

EXHIBIT B

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.

-----/

via Remote Counsel virtual meeting
VIDEOTAPED DEPOSITION OF ROSE BAUER

Taken before Catherine M. Meyer, RPR, CSR
CSR No. 11596
January 22, 2021

I N D E X

PAGE

EXAMINATION BY MR. BLECHMAN

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E X H I B I T S

(None marked.)

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VIDEOTAPED DEPOSITION OF ROSE BAUER

BE IT REMEMBERED, that pursuant to Notice, and on the 22nd day of January 2021, commencing at the hour of 12:15 p.m., EST, via Remote Counsel virtual meeting, before me, Catherine M. Meyer, a Certified Shorthand Reporter, appeared ROSE 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:

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For the Defendants:

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Also Present:

John Burgess, videographer.

1 THE VIDEOGRAPHER: Okay. Good morning.
2 We are on the record. The time is 12:15 p.m.
3 eastern time. Today is January 22nd, 2021. My
4 name is John Burgess. I'm a video technician with
5 Veritext Legal Solutions located in Los Angeles, 12:15
6 California. We are recording these proceedings
7 over videoconference technology due to COVID-19.
8 This is the video deposition of Rose Bauer in the
9 action entitled John Bauer, et al., vs. City of
10 Pleasanton, et al. This deposition is being taken 12:16
11 on behalf of defendant. The case number is
12 C19-04593LB. Now, may I please have introductions
13 for the record beginning with the noticing
14 attorney.
15 MR. BLECHMAN: Noah Blechman on behalf of 12:16
16 the defendants.
17 MS. WALKER: Jayme Walker for the
18 plaintiffs.
19 THE VIDEOGRAPHER: Thank you.
20 Ms. Reporter, will you please administer 12:16
21 the oath.
22 ROSE BAUER,
23 sworn as a witness,
24 testified as follows:
25 /// ///

1 ever thought of something like that. I thought
2 Jacob was bipolar. So I was just --

3 Q. Go ahead.

4 A. -- stunned.

5 Q. Had any medical provider or psychiatric 13:05
6 provider ever diagnosed him at any time with
7 bipolar?

8 A. Not to my knowledge.

9 Q. What led you to believe that your son
10 could be bipolar? 13:06

11 A. He always had a hard time with people,
12 always had a little bit of depression, was always
13 suspicious and would get really uncomfortable in --
14 in social positions. And there was a movie when he
15 was maybe, I don't know, 19, 20 years old. It was 13:06
16 called A Beautiful Mind. And we watched that movie
17 together. And at the end of the movie, he said
18 that's how my mind works. And at the time I didn't
19 think anything of it, but, you know, it's -- it's
20 something that stuck with me. 13:07

21 Q. Getting back to Dr. Gonda's letter, and I
22 could show you a copy if you want, but it was your
23 testimony a few minutes ago that the real crux of
24 it had to do with what he believed to be Jacob
25 abusing some amphetamine-related substance, 13:07

1 impaired but functioning.

2 Q. He said that you were at the interview
3 with the psychologist who said Jacob needs help and
4 there was some sort of bipolar slash psychosis type
5 of illness that he had. Is that accurate at all? 13:38

6 A. No. I -- John and I thought it was
7 bipolar. On our second meeting that I met with
8 Dr. Gonda, he told me schizophrenia.

9 Q. Okay. Your husband mentioned to this
10 officer in June of 2018 that Jacob had just lost 13:38
11 his job. Is that accurate?

12 A. Yes.

13 Q. And was this -- do you remember his
14 company that he lost his job in relation to that
15 time? 13:38

16 A. I'm sorry. Can you repeat the question?

17 Q. Sure. Let me see. Was that when he was
18 working for Dropbox?

19 A. He -- the company -- he actually worked
20 for a company called Astreya which was hired by 13:39
21 Dropbox. So he was at the Dropbox facility.

22 Q. And -- and he had lost his job working for
23 Astreya or Dropbox; is that correct?

24 A. Correct.

25 Q. And what was your understanding as to why 13:39

1 Q. Okay. He mentions also that -- to this
2 officer, and I know these are not your words, but
3 you guys were married and Jacob was your son. He
4 says that "We've come to the conclusion that if he
5 doesn't get help or treatment," quote, "he may need 13:43
6 to be permanently institutionalized for his own
7 protection as well as others." Did you form that
8 same conclusion around that time frame that Jacob
9 was a potential danger to himself or to others
10 because of what he was dealing with? 13:43

11 A. No, not really. I -- well, I can only
12 speculate that John was thinking is Jacob thought
13 he was being followed by police officers, and John
14 had a fear of him being killed by the Pleasanton
15 police and he wanted to keep Jacob safe. 13:44

16 Q. It's true that Jacob was paranoid of the
17 police; is that correct?

18 A. Yes.

19 Q. John tells this officer that -- something
20 to the effect of if you guys were to be involved, 13:44
21 you would have to take him out forcefully. There's
22 no doubt about that. He will not go easily. And
23 then he goes on to say "If you guys go in uniform,
24 Jacob is going to come unglued." I mean, do you
25 agree with those comments that if the police were 13:45

1 involved in having to make contact with Jacob,
2 whether it's for a 5150 evaluation or some other
3 issue, that Jacob could come unglued?

4 A. I believe John's statements were because
5 he knew the Pleasanton police history and how they 13:45
6 deal with people, people with mental illness, and
7 how they just -- and John was afraid for Jacob and
8 that he wouldn't be able to communicate.

9 Q. Well, Jacob did have contact with some
10 Pleasanton Police Department officers a few days 13:46
11 prior to the incident, correct?

12 A. Yes.

13 Q. That was when he punched a hole in the
14 wall at your house and --

15 A. It was a hollow door that he punched. 13:46

16 Q. Okay. He punched a hollow door and then
17 left the house and you guys called the police,
18 correct?

19 A. John called the police. I wasn't sure
20 what was going on at the time. John was egging him 13:46
21 on in an argument and he said some, you know,
22 things that Jacob got very hurt by, very upset by,
23 and he punched the door and walked into his room
24 and John called the police thinking he could get
25 him 5150'd. 13:47

1 BY MR. BLECHMAN:

2 Q. Is that your understanding?

3 A. I don't know what it was.

4 Q. They were looking -- go ahead.

5 A. They were looking for Jacob. He wasn't 15:16
6 there.

7 Q. And this was sometime around 2:00 in the
8 morning approximately?

9 A. Could have been. It was in the middle of
10 the night. I don't know exactly what time. 15:17

11 Q. Okay. Do you yourself fault the
12 Pleasanton Police Department for -- for not doing
13 enough to try to get Jacob help?

14 A. What I fault them for is not doing enough
15 to try and get him help, but what I fault them for 15:17
16 is what they did when they killed him. That's what
17 I fault them for. Once again, they're overzealous.
18 You know, the Pleasanton police, you know, they --
19 they have a history.

20 Q. What is your understanding about the 15:18
21 history that you're referencing?

22 A. John Deming, Jr.; Shannon Estill, you
23 know, the way they treat homeless people in
24 Pleasanton, Chief Spiller. You know, it's our job
25 to arrest people not to serve and protect, that's 15:18

1 their attitude.

2 Q. Deming and the Estill matters you're
3 talking about, those were both shootings, correct?

4 A. Yes.

5 Q. And clearly your son Jacob was not shot by 15:18
6 the police, correct?

7 A. Correct. All three deaths were
8 unnecessary.

9 Q. The information that you know from the
10 Deming incident, is that something you know through 15:19
11 counsel or is that something you know through some
12 other source?

13 A. Other source.

14 Q. Were you aware of that incident when it
15 occurred? 15:19

16 A. Afterwards, yes. It was talked about in
17 Pleasanton and in the newspapers.

18 Q. And it's your belief that Mr. Deming
19 should not have been shot, correct?

20 A. It is my belief that the police did not 15:19
21 use their training or good judgment or time and
22 distance and things got out of hand again.

23 Q. Did you see any of the body worn camera or
24 surveillance video of the Deming incident?

25 A. I did not. 15:20

REPORTER'S CERTIFICATE

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

That ROSE BAUER, in the foregoing deposition
named, was present via Remote Counsel virtual meeting
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 [] was [X] was not
requested.

IN WITNESS WHEREOF, I have hereunder subscribed
my hand this 11th day of February 2021.



CATHERINE M. MEYER, CSR NO. 11596

State of California