

EXHIBIT N

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHN BAUER, an individual)
and as Successor in)
Interest of Jacob Bauer,)
deceased; ROSE BAUER, an)
individual and as)Case No.
Successor in Interest of)3:19-cv-04593-LB
Jacob Bauer, deceased,)

Plaintiffs,)

vs.)

CITY OF PLEASANTON,)
BRADLEE MIDDLETON;)
JONATHAN CHIN; RICHARD)
TROVAO; STEVEN BENNETT;)
ALEX KOUMISS; JASON)
KNIGHT; MARTY BILLDT;)
DAVID SPILLER; and DOES 1)
to 50, inclusive;)

Defendants.)

REMOTE VIDEOTAPED DEPOSITION
OF

BENJAMIN JOSEPH SARASUA, JR.
Monday, January 25, 2021
Pleasanton, California

Reported by: B. Suzanne Hull, CSR No. 13495

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APPEARANCES

For Plaintiffs:

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The Videographer:

Jeff Nichols

Also Present:

Brittany Smith
Rodolfo Granados

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EXAMINATION BY	PAGE
MR. GWILLIAM	6

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Exhibit 34 -	Interview with Sergeant Sarasua, thirty-seven pages	28
Exhibit 35 -	Sergeant Benjamin Sarasua, Jr., body cam video, August 1, 2018	52

QUESTIONS INSTRUCTED NOT TO ANSWER:

Page 13 Line 3

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ATTACHMENT

EXHIBIT	DESCRIPTION	PAGE
Exhibit 12 -	Pleasanton Police Department Use of force policy, twenty-five pages [Previously marked in the deposition of Bradlee Middleton, September 2, 2020]	89

Pleasanton, California

Monday, January 25, 2021; 10:05 a.m.

4833 Bernal Avenue

THE VIDEOGRAPHER: Good morning. 10:05:40

We are going on the record at 10:05 a.m. on 10:05:40
January 25th, 2021. 10:05:44

This is media unit one of the video-recorded 10:05:46
deposition of Benjamin Sarasua, Jr., taken by counsel 10:05:50
for plaintiffs in the matter of John Bauer, et al., 10:05:54
versus City of Pleasanton, et al., filed in the 10:05:59
United States District Court, Northern District of 10:06:01
California, San Francisco Division. The case number 10:06:05
is 3:19-cv-04593-LB. 10:06:06

This deposition is being held virtually via 10:06:07
Zoom. 10:06:17

My name is Jeff Nichols, from the firm 10:06:18
Veritext Legal Solutions, and I'm the videographer. 10:06:21
The court reporter is Suzanne Hull, from the firm 10:06:22
Veritext Legal Solutions. 10:06:25

Counsel and all others in the room will now 10:06:26
state their appearances and affiliations for the 10:06:30
record. 10:06:34

MR. GWILLIAM: Yes. 10:06:34

I'm Gary Gwilliam, the attorney for the 10:06:35

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1	plaintiffs and the opposing lawyer.	10:06:36
2	MR. BLECHMAN: And Noah Blechman, counsel on	10:06:41
3	behalf of the defendant.	10:06:44
4	And also present for this is	10:06:45
5	Officer Rudy Granados.	10:06:48
6	THE VIDEOGRAPHER: Will the court reporter	10:06:50
7	please swear in the witness.	10:06:52
8	THE REPORTER: Raise your right hand,	10:06:54
9	please.	10:06:56
10		10:06:56
11	BENJAMIN JOSEPH SARASUA, JR.,	10:06:56
12	called as a witness by counsel for Plaintiffs, being	10:06:56
13	first duly sworn, testified as follows:	10:06:56
14		10:07:01
15	THE WITNESS: Yes, ma'am.	10:07:02
16	THE REPORTER: Thank you.	10:07:03
17	THE VIDEOGRAPHER: Thank you.	10:07:04
18	You may proceed.	10:07:05
19		10:07:05
20	EXAMINATION	10:07:07
21	BY MR. GWILLIAM:	10:07:07
22	Q. Sergeant Sarasua, would you please state	10:07:09
23	your full name and address for the record -- business	10:07:10
24	address.	10:07:14
25	A. Benjamin Joseph Sarasua, Jr., and the	10:07:15

1 Q. All right. 10:47:03

2 MR. BLECHMAN: Belated objection as 10:47:03

3 argumentative. 10:47:04

4 BY MR. GWILLIAM: 10:47:04

5 Q. And -- and in reviewing this part of your 10:47:05

6 statement, would you -- does that refresh your 10:47:07

7 recollection that one of your initial impressions of 10:47:10

8 Mr. Bauer is that he might be having some sort of 10:47:12

9 mental illness? 10:47:15

10 MR. BLECHMAN: Well, I think that 10:47:18

11 misrepresents this portion of the transcript. 10:47:19

12 You can respond. 10:47:22

13 THE WITNESS: I'm sorry. 10:47:26

14 Can you repeat that question one more time, 10:47:26

15 sir? 10:47:29

16 BY MR. GWILLIAM: 10:47:29

17 Q. Yeah. 10:47:29

18 In reviewing your statement about this, does 10:47:30

19 it refresh your recollection that you think that one 10:47:32

20 of the first impressions you had of Jacob Bauer there 10:47:35

21 at the scene is that he may have been suffering from 10:47:37

22 mental illness? Would you agree to that? 10:47:40

23 MR. BLECHMAN: Misstates the transcript and 10:47:43

24 witness' testimony. 10:47:49

25 But go ahead. 10:47:51

1 was very difficult to understand here at Line 732 10:56:34
2 there. 10:56:39
3 But he did seem to be answering your 10:56:39
4 questions; is that right? 10:56:42
5 A. Yes, sir. Yes. 10:56:43
6 Q. All right. At some stage shortly after you 10:56:44
7 arrived at the scene, did you become aware that he 10:56:58
8 had been tased? 10:57:01
9 A. After reviewing my statement, I believe 10:57:07
10 I made mention that I did see an expended 10:57:09
11 cartridge -- Taser cartridge on the ground. 10:57:13
12 Q. Yeah. 10:57:16
13 Let's move forward to page eighteen, where 10:57:17
14 you discuss that. 10:57:20
15 A. Sure. 10:57:21
16 Q. There is a question there starting at 10:57:21
17 Line 771 on the top of page eighteen, and it says: 10:57:34
18 "Then you also mentioned earlier about 10:57:38
19 being concerned about his safety and medical. 10:57:40
20 Did you call for medical or did someone? Do 10:57:43
21 you remember how medical was called?" 10:57:47
22 And you -- your answer was: 10:57:48
23 "So when I arrived on" the "scene, I saw 10:57:50
24 obviously that the officers were actively 10:57:50
25 trying to restrain him. Looking around the" 10:57:56

1 surroundings -- "surroundings, I saw the 10:57:58
2 Taser cartridge on the ground next to him." 10:58:00
3 Then you said: 10:58:04
4 "Which led me to believe that a Taser 10:58:06
5 had been deployed." 10:58:08
6 And you go on to say: 10:58:10
7 "So I knew the subject" needed -- 10:58:11
8 "needed to get medical attention." 10:58:14
9 Does that refresh your recollection about 10:58:16
10 the concerns you had about him being tased? 10:58:18
11 A. I did say that, yes. 10:58:21
12 Q. All right. Does it refresh your 10:58:22
13 recollection that as soon as you saw the Tasers on 10:58:24
14 the ground and realized that he had been tased that 10:58:28
15 you -- you felt that he needed medical attention? 10:58:31
16 A. I would say that, yes. If I believed that 10:58:33
17 the subject had been tased, yes. He would need 10:58:35
18 medical attention. 10:58:39
19 Q. When I came in -- when I reviewed your -- 10:58:40
20 your -- your body cam, which I did this weekend, I -- 10:58:51
21 and I don't know whether we need to pull this up or 10:58:56
22 whether this refresh -- refreshes your recollection. 10:58:59
23 But when I reviewed your video cam, the very 10:59:01
24 beginning, within about a minute -- according to the 10:59:04
25 video I saw, it was a minute thirty-three after you 10:59:07

1 be transferred from subject to subject and/or biting 11:27:12
2 too. 11:27:18
3 Q. Do you know whether he was -- he ever tried 11:27:18
4 to spit on anybody while you were there? 11:27:21
5 A. I don't know. 11:27:25
6 MR. BLECHMAN: Calls for speculation. Lacks 11:27:28
7 foundation. 11:27:29
8 Sorry. Go ahead and answer. 11:27:29
9 THE WITNESS: I don't know specifically. 11:27:32
10 I'm sorry. 11:27:33
11 BY MR. GWILLIAM: 11:27:33
12 Q. You didn't observe him spitting; correct? 11:27:34
13 A. I don't believe I did, no. 11:27:40
14 Q. And you didn't observe him try to bite 11:27:42
15 anybody; right? 11:27:47
16 A. I don't believe I did, no. 11:27:47
17 Q. Who made the decision to put the spit mask 11:27:50
18 on him, if you know? 11:27:53
19 A. I don't remember at the time. I'm sorry. 11:27:55
20 Q. Okay. We'll move forward, if I could, to 11:27:57
21 page thirty-five. I'm going to draw your attention 11:28:15
22 to the subject we talked about a few minutes ago, 11:28:18
23 Sergeant Sarasua, about who was in charge as the 11:28:22
24 incident commander because I think you were asked 11:28:25
25 some questions here. 11:28:27

1 STATE OF CALIFORNIA)

) ss.

2 COUNTY OF KERN)

3
4
5 I, B. Suzanne Hull, a Certified Shorthand
6 Reporter in the State of California, holding
7 Certificate Number 13495, do hereby certify that
8 BENJAMIN JOSEPH SARASUA, JR., the witness named in
9 the foregoing deposition, was by me duly sworn; that
10 said deposition, was taken Monday, January 25, 2021,
11 at the time and place set forth on the first page
12 hereof.

13 That upon the taking of the deposition, the
14 words of the witness were written down by me in
15 stenotypy and thereafter transcribed by computer
16 under my supervision; that the foregoing is a true
17 and correct transcript of the testimony given by the
18 witness.

19 Pursuant to Federal Rule 30(e), transcript
20 review was requested.

21 I further certify that I am neither counsel
22 for nor in any way related to any party to said
23 action, nor in any way interested in the result or
24 outcome thereof.

25 ///

1 Dated this 28th day of January, 2021, at
2 Bakersfield, California.

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4 B. Suzanne Hull, CSR No. 13495
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