, is that right?

20 A. Yes.

21 Q. However, according to that record, you
22 also denied feeling down, depressed or hopeless
23 during this appointment, is that right?

24 A. What record is that?

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1 Q. Sure.

2 A. It is the -- oh, the May 3rd?

3 Q. Yeah, May 3rd.

4 A. In fear of losing my gun and badge,
5 yes.

6 Q. If you look at Bates No. 47, at Tab 10,
7 again, Board Exhibit 2, under the heading
8 "Physical Exam Psych," it states that you "were
9 tearful when discussing your son's ongoing issues.
10 Patient feels very guilty," is that right?

11 A. Correct. Again, I was believing things
12 that were not even true.

13 Q. But it also says, "Patient denies any
14 suicidal or homicidal ideations. No episodes of
15 mania," is that right?

16 A. For fear of losing my gun and badge,
17 yes.

18 Q. How exactly would Physician Assistant
19 Gavzer take away your gun and badge?

20 A. Again, I had a very terrible sense of
21 reality. I felt like if I had told her exactly
22 what was going on, some way, somehow, the Bartlett
23 Police Department would find out that I'm not fit
24 for duty, and I would lose my gun and badge.

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1 Again, you're talking to somebody -- if
2 you read the record, you're talking to somebody
3 here that was completely unstable during this
4 time. I had a mental breakdown after years and
5 years and years of dealing with everything that I
6 went through with the hazing.

7 So you're really reading a record from
8 somebody that's completing unstable. And if you
9 really were to read that, you would kind of
10 understand that, that I think that -- I think the
11 IMEs have read that. I'm sure you gave them the
12 record, and they all agreed.

13 MR. REIMER: You know, Officer, I don't
14 think he's trying to --

15 THE WITNESS: Sorry. I know. I --
16 sorry.

17 MR. REIMER: You don't have to
18 apologize. I know this is emotional.

19 THE WITNESS: Correct.

20 MR. REIMER: You want to get this over
21 if. It will go a lot faster if you listen to
22 Mr. Denham's questions. You've got two
23 really good lawyers there that will get a
24 chance to redirect.

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1 THE WITNESS: This is very emotional.

2 MR. REIMER: I totally understand. I
3 reiterate, if you need some time, you want to
4 take a break, we understand.

5 THE WITNESS: I apologize.

6 MR. REIMER: Nobody will hold that
7 against you.

8 THE WITNESS: I apologize.

9 MR. REIMER: No apology necessary.
10 Go ahead. I'm sorry.

11 BY MR. DENHAM:

12 Q. On May 24th, 2017, did you visit
13 Dr. Syed Waliuddin at Valley Psychiatry?

14 A. Yes.

15 Q. I'm looking at Dr. Waliuddin's notes at
16 Tab 11, Bates No. 147.
17 According to his notes, during your
18 psychiatric visit, you again reported having
19 difficulty coping with family health issues based
20 on your son's eye condition, is that right?

21 A. Yes.

22 Q. You told Dr. Waliuddin that you felt
23 guilty at that time, is that right?

24 A. That's what I told him, yes.

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1 Q. Did you tell Dr. Waliuddin that you
2 were experiencing anxiety related to your son's
3 health issue?
4 A. That's what I -- that's what I told
5 him, yes.
6 Q. Did you tell Dr. Waliuddin that you
7 feel down on some days?
8 A. Yes.
9 Q. However, during your visit with
10 Dr. Waliuddin, you denied a lack of motivation, is
11 that right?
12 A. Yes, at times, yes.
13 Q. During your visit with Dr. Waliuddin,
14 you denied having any changes in sleep or
15 appetite, is that right?
16 A. That's what I reported, yes. It wasn't
17 true, but I said that, yes.
18 Q. During your visit with Dr. Waliuddin,
19 you denied having suicidal ideations or homicidal
20 ideations, is that right?
21 A. In fear of losing my gun and badge,
22 yes.
23 Q. During your visit with Dr. Waliuddin,
24 you denied irritability, is that right?

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1 A. Yes.
2 Q. During your visit with Dr. Waliuddin,
3 you denied auditory verbal hallucinations, is that
4 right?
5 A. Yes.
6 Q. You also denied having delusions, is
7 that right?
8 A. That's what I reported, yes.
9 Q. You also denied having nightmares or
10 flashbacks, is that right?
11 A. That's correct, again, in fear of
12 losing my gun and badge.
13 Q. You denied having a history of
14 inpatient or outpatient treatment, is that right?
15 A. Yes.
16 Q. Dr. Waliuddin ultimately diagnosed you
17 with adjustment disorder with anxiety and
18 depressed mood, is that right?
19 A. That's what he indicated, yes.
20 Q. Did Dr. Waliuddin refer you to
21 Dr. Geiss for individual psychotherapy?
22 A. Yes.
23 Q. Did you visit Dr. Geiss?
24 A. As soon as I left Dr. Waliuddin's -- I

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1 briefly, I recall, meeting with Dr. Geiss that
2 same day. It was very brief, though, from my
3 recollection.
4 Q. According to Dr. Weine's IME report at
5 1879, it states that you visited Dr. Geiss a few
6 times and then stopped going.
7 Is that accurate?
8 A. That is not accurate. That's actually
9 a misinterpretation. I'm not sure where he got
10 that, but the record -- my record reflects from
11 Valley Psychiatry, where Dr. Waliuddin works, that
12 I only attended one time and only one time.
13 I never went there more than one time.
14 Due to the fear, I -- I started to believe that he
15 thought -- or, excuse me. I started to believe
16 that I thought that he knew about my hazing.
17 So I don't know how -- why I decided to
18 think that. Again, when you're dealing with
19 somebody with mental illness -- so the record
20 reflects that I only went there once, and I only
21 went there once. I'm not sure where Dr. Weine
22 received that information.
23 I do want to note that throughout my
24 interviews --

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1 MR. DENHAM: Rick, there's not a
2 question pending.
3 THE WITNESS: Okay. I'm sorry.
4 MR. DENHAM: Can I continue?
5 MR. REIMER: Believe me, you're going
6 to tell everything you want this board to
7 know. They'll listen to you, but just kind
8 of follow the procedures.
9 If you don't understand his
10 question, you ask him to repeat them. If you
11 don't know an answer, feel free to tell him
12 you don't know. That's a fair answer.
13 THE WITNESS: My apologies.
14 MR. REIMER: You don't need to
15 apologize.
16 BY MR. DENHAM:
17 Q. Did you disclose to the pension board
18 that you had been treated with Dr. Geiss?
19 A. No.
20 Q. On the same day that you visited
21 Dr. Waliuddin, March 24th, 2017, did you also
22 visit Physician Assistant Gavzer at the Winters
23 family clinic?
24 A. I believe I visited my PHC before I

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1 visited Dr. Waliuddin, if I remember correctly.
2 Q. Was that the same day?
3 A. Yes, I believe so.
4 Q. And according to Physician Assistant
5 Gavzer's notes at Tab 12, Bates No. 43, it states
6 that Lexapro was working well for you. You felt
7 less anxious, but you were still having a hard
8 time getting past your guilty feelings.
9 Are those notes accurate?
10 A. That's what I must have reported.
11 Q. And then in the narrative, it mentions
12 that you denied any suicidal or homicidal
13 ideations.
14 Is that accurate?
15 A. Again, in fear of losing my gun and
16 badge, yes.
17 Q. And then, again, under the Whooley
18 Depression Screen, you also denied symptoms of
19 depression, is that right?
20 A. In fear of losing my gun and badge,
21 yes.
22 Q. Can you take a look at Tab 13? It's
23 Bates No. 214.
24 Do you recognize this document?

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1 A. Maybe it was -- I mean, I recognize the
2 document, yes.
3 Q. Were you able -- it appears to be some
4 sort of career development form, is that correct?
5 A. Correct.
6 Q. And were you asked to fill out this
7 form on an annual or semiannual basis?
8 A. Yes.
9 Q. At the bottom, it's dated November 7th,
10 2017.
11 Did you fill out this form on that day?
12 A. Yes, I would imagine so. I mean, it
13 kind of looks like it might have been altered, but
14 I don't --
15 Q. Well, again, that's why I'm asking.
16 A. Yeah. I don't know.
17 Q. On No. 5, it asks, "Do you feel that
18 you've been adequately trained?" And you
19 responded, "Yes," is that correct?
20 A. Correct.
21 Q. And the last sentence on your response
22 to Question No. 4 says, "With that being said, I
23 do feel like the BPD does a great job in assigning
24 police officers training that would help us in the

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1 field, is that right?
2 A. Yes.
3 Q. On November 11th, 2017, were you the
4 subject of a citizen complaint by a parent who
5 called 911 to seek treatment for an intoxicated
6 minor?
7 A. What date was that?
8 Q. I'm looking at Tab No. 14, Bates
9 No. 224. It appears that this document -- were
10 you given a counseling record on November 16th,
11 2017?
12 A. That's what the record says. I believe
13 I might have.
14 Q. Do you recall whether, on
15 November 11th, 2017, you were the subject of a
16 citizen complaint related to an intoxicated minor?
17 A. If that's what --
18 MR. FIGLIOLI: Just for correction,
19 again, Paul, I have, if you're looking at
20 Bates Stamp 224, November 16th. I think you
21 said November 11th.
22 So are we clarifying something
23 or --
24 MR. DENHAM: No. I'm reading at

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1 Paragraph 2.
2 BY MR. DENHAM:
3 Q. It says on November 11th, 2017, you
4 responded to a medic assist. I'm just asking
5 whether you remember that call or not.
6 A. I don't recall it specifically, no,
7 but --
8 Q. Do you have any reason to believe that
9 that date is incorrect?
10 A. No. I don't have any reason to believe
11 it's incorrect.
12 Q. And you testified that you resigned
13 from the SPEAR Team about four days later, is that
14 right?
15 A. Correct.
16 Q. And if you look at Tab 15, is that your
17 resignation from the SPEAR Team, which is
18 Bates-labeled 827?
19 A. Correct. Where I don't write a reason
20 why, yes.
21 Q. In late 2017 and throughout 2018, you
22 had other citizen complaints, is that right?
23 A. Correct.
24 Q. It looks like in late 2017, you

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1 received a four-hour suspension based on some of
2 these incidents, is that right?

3 A. Where do you see that?

4 Q. I'm just asking you whether you
5 remember having a four-hour suspension near the
6 end of 2017.

7 A. I'm not sure if it was four hours or
8 eight hours, but I had something along those
9 lines, yes.

10 Q. I also saw in the records that you may
11 have been placed on a PIP performance plan in
12 January of 2018, is that right?

13 A. Yes, I was.

14 Q. And in April of 2018, your partnership
15 was actually extended for another six months after
16 another citizen complaint, is that right?

17 A. Correct.

18 Q. In January -- strike that. On
19 January 15th, 2018, did you visit Physician
20 Assistant Gavzer again at the Winters family
21 clinic for an annual physical?

22 A. Yes.

23 Q. It looks like, again, you denied
24 feeling down, depressed, hopeless, during this

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1 January 15th, 2018 visit, is that right?

2 A. For fear of losing my job, yes.

3 Q. Did you tell Physician Assistant Gavzer
4 that your anxiety was improved after starting
5 Lexapro?

6 A. I did say that. It wasn't, but I did
7 say that.

8 Q. Did you tell Physician Assistant Gavzer
9 that you recently returned to smoking within the
10 last six months, which you said helps your
11 anxiety?

12 A. I don't know exactly when I started
13 smoking, but I did start smoking to relieve my
14 anxiety over the traumatic incident, yes.

15 Q. On January 15th, 2018, you also denied
16 suicidal or homicidal ideations, is that right?

17 A. For the fear of losing my gun and
18 badge, yes.

19 Q. On February 22nd, 2018, did you write a
20 memo that accused Officer Solesky of battering you
21 spelling?

22 A. Well, he admits it. So it's not really
23 an accusation, but, yes, I did write that.

24 Q. So you did write a report on

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1 February 28th, 2018 that accused Officer Solesky
2 of battering you, is that right?

3 A. Yes.

4 Q. In your report, you reported a
5 confrontation with Officer Solesky while on duty
6 at the station, is that right?

7 A. Correct.

8 Q. Ultimately, you claim that Officer
9 Solesky forcefully grabbed your arm during this
10 confrontation, is that right?

11 A. Correct.

12 Q. On Bates No. 231 at Tab 17 -- again, I
13 think this is in Board Exhibit 8 -- the
14 second-to-last paragraph states, "During Officer
15 Solesky's battery, I also felt a sharp pain in my
16 surgically repaired left shoulder."
17 Is that accurate?

18 A. Yeah. I mean, if I wrote that, yes.

19 Q. Is that accurate, though?

20 A. Yeah. I do remember that, yeah.

21 Q. In the following paragraph, you wrote,
22 "I would like to reiterate, during this entire
23 confrontation Officer Solesky engaged in, he,
24 without any doubt, was the only aggressor and the

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1 only person who acted inappropriately," is that
2 right?

3 A. Yes, I wrote that.

4 Q. Did the code of silence apply to your
5 complaint against Officer Solesky?

6 A. Well, I promised myself I wasn't going
7 to deal with what I dealt with in the past. So
8 you kind of live and you learn, I guess, but I did
9 report that because of my -- the pain that he
10 caused.

11 So I didn't know if I was going to have
12 to get another MRI or whatnot. So that needed to
13 be documented.

14 Q. And you filled out Worker's Comp
15 payroll work as a result of your confrontation
16 with Officer Solesky, is that right?

17 A. I believe so, yes.

18 Q. It looks like you visited Physician
19 Assistant Gavzer on March 2nd, 2018, to look at
20 your left shoulder, is that right?

21 A. Correct.

22 Q. March 2nd, 2018 was approximately eight
23 days after the incident with Officer Solesky, is
24 that right?

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1 A. Correct.

2 Q. Did you seek any medical treatment
3 prior to March 2nd, 2018, based on the incident
4 with Officer Solesky?

5 A. Repeat the question.

6 Q. Based on your -- based on the incident
7 with Officer Solesky, did you seek any medical
8 treatment prior to March 2nd, 2018?

9 A. No.

10 Q. I'm looking at Bates No. 34. It's at
11 Tab 18.

12 Again, during this visit, you denied
13 feeling down, depressed, or hopeless, is that
14 right?

15 A. For the fear of losing my gun and
16 badge, yes.

17 Q. According to Physician Assistant
18 Gavzer's notes, "Patient presents to clinic
19 complaining of left shoulder pain for the past two
20 weeks. Patient states he was doing a defensive
21 drill where another officer took his left arm and
22 grabbed it and pulled it behind his back."
23 Is that note accurate?

24 A. No. What -- I wasn't going to say

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1 another officer battered me. So I basically made
2 it seem like it was a training incident.

3 Q. Well, let's wind that down a second.
4 So is the note accurate in the sense
5 that that was what you actually reported to
6 Physician Assistant Gavzer during your March 2nd,
7 2018 appointment?

8 A. So March 2nd, is that accurate what I
9 reported to her? Is that what you're asking?

10 Q. Yes.

11 A. Yes.

12 Q. But I think you just indicated that
13 that is not accurate in the sense that you did not
14 hurt your shoulder due to some sort of training
15 incident, is that right?

16 A. I don't understand your question.
17 Please repeat it. I'm trying to --

18 Q. You didn't hurt your shoulder with
19 Officer Solesky while you were in training, did
20 you?

21 A. No. It wasn't training, no.

22 Q. And you reported to your physician
23 assistant that you hurt your shoulder while in
24 training, is that right?

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1 A. Yes, because I didn't want to say that
2 I got battered by a fellow police officer to bring
3 discredit -- she knows I'm a Bartlett police
4 officer. I'm not going to say, "Yeah, another
5 officer just battered me."

6 So, yeah, I did say that, that it was a
7 defensive drill. That's not accurate. Through
8 the memos -- I don't want to go on a tangent. So
9 I'm going to stop. Sorry. Go ahead.

10 I just want to clarify stuff, but I
11 don't want to...

12 Q. About a week later, did you indicate to
13 Physician Assistant Gavzer that you thought you
14 were ready to return to work full duty?

15 A. I believe so.

16 Q. And you were cleared to return to duty
17 on or about March 16th, 2018, is that right?

18 A. Where do you see that? I don't know --

19 Q. I'm just asking you if you --

20 A. Roughly. I would say roughly it was
21 fairly quickly. So, yes.

22 Q. Fair enough. And you mentioned during
23 your testimony that you also reported a
24 December 13th, 2018 knee injury, is that right?

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1 A. That is correct.

2 Q. Look at Tab 19, Bates No. 1483, again.
3 We're looking at Pension Board Exhibit 8.
4 Is this a memo that you prepared for
5 Sergeant Sweeney following the alleged knee
6 injury?

7 A. Yes.

8 Q. The memo is dated December 13th, 2018,
9 is that right?

10 A. Correct.

11 Q. If you look down at the handwriting,
12 I'm not sure if this is your handwriting or not,
13 but it indicates that you delivered this to
14 Sergeant Sweeney on December 22nd, 2018?

15 A. That's not my handwriting, but, I mean,
16 I don't know exactly when I delivered it to him.
17 He -- he requested one. So I gave it to him.
18 It's dated 12/13 of 2018, and so I don't know.

19 Q. That's fair enough. Would it be fair
20 to say that you probably delivered this to
21 Sergeant Sweeney on or about December 22nd, 2018?

22 A. That's what the note says. I can't
23 verify that.

24 Q. In terms of this December 13th, 2018

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1 training exercise, did you go through a physical
2 skills training evolution?
3 A. What does that mean, "evolution"?
4 Q. Did you go through one drill of
5 physical skills training?
6 A. I mean, you go through many drills.
7 Q. But I'm just talking about
8 December 13th, 2018.
9 Approximately how many drills did you
10 go through before you started to feel knee pain?
11 A. Oh. The one, right. Is that what
12 you're -- if that's what you're -- so everybody
13 had one big training scenario throughout the
14 morning.
15 So that whole morning consisted of one
16 training scenario, and everybody took their turns
17 for the training scenario, yes.
18 Q. And initially during this one drill,
19 you did not feel any pain in your knee, is that
20 right?
21 A. Not right away. Correct.
22 Q. But you began to start to feel pain, is
23 that right?
24 A. What?

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1 Q. You started to feel pain after the
2 drill, is that right?
3 A. Yeah. After my adrenaline wore down,
4 yes, because that was a very intense exercise.
5 And I believe everybody that was in there always
6 said that even the prior classes -- because I know
7 I wasn't the first one, but everybody would say,
8 "That's extremely intense. We've never had a
9 training scenario like that."
10 A day prior, one of the sergeants
11 actually went to the hospital who complained of
12 maybe possibly heart palpitations, heart attacks.
13 It was that intense. So, yeah.
14 Q. And at that point, you notified
15 Sergeant Sweeney about your knee pain, is that
16 right?
17 A. When I first felt it, that's when I
18 notified it, yes.
19 Q. And based on what you reported to
20 Sergeant Sweeney, he told you to sit out, is that
21 right?
22 A. Correct.
23 Q. And you sat out for the training for
24 the rest of the morning, is that right?

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1 A. Correct.
2 Q. After the officers broke for lunch, you
3 did not return to the training, is that right?
4 A. Yeah. I don't believe I did. I
5 believe I had a -- I had court, I believe. I
6 don't recall exactly, but I don't believe I
7 returned. That's accurate.
8 Q. And you first sought medical treatment
9 for your knee on the following day, is that right?
10 A. I believe so.
11 Q. If you look at Bates No. 28 at Tab 20,
12 it looks like you had your knee evaluated by
13 Physician Assistant Applehoff on December 14th of
14 2018, is that right?
15 A. Yes.
16 Q. Again, you denied feeling down,
17 depressed, or hopeless during this visit, is that
18 right?
19 A. Yes.
20 Q. Ultimately, you were treated for a
21 right knee strain, is that right?
22 A. She's not an orthopaedic, but, yeah,
23 that's what she diagnosed it with. I kind of felt
24 like she didn't really know what she was doing,

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1 but, yes.
2 Q. Fast-forward a few weeks or even a
3 month, on or about January 14th, 2019, were you
4 released to light duty?
5 A. I'm sorry. Because of the people
6 turning the pages, I didn't hear that clearly.
7 Q. Yeah. I'm just trying to establish, I
8 think for the records which I saw, which is not in
9 front of you, were you released to light duty
10 following this knee accident on or about
11 January 14th, 2019?
12 A. Was I released from light duty?
13 Q. Were you released to work light duty?
14 A. I believe so, yes.
15 Q. And prior to that, you were off, is
16 that right?
17 A. Yes. I believe, yes.
18 Q. And just so the record is clear, you
19 initially reported the August 2014 incident on or
20 around January 31st, 2019, is that right?
21 A. Correct.
22 Q. And were you still working light duty
23 when you reported the SPEAR Team incident?
24 A. Yes, I was.

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1 Q. If you look at Tab 21, this appears to
2 be pension paperwork that was submitted to the
3 pension board on or about September 16th, 2019.
4 It appears that you signed this
5 document on or about August 19th, 2019, is that
6 right?
7 A. Yes.
8 Q. And on the final page, which is Bates
9 No. 4, you disclosed a series of medical
10 providers, is that right?
11 A. Right.
12 Q. And you were asked to disclose any
13 treatment that you received as a result of your
14 medical condition, is that right?
15 A. Right.
16 Q. And it does not appear that you
17 reported any treatment with Dr. Geiss, is that
18 right?
19 A. That's correct. I didn't -- I didn't
20 have one.
21 Q. According to your disclosures, you
22 visited CNS Counseling on February 11th of 2019,
23 and February 20th of 2019, is that right?
24 A. Correct.

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1 Q. Is CNS Counseling the same outfit that
2 you accessed through the EAP program here at the
3 Village?
4 A. Yes.
5 Q. Now, I'm struggling with this because I
6 think there's some other records which say that
7 you only saw CNS Counseling twice.
8 It also appears that you disclosed
9 seeing CNS Counseling on April 15th, April 13th,
10 and April 29th, 2019. Is that accurate?
11 A. Yeah, that's exactly accurate. I'm not
12 sure where they got that information.
13 Q. Well, in Dr. Weine's report on 1878, it
14 says that you went to the EAP for two sessions.
15 Dr. Reff's EAP report at 18:58 indicates that you
16 saw an EAP counselor twice.
17 A. Yeah. I'm not sure -- I didn't say
18 that I saw him twice. They have my application.
19 So they should have saw it. They
20 didn't ask me for specific dates at all. They
21 probably referred to my application and got those
22 days, but they clearly -- the record clear shows
23 that I indicated all my dates that I included in
24 there.

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1 I can't -- I don't control what they
2 write. I just provided that document, and they
3 should have clearly seen that that's what it
4 indicated.
5 Q. You reported the SPEAR Team incident on
6 or about January 31st, 2019, right?
7 A. Correct.
8 Q. At some point thereafter, you sought a
9 leave of absence to deal with your psychological
10 issues, is that right?
11 A. Correct. I requested paid leave, and
12 it was denied. Correct.
13 Q. And then you saw EAP twice on these two
14 dates if February, right?
15 A. Correct.
16 Q. And you also saw EAP again on three
17 dates: April 15th, April 23rd, and April 29th,
18 right?
19 A. Correct. That's when my wife made me
20 seek those.
21 Q. Did you seek any psychological
22 treatment or counseling between February 20th and
23 April 15th, 2019?
24 A. No. During that time, I filed for

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1 Worker's Comp because my wife forced me to. I had
2 actually disclosed to my wife the hazing at that
3 time.
4 So it was after my second CNS
5 interview, counseling interview, is when I
6 actually notified my wife for the first time. I
7 actually told this to the department -- the
8 hazing, I never disclosed that to my wife until
9 that time.
10 So there's a lot of stuff going on at
11 home. My wife is not happy with me.
12 Q. So you didn't visit a psychiatrist at
13 any point between February 20th and April 15th, is
14 that right?
15 A. Correct.
16 Q. And you didn't see a psychologist or
17 any other type of mental health practitioner
18 during this same period, is that right?
19 A. Correct.
20 MR. REIMER: I've got a board member
21 asking for a break. Why don't we take five?
22 MR. DENHAM: Sure.
23 (A recess was had from
24 4:42 p.m. until 4:58 p.m.)

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1 MR. REIMER: Go back on the record. Do
2 you want to resume cross examination?
3 MR. DENHAM: Okay.
4 BY MR. DENHAM:
5 Q. So, Officer Selmani, you reported the
6 SPEAR Team incident on or about January 31st,
7 2019, is that right?
8 A. Correct.
9 Q. And it looks like you then visited
10 Physician Assistant Gavzer on or around
11 February 19, 2019, is that right?
12 A. Correct.
13 Q. And during that visit, you asked her to
14 fill out some of FMLA paperwork for you, is that
15 right?
16 A. Correct. I was forced to because I
17 couldn't get paid leave. Correct.
18 Q. If you look at Tab 23, Bates No. 20 --
19 we're at Board Exhibit 2.
20 According to Physician Assistant
21 Gavzer, you came to the clinic to complain of
22 increased stress at work causing anxiety, is that
23 right?
24 A. Yeah. That's what I must have

Page 201

1 reported.
2 Q. You told Physician Assistant Gavzer
3 that you and another coworker reported your
4 supervisor for misconduct in January of 2019.
5 Did you say that to Physician Assistant
6 Gavzer?
7 A. No. I wouldn't say me and another
8 coworker. It was just me. I don't think that's
9 accurate.
10 Q. So that note is inaccurate because it
11 was just you who reported the SPEAR Team incident,
12 is that right?
13 A. Correct.
14 Q. And that other individual, to your
15 knowledge, never reported the 2014 incident, is
16 that right?
17 A. I'm sorry. Say that again.
18 Q. To your knowledge, did this other
19 employee ever report the 2014 SPEAR Team incident?
20 A. I have no idea.
21 Q. According to Physician Assistant
22 Gavzer's notes, it says that you felt stressed at
23 work and could not be focused or productive in
24 your job.

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1 Did you report that?
2 A. Again, I'm not sure exactly what I
3 reported, but I -- I do recall anxiety.
4 Q. Did you tell Physician Assistant Gavzer
5 that there was an ongoing investigation of the
6 allegations, and you felt you could not return to
7 work until the investigation was complete?
8 A. I did.
9 Q. Physician Gavzer filled out some FMLA
10 paperwork for you, is that right?
11 A. Yes.
12 Q. Physician Assistant Gavzer prescribed
13 you more Lexapro, is that right?
14 A. She -- I'm sorry. What was that?
15 Q. Did she prescribe you Lexapro during
16 this appointment?
17 A. No. I was already prescribed Lexapro
18 by her.
19 Q. So she continued your Lexapro
20 prescription, is that right?
21 A. Well, I don't know if she continued it.
22 I was always taking it. So, I mean, she indicated
23 medications on there.
24 So I'm not sure -- I can't answer what

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1 she did or why she did it. She just filled out
2 that paperwork because she said -- or, she knew
3 that I needed to go on FMLA or that's what I was
4 requesting because that's what I was told to do by
5 the chief of police.
6 Q. Did you take Lexapro after your
7 February 19th, 2019 appointment with Physician
8 Assistant Gavzer?
9 A. Yeah. I've always taken it until I
10 was --
11 Q. I'm just asking a yes or no.
12 Did you take it after this appointment?
13 A. I never stopped taking it since I was
14 initially prescribed it. So I don't understand
15 the question.
16 Q. Were you prescribed Lexapro by
17 Dr. Gavzer around this time period?
18 A. I was prescribed Lexapro or
19 escitalopram, which is the generic version, back
20 in 2017, and it's the same -- it's the I am
21 anxiety medication. She -- she indicated that in
22 the report. I see what you're saying, but I've
23 always been taking it.
24 So I don't know what she did. I can't

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1 answer for what she did.

2 MR. REIMER: I think he's asking you,

3 did you continue to take Lexapro after the

4 February 19th appointment?

5 THE WITNESS: Oh, yes. Okay. I

6 misunderstood, then. Yes.

7 BY MR. DENHAM:

8 Q. And that was based off a prescription

9 by Physician Assistant Gavzer, is that right?

10 A. Yes.

11 Q. According to the Village's records,

12 Physician Assistant Gavzer also completed an FMLA

13 continuation request about a month later in

14 March of 2019, is that right?

15 A. Correct.

16 Q. I didn't see any records that you

17 actually visited Physician Assistant Gavzer in

18 March of 2019.

19 Did you visit her during that period?

20 A. I don't know. I asked for an

21 extension. I don't think that she required -- she

22 obviously didn't require me to visit her.

23 Q. I'm just asking you if you recall

24 whether you visited her or not.

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1 A. I don't recall if I did.

2 Q. And do you recall if you may have

3 requested the FMLA extension over the phone?

4 A. Again, I'm not sure.

5 Q. Fair enough, but throughout March of

6 2019, you also did not seek any additional

7 psychological treatment, right?

8 A. No. I believe two days later, I filled

9 out a Worker's Comp claim that my wife made me do

10 for my shoulder because I never filled that out

11 either, but she forced me to do that.

12 Q. We've previously discussed that you

13 sent that 10- or 11-page letter to the Village

14 Administrator Schumacher on April 1st, 2019, is

15 that right?

16 A. I hand-delivered it to the chief who I

17 told to give her a copy, yes.

18 Q. And in that correspondence, you talked

19 about how your father was going to visit you from

20 overseas, is that right?

21 A. Yes.

22 Q. And you told the Village at that point

23 that your father intended to hire what you called

24 a whistleblower attorney, is that right?

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1 A. Correct.

2 Q. So by early April 2019, you were making

3 arrangements to sue the Village, is that right?

4 A. No.

5 Q. But at that point, you still had not

6 sought any treatment from a psychiatrist or a

7 psychologist, is that right?

8 A. At what point?

9 Q. Early April of 2019.

10 A. I was trying to look for a psychiatrist

11 that I can go to, but I couldn't find an available

12 date during that time.

13 Usually when you try to file -- or,

14 excuse me -- try to get an appointment with a

15 doctor, especially a reputable one, it could take

16 months to actually obtain that appointment.

17 Q. On April 5th, 2019, you sent a pension

18 application to the Village, is that right?

19 A. Correct.

20 Q. And on Bates No. 315 at Tab 24,

21 Board Exhibit 8, in your cover letter with this

22 disability pension, you mention that, "My MAP

23 union whistleblower attorney and pension attorney

24 also have this information," is that right?

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1 A. Yeah, but they didn't have it. I

2 didn't have a whistleblower attorney at that time.

3 Q. Oh. So that was untruthful?

4 A. Yes, it was.

5 Q. And ultimately, the Village

6 administrator told you that she does not have any

7 authority with the police pension board, and you

8 needed to send it to them, is that right?

9 A. Correct.

10 Q. Did you ultimately send it to the

11 pension board on or about April 5th?

12 A. Yeah. I turned it in through Janelle

13 Terrance, who is a human resources director, and I

14 also believe I copied in some of the MAP union

15 representatives and -- yeah, I believe so.

16 Q. I'm looking at Bates No. 316 at Tab 24.

17 The pension board's application asked

18 you to submit a written description of why you

19 believe you were unable to perform your duties as

20 a police officer.

21 Did you submit this written description

22 at that time?

23 A. Yes -- or, no. I did not provide one,

24 no.

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1 Q. As of April 5th, 2019, you had not been
2 diagnosed with any sort of psychological
3 diagnosis, other than the treatments of anxiety
4 that we had already discussed earlier in this
5 hearing, is that right?
6 A. That's correct.
7 Q. It looks like you visited Physician
8 Assistant Gavzer at the Winters family clinic a
9 few days later on April 11th, 2019; is that true?
10 A. Correct.
11 Q. And according to Physician Assistant
12 Gavzer's notes at Tab 25, Bates No. 16, she
13 indicates that you previously were "not completely
14 honest" with the office regarding your work
15 situation.
16 Did you say that to her?
17 A. I'm not sure if I said that. She has
18 it in quotations.
19 Although I wasn't completely honestly
20 with her regarding my depression, my suicidal
21 thoughts, again, all for fear of losing my gun and
22 badge, absolutely.
23 Q. But you saw her in February after you
24 reported the SPEAR Team, right?

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1 A. Yes.
2 Q. So at that point, you already had made
3 a complaint with the Village about the 2014
4 incident, is that right?
5 A. I did, and I also didn't tell my wife
6 either, though, until after my second
7 CNS Counseling statement, as I testified earlier.
8 Q. So on or about April 11, 2019, is that
9 when you decided that you were going to start
10 being honest about what you were experiencing?
11 A. I think the record proves, through
12 Commander Naydenoff's memo and Deputy Chief
13 Snider's memo, Deputy Chief Pretkelis' memo -- or,
14 excuse me -- Chief of Police Patrick Ullrich's
15 memo, dated February 14th, 2019, they were all
16 aware of why I was seeking psychological
17 treatment.
18 So that's not accurate. They were all
19 aware of it, and there's documentation to prove
20 that.
21 Q. During your visit with Physician
22 Assistant Gavzer on April 11, 2019, you again
23 denied feeling down, depressed, or hopeless for
24 the past month, is that right?

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1 A. I don't know. I don't recall ever
2 answering that, but if -- if that says "no," yes,
3 that's correct.
4 Q. So previously, during all of your
5 visits to the Winters Family Practice, you do
6 remember being asked that question, is that right?
7 A. I don't remember those either. I mean,
8 basically, I do recall her asking certain
9 questions, and I would answer how I thought fit at
10 the time, in fear of losing my gun and badge.
11 Q. So do you have any reason to dispute
12 whether you answered "no" to this question:
13 "During the past month, have you often been
14 bothered by feeling down, depressed, or hopeless?"
15 A. No. I don't dispute that.
16 Q. You don't dispute that. Do you dispute
17 that you answered "no" to the question: "During
18 the past month, have you often had little interest
19 or pleasure in doing things?"
20 A. Repeat the question. Where do you see
21 that?
22 Q. It's on the Whooley Depression Screen,
23 the second question in bold on Page No. 16.
24 A. Sure. I do see that. They don't ask

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1 me every single time -- after every visit, I
2 just -- for the record, I have never been asked
3 the Whooley Depression Screen after every visit.
4 I never recall them asking specifically, "Do you
5 feel depressed," this, that. That didn't happen.
6 So this could be inaccurate, and so
7 could the other ones, but, again, I don't recall
8 after every visit they asked me those. It just
9 hasn't happened. That's the bottom line.
10 Q. So you were seeking psychological
11 treatment in April 2019 from the Winters Family
12 Practice, right?
13 A. I wasn't seeking psychological
14 treatment from them. She's not a psychiatrist in
15 order for me to do that, or a psychologist. She's
16 not trained in that field.
17 Q. You reported to her that you felt
18 anxiety and insomnia.
19 Those are psychological conditions,
20 right?
21 A. Well, I'm not a doctor, but, I mean,
22 anxiety, I guess, sure.
23 Q. And you're testifying now that when you
24 reported anxiety or insomnia, they didn't ask you

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1 whether you were also feeling depressed?

2 A. Yeah. I don't recall.

3 Q. Looking at Bates No. 17 on Tab 25, and

4 the heading "Psych," it says, "Alert and

5 cooperative; mildly anxious mood and effect;

6 normal attention span and concentration. Patient

7 denies any suicidal or homicidal ideations, no

8 episodes of mania."

9 Is that note accurate?

10 A. I don't recall, but if that's what it

11 says, I will say it's accurate.

12 Q. So during that appointment, you denied

13 any suicidal or homicidal ideations?

14 A. At that time, yeah. I wasn't suicidal,

15 or I wasn't homicidal at that particular day.

16 Q. Did you tell Physician Assistant

17 Gavzer, during your April 11, 2019 appointment,

18 that you suffered from insomnia intermittently

19 during the past few years, but in the past few

20 months, it had been nightly?

21 A. I might have said that.

22 Q. Did you mention to her that you were

23 hazed at work in August of 2004?

24 A. I don't recall. I don't know if I said

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1 that to her. Let me see here.

2 Yeah, I did.

3 Q. Did you tell the Physician Assistant

4 Gavzer, during your April 11, 2019 appointment,

5 that you had seen a therapist, but felt like your

6 therapist did not listen to you?

7 A. That's why -- that's correct. That's

8 why there's probably -- that's why there's no

9 notes because when I was relaying this information

10 to her, she was checking her text messages.

11 And so after the second time, I stopped

12 going to her. That's why I stopped going to her

13 after the second time, and I disclosed it to my

14 wife eventually, but, I mean, the record reflects

15 that there are no notes from -- from that because

16 she probably didn't write any.

17 That's why I was kind of skeptical

18 about going back, but my wife made me go back

19 later in April, I believe it was.

20 Q. And that was my next question.

21 Because earlier you did testify that

22 you saw her more than two times, right?

23 A. Correct.

24 Q. You saw her a total of five times

Page 214

1 because a few days after this appointment, you

2 actually visited EAP again on April 15th, is that

3 right?

4 A. Yes.

5 Q. So you didn't feel like that therapist

6 was listening to you, but you still saw her three

7 more times at the end of April, is that right?

8 A. My wife made me go, yes.

9 Q. And I believe that you scheduled an

10 appointment ultimately with a psychiatrist,

11 Dr. Marseilles, on May 6th of 2019, is that right?

12 A. Correct.

13 Q. Dr. Marseilles took an initial

14 assessment of you on May 6th and May 9th, is that

15 right?

16 A. Correct.

17 Q. I'm looking at Dr. Marseilles' notes.

18 It's Bates No. 187 at Tab 26. I believe this is

19 Board Exhibit 5.

20 In the second paragraph, it appears

21 that you told Dr. Marseilles that following the

22 August 2014 incident, you engaged in ritualistic

23 and compulsive behaviors, is that right?

24 A. Correct. I started -- I started having

Page 215

1 obsessive thoughts and compulsions after my

2 hazing.

3 Q. And you never reported any obsessive or

4 compulsive behaviors prior to May 6th, 2019, did

5 you?

6 A. No.

7 Q. In the final full paragraph on

8 Page 187, you reported to Dr. Marseilles that

9 following the August 2014 incident, you were

10 unable to sleep for months and had nightmares

11 thinking that the simulation rounds were real

12 bullets, is that right?

13 A. Yes, and I've had them prior than those

14 couple months.

15 Q. Well, no. I think what you were saying

16 was after the August 2014 incident, you were

17 unable to sleep and you had these nightmares, is

18 that right?

19 A. Yes. Certain nights, correct.

20 Q. You also reported having flashbacks

21 during your appointment with Dr. Marseilles, is

22 that right?

23 A. Correct. And I believe Commander

24 Naydenoff's memo would reflect that as well. I

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1 reported that when I initially reported this
2 hazing on January 31st of 2019, and his memo
3 reflects that.
4 I believe off the top of my head, it
5 was 642 to 643 in the pension board exhibit.
6 Q. To Dr. Marseilles, did you affirm that
7 you had depressed mood for more than two weeks and
8 anhedonia and sadness and energy/lethargy and
9 amotivation and loss of appetite and hopelessness,
10 guilt, and worthlessness?
11 A. Yeah. I've experienced that throughout
12 my years after I was hazed, correct. And it was
13 happening at that time as well. Correct.
14 Q. Was May 6, 2019, the first instance
15 where you reported depress to a medical provider?
16 A. Yes.
17 Q. Was it the first time you reported
18 having flashbacks to a medical provider?
19 A. Yes, but I also reported to --
20 Q. Was it the first time that you reported
21 having nightmares to a medical provider?
22 A. Yes.
23 Q. If you look at Page 192 at Tab 26, you
24 reportedly told Dr. Marseilles that you denied

Page 217

1 homicidal ideations or plans, is that right?
2 A. At that time, correct.
3 Q. Did you visit Physician Assistant
4 Gavzer again on May 22nd, 2019?
5 A. May -- I'm not sure.
6 Q. Do you recall having some mild nausea
7 from some of the medication that Dr. Marseilles
8 had prescribed to you?
9 A. Yes.
10 Q. And you visited Physician Assistant
11 Gavzer at that point, is that right?
12 A. Correct.
13 Q. During that appointment, again, there
14 is this Whooley Depression Screen in which,
15 according to the records, you denied any sort of
16 depression. Is that accurate?
17 A. No, it's not. Like I said, they
18 have -- they don't ask me those questions every
19 single visit.
20 So they probably just put "no." So she
21 knew I was being treated by a psychiatrist. So
22 quite honestly, for them to answer or ask me that
23 question, I don't know really why she should when
24 she knows that I'm being seen by a psychiatrist.

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1 So, again, I don't recall them asking
2 me every time about those. They have it. That's.
3 Q. And then on Bates No. 75, under the
4 "Psych" heading, it says that you have "a mildly
5 anxious mood and affect, normal attention span and
6 concentration. Patient denies any suicidal or
7 homicidal ideations."
8 Is that accurate?
9 A. Again, I would say -- I would say yes,
10 if that's what she wrote on there, but I can't
11 confirm that.
12 Q. But that part that she wrote there
13 about the depression, that's not accurate, or you
14 just don't remember?
15 A. But, again, I don't know, but I do know
16 that they don't -- after every visit -- they
17 haven't asked me those questions after every
18 visit. That's a fact.
19 Q. And then do you recognize the document
20 at Tab 28 that's Bates-numbered 387?
21 A. Yes.
22 Q. Is that a document that Dr. Marseilles
23 provided to you on June 2nd, 2019?
24 A. Yes. Well, I believe he gave it to me

Page 219

1 on June 3rd, but, again, I don't recall.
2 Q. Did you ask Dr. Marseilles to prepare
3 this document on your behalf?
4 A. Did I ask him? I told him that I had
5 to turn it in.
6 Q. So you asked him to prepare the
7 document on your behalf?
8 A. Correct.
9 Q. On what's Bates-marked 388, it says
10 something about where Dr. Marseilles said that he
11 recommended providing you granted paid leave, is
12 that correct?
13 A. That's what he wrote.
14 Q. So in early June of 2019, by that
15 point, your FMLA time had expired, right?
16 A. What time?
17 Q. Early June of 2019?
18 A. Yes.
19 Q. And at that point, in June of 2019, did
20 the Village tell you that you were not entitled to
21 any more paid sick leave, vacation time, or
22 personal days?
23 A. Yes.
24 Q. And by early June of 2019, did the

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1 Village inform you that you were on an unpaid
2 leave of absence?
3 A. Yes.
4 Q. So this mention here about putting you
5 on paid leave time, was that something you
6 suggested Dr. Marseilles put in his letter?
7 A. No. I told him I was on unpaid leave.
8 Maybe he -- from his medical expertise thought
9 that I should be granted paid leave.
10 Q. In the final paragraph on Page 387, it
11 states, "Subsequent to this incident, Mr. Selmani
12 has reported years of insomnia and nightmares,
13 distressing flashbacks and hypervigilance," is
14 that right?
15 A. Correct.
16 Q. We just looked at Dr. Marseilles' notes
17 from May 6th, 2019, and I believe that note
18 indicated that you experienced some of these
19 nightmares and insomnia for months after the
20 incident.
21 Do you recall that?
22 A. That's what it said.
23 Q. So in terms of what you actually
24 experienced, did you experience this insomnia for

Page 221

1 months or for years after the 2014 incident?
2 A. Years and months.
3 Q. And is that the same with the
4 flashbacks?
5 A. Correct.
6 Q. So you experienced flashbacks for years
7 following the 2014 incident?
8 A. Correct. On and off, correct.
9 Q. And you experienced nightmares for
10 years following the 2014 incident?
11 A. Correct.
12 Q. According to Dr. Marseilles' June 2nd
13 letter, he did an initial assessment on you on
14 May 6th and May 9th and then treated you once on
15 May 23rd, 2019. Is that accurate?
16 A. Correct.
17 Q. You mentioned, during your testimony,
18 something about PEDAs.
19 In June of 2019, the Village provided
20 you with an application for benefits under the
21 Illinois Public Employee Disability Act, or PEDAs,
22 is that right?
23 A. Correct.
24 Q. Would you agree that PEDAs is a law that

Page 222

1 requires certain firefighters and police officers
2 to receive continued wages for up to one year
3 after a workplace injury?
4 A. That's what it states, correct.
5 Q. As part of its application, the Village
6 asked you to disclose your treating physicians on
7 this PEDAs application, is that right?
8 A. Yes.
9 Q. And the Village also asked you to
10 execute a waiver so that the Village could access
11 records from your treating physicians, is that
12 right?
13 A. Correct.
14 Q. And you previously testified that you
15 provided medical information and executed releases
16 as part of this pension process, is that right?
17 A. Correct.
18 Q. If you look at Tab 29, I believe this
19 is a series of two emails that you sent to the
20 Village administrator on Thursday, June 20th,
21 2019, is that right?
22 A. Yes.
23 Q. If you look at Tab 29 at Bates No. 428,
24 this is a June 20th, 2019 email that you sent to

Page 223

1 the Village administrator stating you would not
2 fill out the Village PEDAs application or sign the
3 Village's medical release forms, is that right?
4 A. Correct.
5 Q. A few hours later, after sending this
6 first email to the Village, you sent another email
7 that you will find at Tab 29, Bates 430.
8 In that correspondence, you wrote, "My
9 doctors have educated me that PTSD symptoms and
10 disability can arise days, weeks, months, or years
11 later after a traumatic experience. For me
12 personally, my trauma manifested over time, and I
13 was unaware that I suffered from a legitimate
14 diagnosis of PTSD until I began seeking treatment
15 on my recent FMLA leave after I disclosed this
16 hazing incident to Deputy Chief Snider in
17 January of 2019," is that right?
18 A. Well, when I say "my doctors,"
19 specifically Dr. Marla Friedman is the one who
20 told me that my -- that PTSD symptoms and
21 disability can arise, days, weeks, months, or
22 years later after the traumatic incident.
23 So, specifically, it was Dr. Marla
24 Friedman that said that, not Dr. Marseilles. And

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1 I believe through the pension board exhibit, her
2 medical report would also indicate that in her
3 medical opinion, that I warrant the diagnosis of
4 PTSD with delayed onset.
5 Dr. Marseilles never included "with
6 delayed onset" in his report, but she did, and
7 she's the one who made that statement to me.
8 Q. And during direct, you said that
9 Dr. Friedman did say that you suffered from
10 delayed onset PTSD, is that right?
11 A. That's what she -- that's what she
12 believes, yes.
13 Q. And based on what she told you, you're
14 telling the Village here in June of 2019 that your
15 symptoms did not materialize for some time after
16 the 2014 incident, is that right?
17 A. That's her medical opinion. My --
18 Q. I'm just asking you if you said that to
19 the Village.
20 Did you say that to the Village?
21 A. That's what my doctor told me, and I
22 said it to the Village, yes.
23 Q. And you just testified a few seconds
24 ago that you suffered symptoms of PTSD for years

Page 225

1 following the August 2014 incident, is that right?
2 A. Correct.
3 Q. You previously testified, through some
4 of the emails you wrote the Village, that you
5 thought about alleged trauma every time you looked
6 at the physical marks from the simulation rounds,
7 is that right?
8 A. Yeah. I always have flashbacks,
9 correct.
10 Q. So at no point after 2014 did you ever
11 feel like you had -- didn't have an idea of
12 whether you were participating in this 2014
13 incident, is that right?
14 A. I did. I would -- whenever we went to
15 SPEAR trainings after I was hazed, because of the
16 sound, I would use earplugs because I couldn't
17 bear that sound.
18 Any subsequent training that we had
19 just for patrol, when we used simulated rounds, I
20 put earplugs in, and earplugs are not necessary.
21 I could not hear that sound because I would get
22 intense panic attacks. I could not hear it.
23 And I used those earplugs to deaden
24 that sound that reminded me of my hazing. I

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1 couldn't do it.
2 Q. That's not the question.
3 The question is whether, at some point
4 after 2014, you forgot where you didn't develop
5 symptoms based on that hazing incident.
6 A. I did. I never reported it in fear of
7 losing my gun and badge.
8 Q. So any sort of opinion that you had
9 some sort of delayed onset situation is simply not
10 accurate based on the symptoms that you're
11 reporting here today, is that right?
12 A. That was not my opinion. That was my
13 doctor's. And I wrote it, but it was my doctor's
14 opinion, and I think that her medical report
15 reflects that.
16 Q. If you look at Tab 30, it's tough to
17 read. I think it's Bates No. 515 and 516, which
18 is part of Pension Board Exhibit 8.
19 Do you recognize this document?
20 A. Yes.
21 Q. What is this document?
22 A. It's the -- Chief Ullrich requested,
23 via email, that I obtain another medical report
24 because what they tried to do is put me on a

Page 227

1 medical leave when I never requested a medical
2 leave or --
3 Q. I just asked you to identify this
4 document.
5 Is this document a document that was
6 prepared by Dr. Marseilles --
7 A. Yes.
8 Q. -- on or about September 10th, 2019?
9 A. Yes.
10 Q. And Dr. Marseilles is still treating
11 you at this time, is that right?
12 A. Only when I need to -- only when his
13 office requires me to refill my prescriptions for
14 a given period of time because I cannot afford his
15 services out of pocket.
16 Q. According to the records, it appears
17 that you visited Dr. Marseilles -- I'll strike
18 that for now.
19 In any event, according to Bates
20 Nos. 515 and then following on to 516, it appears
21 in what he's headed "B," "C," "D," and "E,"
22 Dr. Marseilles has summarized different issues
23 that you claim to have in the years following the
24 August 2014 incident, is that right?

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1 A. Yeah. He just basically reiterated
2 what I told him before.

3 Q. Did you meet with Dr. Marseilles to
4 tell him what to put in this September 10th, 2019
5 letter?

6 A. Absolutely not. I think he would lose
7 his license if he did that.

8 Q. In the last paragraph on Bates No. 516,
9 Dr. Marseilles wrote that -- and I quote, "Despite
10 his current struggles, I also believe, based on
11 Mr. Selmani's condition, on his motivation, and
12 adherence to treatment recommendations and on my
13 clinical experience, that he can achieve full
14 remission of the symptoms of PTSD and could, if he
15 chooses, return to full active duties in law
16 enforcement," is that right?

17 A. That's what he wrote, correct. And
18 that's why I didn't resign from the Bartlett
19 Police Department when I was asked to because if I
20 do come back -- eventually, I would like to come
21 back, but I can't because the medical examiners
22 have ruled that I'm disabled.

23 That's why I never resigned, because if
24 I come back or if I have an opportunity to come

Page 229

1 back, I will.

2 Q. Did you visit Dr. Marseilles on
3 September 6th, 2019, approximately four days
4 earlier?

5 A. I don't recall.

6 Q. Please take a look at Tab 31, Bates
7 No. 158. This would be part of Board Exhibit 5, I
8 believe.

9 A. Okay.

10 Q. According to Dr. Marseilles' note on
11 September 6th, 2019, isn't it true that you told
12 him that, "'Everything in my life feels like a big
13 deal.' HR wrote 'unpaid discretionary leave,' now
14 attempting to place him on medical leave,
15 grievances submitted, consulting with union
16 attorney, and consulted with his pension attorney.
17 Do not write there is a permanent disability.
18 'They're not going to believe your medical
19 doctor.'"

20 A. Yeah, because they haven't up to this
21 point.

22 Q. So these notes accurately reflect your
23 conversation with Dr. Marseilles?

24 A. If that's what he wrote.

Page 230

1 Q. So your attorney advised you to tell
2 Dr. Marseilles to opine that the disability
3 ability was not permanent?

4 A. I'm not sure because I don't want --

5 Q. And you agree that in the
6 September 10th, 2019 letter at Tab 30,
7 Dr. Marseilles did, in fact, opine that the
8 disability was not permanent, right?

9 A. Say that again.

10 Q. You agree that Dr. Marseilles' opinion
11 on September 10th, 2019, was that your disability
12 was not permanent, is that right?

13 A. And, again, that's why I didn't resign,
14 because I don't want it to be permanent. That's
15 why I never wanted, in the first place, to
16 actually file for disability. I do want to work.

17 Q. On Page 159, there's another note that
18 you denied any sort of homicidal ideations, is
19 that right?

20 A. At that time, correct. I've had them
21 throughout the years, though. When you're
22 subjected to workplace violence, I mean, it's
23 something that you -- you think about that often.

24 Q. So as part of the pension process, you

Page 231

1 were sent to one psychologist and three other
2 doctors as part of an independent medical
3 evaluation process, is that right?

4 A. Correct.

5 Q. Were you evaluated by Dr. Robert A.
6 Reff during one of these IME evaluations?

7 A. Correct.

8 Q. According to Dr. Reff's report on Bates
9 No. 1857, you said that following the incident,
10 you became so angry that you "began to develop
11 revenge fantasies of wanting to kill everyone who
12 was involved."

13 Did you tell that to Dr. Reff?

14 A. Yes, I did.

15 Q. As part of the pension process, you
16 were also evaluated by Dr. Jeffrey Shaw during one
17 of these IME evaluations, is that right?

18 A. Yes.

19 Q. And according to Dr. Shaw's reports at
20 Bates No. 1835, you described severe anxiety and
21 depression and revengeful fantasies directed
22 toward superior officers who had been present
23 during your 2014 incident.

24 You indicated that by February 2019,

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1 your symptoms were at such severity that you
2 sought a leave of absence due to your inability to
3 control obsessive thoughts and severe anxiety, is
4 that right.
5 A. Correct, and it all stemmed from the
6 December 13th incident.
7 Q. I'm just asking whether that's what you
8 said to Dr. Shaw.
9 A. Right. Correct.
10 Q. As part of this pension process, you
11 were also evaluated by a psychologist, Don
12 Catherall during one of these IME evaluations, is
13 that right?
14 A. Yes.
15 Q. According to Catherall's report on
16 Bates No. 1802, following the incident, you began
17 to have revenge fantasies. You obsessed over the
18 incident.
19 And as your obsessional tendencies
20 increased, you had difficulty maintaining reality
21 testing and started to believe that you were
22 responsible for your son's eye condition, is that
23 right?
24 A. Correct.

Page 233

1 Q. On July 20th, 2020, did you meet with
2 IME evaluator Dr. Stevan Weine?
3 A. Correct.
4 Q. Did you tell Dr. Weine, which is
5 reported at Bates No. 1877, that in March 2017,
6 you wanted to kill yourself. You kept a gun in
7 your glove box. You told your wife, and she took
8 your keys away and brought you to the emergency
9 room?
10 A. I never told him she brought me to the
11 emergency room, but that's -- that happened when I
12 went in for my panic attacks. I almost committed
13 suicide because of what they caused through the
14 traumatic incident. I almost --
15 Q. So you previously testified, right,
16 that you went to the hospital to -- because you
17 were suffering some panic attacks, right?
18 A. That's correct. That's what I reported
19 to them, but I wasn't going to say that I was
20 suicidal because I'd lose my gun and badge. I
21 reported -- that was my testimony from the very
22 beginning.
23 Q. Is it true that you told your wife
24 about you being suicidal according to this note

Page 234

1 here?
2 A. What note?
3 Q. Well, again, Dr. --
4 A. My wife knew. She took my keys away
5 from me. My -- if you were to go outside and look
6 at my glove box, it's not there because I took a
7 hammer to it to try to get my gun out. It's not
8 there anymore.
9 It's a glove box from a junkyard. It's
10 not there because I've destroyed it trying to get
11 to my gun.
12 Q. And you destroyed your glove box back
13 in 2017?
14 A. Correct.
15 Q. So because this is in one of the IME
16 evaluators' report, I'm just trying to dissect
17 what actually happened here.
18 A. And I'm trying to explain it.
19 Q. So is it true that in March 2017, you
20 had suicidal feelings of wanting to kill yourself?
21 A. That is true, but I never reported it
22 because I knew I'd lose my gun and badge. My wife
23 wanted to call the paramedics.
24 I said, "No. Don't. I'll lose my

Page 235

1 job."
2 She said that, "You have to go to the
3 ER. You're going."
4 And I went.
5 Q. And you took your wife, and she took
6 your keys away from you?
7 A. I didn't -- my wife did -- my wife
8 never went.
9 Q. So you did not tell your wife that you
10 were feeling suicidal?
11 A. She knew that I was. She took my keys
12 away because I wanted to get to my gun.
13 Q. How did your wife know you were
14 suicidal if you --
15 A. Because I said I want to kill myself.
16 Q. So you did tell your wife that you were
17 suicidal?
18 A. Yes.
19 Q. Did your wife take your keys away from
20 you?
21 A. Yes.
22 Q. Is that when you destroyed your glove
23 compartment box?
24 A. Correct.

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1 Q. How did you get to the emergency room
2 at that point?

3 A. I drove. After -- after she took the
4 gun out, after I destroyed it, she put the key in
5 there, took it out, and then they allowed me to
6 go.

7 She said -- she gave me an ultimatum.
8 "Either you go, or I'm calling the paramedics."
9 I did not want the paramedics called
10 because then I couldn't control the situation
11 anymore.

12 So I said, "I'm going to the ER."
13 She wanted proof that I went to the ER,
14 and so that's when I went, okay? And then I told
15 her -- I said, "Listen, I couldn't talk about my
16 suicidal ideations because I'm going to lose my
17 gun and badge."

18 And then she obviously understood that,
19 but she saw that at least I attempted, and of
20 course she doesn't want me to lose my job. So she
21 never knew what it stemmed from, though. She
22 always thought that it was something that I saw on
23 the job. I never told her.

24 I made her believe for years and years

Page 237

1 and years that it was just maybe something that I
2 saw on the job. That was not accurate. I was
3 hazed. The record reflects that.

4 Q. Switching gears a bit, I'm again
5 looking at Dr. Weine's report at Bates No. 1877.
6 Did you tell Dr. Weine that you had had
7 panic attacks during training and that you were
8 very upset when another guy was hazed?

9 A. That's not accurate.

10 Q. So you never saw someone else getting
11 hazed, right?

12 A. I know somebody else was hazed with me.
13 I never said that somebody else was hazed or I got
14 upset because somebody else was hazed, no. I
15 never said that. And again --

16 Q. And that's inaccurate with the
17 statement from your January 31st, 2019 memo at
18 Tab 2, is that right?

19 A. Sorry. Clarify, please.

20 Q. When you sent that memo to the deputy
21 chief on January 31st, 2019, you also indicated
22 that, to your knowledge, no one else has ever been
23 hazed in the department?

24 A. Yeah. That's correct. No one -- no

Page 238

1 one was. That's why Dr. Weine's statement is not
2 accurate.

3 Q. In Dr. Weine's report at Bates
4 No. 1879, you reportedly told him that you had not
5 seen Dr. Marseilles since February of 2020 due to
6 financial limitations, is that right?

7 A. That's correct. I didn't have health
8 insurance that he accepts.

9 Q. In Dr. Weine's report at Bates
10 No. 1881, you reportedly told him that your
11 brother was helping you out financially "because I
12 can't afford to psychologists and psychiatrists
13 out of pocket," is that right?

14 A. Correct.

15 Q. And on July 6, 2020, did you also meet
16 with Dr. Reff?

17 A. Yes.

18 Q. In Dr. Reff's report at Bates No. 1859,
19 it states that you maintained monthly TeleMed
20 visits with your psychiatrist and monthly TeleMed
21 visits with your psychologist.
22 Is that accurate?

23 A. No, it's not. Only my psychologist.
24 He might have assumed psychiatrist, but that's not

Page 239

1 accurate, and the record would reflect that.

2 Q. So Dr. Reff also put something that was
3 inaccurate his written report?

4 A. Yeah. They also said I have a -- two
5 brothers and a half-sister, which that's also
6 accurate.

7 Dr. Weine indicated that I grew up in
8 group in Bartlett. I mean, those are very common
9 minor mistakes that any human being can make.

10 So --

11 Q. Did you tell Dr. Reff that you stopped
12 seeing Dr. Marseilles in February?

13 A. Because I couldn't afford it, yes. I
14 mean -- but as long as I get medication --

15 Q. You're saying Dr. Reff heard that
16 information and reported something inaccurate in
17 his report?

18 A. What's that?

19 Q. Are you saying that you said that to
20 Dr. Reff, and he did not put that in his report?

21 A. I don't understand.

22 Q. I'll move on.

23 Within two of the IME reports, you
24 indicated that at some point following the 2014

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1 training incident, you began to think that you
2 contracted HIV or AIDS?
3 A. No. That happened after my surgery.
4 When I lost my ability to work?
5 Q. I really need to ask the questions
6 here.
7 A. Okay. Sorry.
8 Q. Did you report to two of the IME
9 evaluators that at some point, you began to think
10 that you had contracted HIV or AIDS?
11 A. After my surgery, yes, I did. That's
12 when I started thinking that. When I started --
13 Q. And you've attributed this thought as
14 being somehow connected to the 2014 incident, is
15 that right?
16 A. My OCD thoughts began after my hazing,
17 correct, because I thought I was going to get
18 hazed again because I was hazed the first time
19 without any warning, and I was terrified.
20 So I started having obsessional
21 thoughts soon after that.
22 Q. Did you ever seek HIV or AIDS test?
23 A. No, but I had surgery. I mean --
24 Q. Did you ever seek counseling based on

Page 241

1 your thought that you contracted HIV or AIDS?
2 A. No. Again, those are false statements.
3 My wife is like, "You're losing your mind," and
4 made me go to the psychologist which I made her
5 believe that I was going for a year, and I never
6 did. Only once.
7 I would just go smoke cigarettes in a
8 parking lot like an idiot.
9 MR. DENHAM: Can you just give me a
10 second? I just want to --
11 MR. REIMER: You bet.
12 MR. DENHAM: I think I only have one or
13 two more questions.
14 MR. REIMER: Famous last lawyer words.
15 BY MR. DENHAM:
16 Q. I just have one more question -- or, a
17 couple more questions.
18 Looking at Tab 26, Bates No. 187, it is
19 the notes from Dr. Marseilles during your first
20 appointment with him on May 6th, 2019. The second
21 paragraph from the bottom, it's only two
22 sentences. I won't read the first sentence.
23 The second sentence says, "He had a
24 knee injury patella strain during training.

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1 Concerned about" -- and it quotes "faking
2 injuries."
3 Is that accurate in terms of what you
4 told Dr. Marseilles?
5 A. Absolutely not. I didn't say I was
6 concerned at all. I wasn't concerned. I sent
7 Sergeant Sweeney photographic proof of my right
8 knee swollen. Through the memos in the pension
9 board exhibits, there are also officers that
10 denied me making those allegations that Officer
11 Tavolacci said that I made.
12 He also said that I indicated there was
13 one officer that overheard me when he wasn't even
14 there. So the record reflects that I was not
15 concerned. When you have photographic proof of
16 something that I sent directly to Sergeant Sweeney
17 regarding my right knee being swollen after the
18 training incident that's time-stamped that's in
19 the record, how -- why would I be concerned that
20 I'm faking injuries?
21 Absolutely not. That's not accurate.
22 The record reflects that.
23 Q. Did you say something to
24 Dr. Marseilles?

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1 MR. REIMER: Hold on. Remember, you
2 got two high-paid lawyers here.
3 THE WITNESS: I just know the facts,
4 and I spit them out, Mr. Reimer.
5 MR. REIMER: Here's the deal. You're
6 going to get a chance to clarify your
7 testimony. It will go quicker honestly --
8 you probably want to get this done as much as
9 everybody here.
10 THE WITNESS: Yeah, I do.
11 MR. REIMER: Let's do it right. If you
12 can just answer his question. If you don't
13 understand it, ask him to rephrase it, okay?
14 Fair enough?
15 THE WITNESS: Yes. I apologize.
16 MR. REIMER: No. We're not looking for
17 apologies.
18 THE WITNESS: I know you're not. I
19 feel bad.
20 BY MR. DENHAM:
21 Q. Did you say anything to Dr. Marseilles
22 about faking injuries --
23 A. No.
24 Q. I'm sorry.

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1 A. I said they probably --

2 Q. I'm sorry.

3 A. -- believe I was faking injuries.

4 Q. No. I just didn't hear what you were

5 saying because you were talking over me. I'm

6 going to ask it again, and I want you to just wait

7 until I finish the question, please.

8 Did you say something to Dr. Marseilles

9 about faking injuries during this appointment?

10 A. No. I finally --

11 MR. DENHAM: Thank you. I have no --

12 BY THE WITNESS:

13 A. -- finally said they think that I'm --

14 MR. DENHAM: Thank you. I have --

15 BY THE WITNESS:

16 A. -- faking injuries.

17 MR. DENHAM: -- no further questions.

18 MR. REIMER: All right. So I know the

19 board is looking at a hard stop around 6. I

20 can tell you I've got questions that will

21 probably take a half-hour, 45 minutes, maybe

22 an hour.

23 I know you all are entitled to

24 ask questions. That's going to put us over

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1 your 6:00 deadline.

2 What's your pleasure?

3 MR. PALMER: While we have all of us

4 here, let's find a date and try to understand

5 what kind of time frames we're talking about,

6 maybe schedule this in the morning in case it

7 goes like today.

8 MR. REIMER: So why don't we do this.

9 So you don't get carpal tunnel syndrome, why

10 don't we do this off the record and start

11 looking at some dates.

12 So we're going to go off the

13 record.

14 (A recess was had from

15 5:46 p.m. until 5:53 p.m.)

16 MR. REIMER: Let's go back on the

17 record.

18 We've had a lengthy

19 off-the-record conversation about commencing

20 and continuing this hearing until March 8th,

21 2021, at 1:00 p.m. I will send out an

22 updated notice.

23 Before I attend a motion,

24 obviously what you gave us today, Mr. Denham,

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1 Tabs 1 through 37, you're not moving for

2 admission of that.

3 Do you wish Village Exhibit No. 1

4 to be admitted?

5 MR. DENHAM: Yes. I'm moving for

6 admission of Village Exhibit No. 1.

7 MR. REIMER: Okay. Counsel for the

8 Village is moving for admission of Village

9 Exhibit No. 1.

10 Any objections?

11 MR. FIGLIOLI: We have no objection.

12 MR. REIMER: All right. So the record

13 should reflect then that Village

14 Exhibit No. 1 is admitted into evidence. The

15 identification marks will be stricken.

16 So that is in.

17 (Village Exhibit No. 1 was

18 offered and received in

19 evidence.)

20 MR. REIMER: Okay. So is there a

21 motion to commence and continue this matter

22 until March 8th, 2021, at 1:00 p.m.?

23 MR. SIAS: I'll make the motion.

24 MR. PALMER: We've got a motion. Is

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1 there a second?

2 MR. BANSLEY: I'll second.

3 MR. PALMER: All in favor?

4 [All in favor: All.]

5 MR. PALMER: Any opposed?

6 [Opposed: None.]

7 MR. PALMER: Okay. We're now adjourned

8 at 5:55. Thank you, everybody.

9 (WHEREUPON, the hearing

10 proceedings were adjourned at

11 5:55 p.m. and continued to

12 March 8, 2021, at 1:00 p.m.)

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CERTIFICATE
OF
CERTIFIED SHORTHAND REPORTER

I, DINA G. MANCILLAS, CSR, RPR, CRR, CLR,
a Certified Shorthand Reporter of the State of
Illinois, CSR License No. 084-003400, do hereby
certify that I stenographically reported the
proceedings had at the hearing, as aforesaid, and
that the foregoing transcript is a true and accurate
record of the proceedings had therein.

IN WITNESS WHEREOF, I do set my hand at
Chicago, Illinois, this 3rd day of March, 2021.



DINA G. MANCILLAS, CSR, RPR, CRR, CLR
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