

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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JOHN BAUER, an individual
and as Successor-in-Interest of
Jacob Bauer, deceased; ROSE BAUER,
an individual and as
Successor-in-Interest of
Jacob Bauer, deceased;
Plaintiffs,

vs.

No. C19-04593LB

CITY OF PLEASANTON; PLEASANTON
POLICE DEPARTMENT; DAVE SPILLER;
and DOES 1 to 90, inclusive;
Defendants.

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VIDEOTAPED DEPOSITION OF JOHN D. BAUER
October 28, 2020

Taken before Catherine M. Meyer, RPR, CSR
CSR No. 11596

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EXAMINATION BY MR. BLECHMAN

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DEFENDANTS'

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Exhibit 25 Plaintiffs' Responses to 157

Defendant City of Pleasanton's
Special Interrogatories, Set One

Exhibit 26 Alameda County Behavioral 189

Health Care Services form,
Bates stamp Nos. PLFS2-PLFS4

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Exhibit 28 Investigative report, Bates 203

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VIDEOTAPED DEPOSITION OF JOHN D. BAUER

BE IT REMEMBERED, that pursuant to Notice, and on the 28th day of October 2020, commencing at the hour of 10:06 a.m., in the Law Offices of Gwilliam, Ivary, Chiosso, Cavalli & Brewer, 1999 Harrison Street Suite 1600, Oakland, California, before me, Catherine M. Meyer, a Certified Shorthand Reporter, personally appeared JOHN D. BAUER, produced as a witness in said action, and being by me first duly sworn, was thereupon examined as a witness in said cause.

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APPEARANCES:

For the Plaintiffs:

J. GARY GWILLIAM, ESQ.
Gwilliam, Ivary, Chiosso, Cavalli & Brewer
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For the Defendants:

NOAH G. BLECHMAN, ESQ.
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Also Present:

Lynn Mari, videographer.

1 THE VIDEOGRAPHER: Good morning. We're on
2 the record. This is the video recorded deposition
3 of John Bauer in the matter of John Bauer, et al.,
4 vs. City of Pleasanton, et al., case number
5 C19-04593LB filed in the United States District 10:05
6 Court, Northern District of California taken on
7 behalf of defendants. This deposition is taking
8 place at 1999 Harrison Street, Suite 1600, Oakland,
9 California 94612 on October 28th, 2020, at
10 10:06 a.m. 10:06

11 My name is Lynn Mari, CLVS. I'm the
12 videographer with Veritext Legal Solutions. Video
13 and audio recording will be taking place unless all
14 counsel have agreed to go off the record.

15 Would all present please introduce 10:06
16 themselves beginning with the witness.

17 THE WITNESS: My name is John Bauer.

18 MR. GWILLIAM: I'm Gary Gwilliam
19 representing Mr. Bauer and his co-plaintiff Rose
20 Bauer. 10:06

21 MR. BLECHMAN: And Noah Blechman. I
22 represent the defendants in this case.

23 THE VIDEOGRAPHER: The certified court
24 reporter is Catherine Meyer. Would you please
25 swear in the witness. 10:06

1 JOHN D. BAUER,
2 sworn as a witness,
3 testified as follows:

4 EXAMINATION BY MR. BLECHMAN:

5 Q. Good morning, Mr. Bauer. Could you please 10:06
6 state and spell your full name for the record.

7 A. My name is John Donald Bauer, J-O-H-N,
8 D-O-N-A-L-D, Bauer, B-A-U-E-R.

9 Q. And what's your date of birth?

10 A. March 17th, 1959. 10:07

11 Q. Okay. Mr. Bauer, again, Noah Blechman. I
12 represent the defendants in this case, and we met
13 briefly off the record this morning. This is a
14 deposition. Have you ever had your deposition
15 taken before? 10:07

16 A. Yes, I have.

17 Q. How many times?

18 A. Once.

19 Q. And when was that approximately?

20 A. 2004. 10:07

21 Q. And what did that relate to?

22 A. It related to a commission dispute with my
23 employer, former employer at that time.

24 Q. You said commission dispute?

25 A. Yes. 10:07

1 vehicles.

2 Q. Okay. Now, my notes indicate at some
3 point after that -- shortly after that accident
4 issue with the Audi you came to the police
5 department and spoke to Officer Mirazzo (phonetic)? 11:08

6 A. What's his first name?

7 Q. Mike Mirazzo.

8 A. I spoke to an officer whose first name I
9 can confirm is Mike. I don't recollect or I don't
10 even know if he introduced his last name. But yes, 11:09
11 I spoke to an Officer Mike.

12 Q. And that was -- you actually went back
13 into the police department, sat in a room and
14 talked to him for a period of time, right?

15 A. Yes. 11:09

16 Q. What was the purpose of that conversation?

17 A. The purpose of that conversation was to
18 evaluate anything that the police could do to get
19 help for Jacob.

20 Q. And why did -- in your mind why did Jacob 11:09
21 need help?

22 A. Jacob was seeing things that weren't
23 there. He was delusional. He was paranoid. Yeah,
24 that's it. He needed help.

25 Q. Prior to -- so my notes indicate that I 11:10

1 believe that time you went to the police department
2 and sat down with this Officer Mike was on
3 June 29th of 2018. Do you have any reason to doubt
4 that that's the accurate date?

5 A. I -- I cannot remember the specific date. 11:10
6 You know, I would have to go back and -- yeah, I
7 would have to go back. And, I mean, if you have
8 June 29th, I would have no reason to doubt that,
9 but I just don't remember it being that close to
10 the car accident. 11:11

11 Q. I believe in those conversations with this
12 officer you stated to him that the Pleasanton
13 police came to your door last night around 2:30
14 regarding the accident in San Francisco. So
15 presumably that would have been the daytime of, you 11:11
16 know, the day of when the police came to your house
17 to see if Jacob was around and investigate. Is
18 that refreshing your memory at all about the timing
19 of these things?

20 A. No, because, you know, my main goal of 11:11
21 going in there was to see whatever -- any help that
22 the Pleasanton Police Department or any law
23 enforcement could give to Jacob.

24 Q. He had -- had Jacob been having problems
25 for a period of time leading up to this 11:12

1 conversation with that officer?

2 A. Could you please define problems?

3 MR. GWILLIAM: I'll object as "problems"

4 as being vague.

5 MR. BLECHMAN: Agreed.

11:12

6 BY MR. BLECHMAN:

7 Q. I'm talking about in terms of him seeing

8 things, acting delusional, paranoid, you know,

9 having any sort of mental health issues.

10 A. The answer is yes.

11:12

11 Q. And when did that -- when did you start to
12 notice that he was having those problems?

13 A. I would say we noticed that they were
14 problems in -- I would say just after he was let go
15 from Workday.

11:13

16 Q. Okay. And from records that I got in this
17 case verified by your wife, there looks to be a
18 date of -- he worked at Workday from approximately
19 2013 to 2016. So are we talking about
20 approximately 2016 that you're noticing these
21 things?

11:13

22 A. Yes, based on the dates you just gave me,
23 yes.

24 Q. Okay. And -- okay. What kind of problems
25 did you notice in 2016 when he stopped working for

11:13

1 term means in the context of that statute?

2 A. No.

3 Q. Another -- I listened to your interviews
4 with -- well, when you came to the police
5 department, you sat down with Officer Mike Mirazzo, 13:40
6 there was body camera footage of that so we do have
7 some of the audio of that. Are you aware of that?

8 A. Yes, I'm aware that you -- that there is.
9 I wasn't aware of it at the time. But since this
10 lawsuit I am aware of it. 13:40

11 Q. Have you seen any of that?

12 A. No, I have not.

13 Q. Have you reviewed any body camera footage
14 of any contacts that you had with the Pleasanton
15 Police Department prior to the incident? 13:41

16 A. No.

17 Q. Okay. Well, I reviewed that this morning.
18 And at some point in there you were talking
19 about -- and again, I believe the date, because it
20 says it on the body camera footage, was June 29th 13:41
21 of 2018 -- you told Officer Mirazzo that Jacob was,
22 quote, totally disconnected from reality, end
23 quote. Is that how you felt Jacob was at that
24 time?

25 A. Yes. 13:41

REPORTER'S CERTIFICATE

I, CATHERINE M. MEYER, a Shorthand Reporter,
State of California, do hereby certify:

That JOHN BAUER, in the foregoing deposition
named, was present and by me sworn as a witness in the
above-entitled action at the time and place therein
specified;

That said deposition was taken before me at said
time and place, and was taken down in shorthand by me, a
Certified Shorthand Reporter of the State of California,
and was thereafter transcribed into typewriting, and
that the foregoing transcript constitutes a full, true
and correct report of said deposition and of the
proceedings that took place;

That before completion of the proceedings,
review of the transcript [X] was [^] was not
requested.

IN WITNESS WHEREOF, I have hereunder subscribed
my hand this 2nd day of November 2020.



CATHERINE M. MEYER, CSR NO. 11596

State of California