

Deposition Transcript of Herman Bogie

Deposition Date: April 1, 2024

Location: Law Offices of Smith & Associates

Case: John Doe v. Sierra County and Fairs Are Us

Deposition of: Herman Bogie

Taken by: Counsel for Plaintiff

Present:

- Plaintiff's Counsel: Jane Smith, Esq.
- Defendants' Counsel: Robert Brown, Esq.
- Court Reporter: Mary Johnson

Court Reporter: Please raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

Herman Bogie: I do.

Court Reporter: Please state your name for the record.

Herman Bogie: Herman Bogie.

Plaintiff's Counsel: Good morning, Mr. Bogie. My name is Jane Smith, and I represent John Doe in this matter. Could you please state your full name and position for the record?

Herman Bogie: My name is Herman Bogie, and I am the general manager of Fairs Are Us.

Plaintiff's Counsel: How long have you been in this position?

Herman Bogie: I've been the general manager for about five years now.

Plaintiff's Counsel: Were you present at the Sierra County Fair on January 23, 2024, the day of the incident involving John Doe?

Herman Bogie: Yes, I was on site that day.

Plaintiff's Counsel: Can you describe your responsibilities as the general manager on the day of the incident?

Herman Bogie: My responsibilities include overseeing the operations of the fair, ensuring safety protocols are followed, managing staff, and addressing any issues that arise during the event.

Plaintiff's Counsel: Does Fairs Are Us have an Injury and Illness Prevention Policy, or IIPP?

Herman Bogie: Yes, we do.

Plaintiff's Counsel: Can you briefly describe the key components of the IPP?

Herman Bogie: The IPP includes regular inspections for hazards, procedures for addressing and remediating hazards, training for employees on hazard recognition and reporting, and maintaining records of all safety-related activities.

Plaintiff's Counsel: Was the IPP followed on the day of the incident?

Herman Bogie: To the best of my knowledge, yes, the IPP was followed on that day.

Plaintiff's Counsel: How do you know that the IPP was followed on January 23, 2024?

Herman Bogie: We have a structured process for daily inspections, and all activities are documented. I reviewed the inspection reports for that day, and everything was conducted as per our standard procedures.

Plaintiff's Counsel: Can you provide more detail about the inspection process that was carried out on the morning of the incident?

Herman Bogie: Sure. Every morning, before the fair opens, our safety officers conduct a comprehensive walk-through of the entire fairgrounds. They use a detailed checklist to identify any potential hazards. These checklists are then submitted to me for review and filed for recordkeeping.

Plaintiff's Counsel: Did you personally review the inspection report from the morning of January 23, 2024?

Herman Bogie: Yes, I did. I review all inspection reports daily to ensure that any identified hazards are addressed immediately.

Plaintiff's Counsel: Were there any hazards identified during the inspection on the morning of the incident?

Herman Bogie: According to the inspection report, no significant hazards were identified in the area of the Tilt-A-Whirl ride or its exit path.

Plaintiff's Counsel: If a hazard had been identified, what would the procedure have been to address it?

Herman Bogie: If a hazard is identified, it is marked immediately, and the necessary remediation steps are taken as soon as possible. The action taken is then documented in a follow-up report.

Plaintiff's Counsel: Thank you. In the aftermath of the incident involving John Doe, did anyone report that Mr. Doe had been acting drunk?

Herman Bogie: Yes, one of our staff members, Julie Hing, mentioned that she thought Mr. Doe appeared to be intoxicated.

Plaintiff's Counsel: What actions, if any, were taken based on Ms. Hing's observation?

Herman Bogie: We did not take any specific actions based on that observation at the time, as our primary focus was on providing immediate medical assistance to Mr. Doe.

Plaintiff's Counsel: Thank you, Mr. Bogie. I have no further questions at this time.

Defendants' Counsel: I have a few questions, Mr. Bogie. Can you confirm that Fairs Are Us maintains comprehensive records of all safety inspections and hazard reports?

Herman Bogie: Yes, we maintain comprehensive records as part of our commitment to safety and compliance with our IHPP.

Defendants' Counsel: And to your knowledge, were all required inspections and safety measures in place and documented on the day of the incident?

Herman Bogie: Yes, to my knowledge, all required inspections and safety measures were in place and documented.

Defendants' Counsel: Thank you, Mr. Bogie. I have no further questions.

Court Reporter: The deposition is concluded at 10:45 AM.