IN THE COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA

STEPHEN BEAVER, LEAH COOPER, AMY ELLIOTT, JOHN ELLIOTT, JEFF HARMON, TARA HIGH, KATHERINE JAN JARRETT, JESSE SAYRE, AND JANE VIVIER,	)	Civil Action - Law
Plaintiffs	)	No. 2024-SU-001322
VS	)	
BOARD OF SCHOOL DIRECTORS OF THE WEST SHORE SCHOOL DISTRICT, HEIDI THOMAS, KELLY BRENT, DAVID BRINTON, BRENDA COX, AND MANDY DAVIS,	)	
Defendants	)	

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DEPONENT: Brenda Cox

TAKEN BY: Plaintiffs

DATE: Monday, February 24, 2025

TIME: 9:26 a.m.

PLACE: Ream, Carr, Markey, Woloshin & Hunter, LLP
119 East Market Street
York, Pennsylvania

REPORTER: Angela Kilby
Court Reporter, Notary Public

APPEARANCES:

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ALSO PRESENT:

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(No exhibits were marked.)

STIPULATION

It is hereby stipulated and agreed by and between counsel for the respective parties that the deposition is being taken for discovery; that reading, signing, sealing, certification, and filing are waived; that all objections, except as to the form of the question, are reserved to the time of trial.

* * * *

BRENDA COX,

called upon by Plaintiffs to give testimony, being duly sworn or affirmed by me, testified as follows:

* * * *

EXAMINATION

BY MR. ELLIOTT:

Q. Ms. Cox, I am John Elliott, I am the attorney representing the Plaintiffs in this matter.

Before we get going, could you please state your name and address for the record?

A. Brenda Cox, 617 Whitetail Drive, Lewisberry, Pennsylvania 17339.

Q. Have you ever given a deposition before?

A. No.

Q. I'll take a minute to run through the ground rules. Obviously you've just been put under oath, which means you are subject to the penalties of perjury, just as though we were in a court proceeding. Your duty is to tell the truth to the best of your recollection and I need to ask you questions that you can hear and understand.

If at any time you don't understand one of my questions, please ask me to repeat or rephrase it. Otherwise, we'll presume if you answer a question that you have heard and understood it. Okay? Do you understand that?

A. Yes.

Q. The stenographer is taking down a written transcript of everything we are saying, so your responses need to be verbal. It is difficult for --

A. I'll do my best.

Q. -- the transcript to describe gestures and nods of the head and things of that.

So, you understand that as well?

A. Yes.

Q. Okay. If at any time you need to take a break or speak to your counsel, that is fine.

If at any time -- when I ask you a question, if you don't know an answer or don't remember, that is fine. As long as that is the truth, you can give estimates if you are not exactly sure, but you have a good idea. But we don't want you to guess or make something up if you don't know.

A. Mm-hmm.

Q. Do you have any questions before we get started?

A. No.

Q. What is your educational background?

A. I graduated from Penn State University in 1998, then I went on and got a master equivalent at Gratz College. I -- well, that is all the further I went in education.

Q. Okay. What was your employment history after graduating?

A. I worked at West Shore School District from 1998 until around 2013.

Q. Okay. What did you do?

A. I started in fourth grade at Red Land Elementary, then I moved to sixth grade at Crossroads, where I taught physical science. I did my very last year at Hillside Elementary in fifth grade. Then I resigned to babysit my

grandkids.

Q. Okay. So, you were a fourth, sixth, and fifth grade teacher then?

A. Correct.

Q. When were you elected to the school board?

A. In November of '23. My term began in December of '23.

Q. Prior to being elected to the school board, did you have any prior experience serving on a municipal or government board or agency?

A. No.

Q. Have you had any training relating to the Sunshine Act and/or the right-to-know law?

A. Yes. I had the PSBA training, which we did in person, then we did the January 30 Sunshine training that was held by Stock and Leader at the school -- at the Ace Building.

Q. So, when was the PSBA training? Was that shortly after you --

A. Yes, yeah.

Q. -- came on?

A. Yeah. It was right after we got elected we had to do that. That's why we did it in person.

Q. Then you attended a training with Stock and Leader. Those two were the only two times?

A. Correct.

Q. What was your first contact with Kevin Hall?

A. Personal contact?

Q. Yes.

A. I called one day to set up a time to go in and speak to him, and I only had ever had one time. I don't know when that was.

You have my records, so it was right after I called his office. I don't remember when that was.

Q. That would have been sometime -- according to your -- the written discovery answers, it said you spoke --

A. I didn't speak. I went and visited. I went to his office one time. Was that April?

Q. You met with him --

A. Was it in April?

Q. -- sometime in April it says here.

A. In April, yeah.

Q. Prior to that, did you know who he was or had you heard of him at all?

A. No.

Q. So, how did the -- how did it come up -- how did the meeting come up that you either should or wanted to meet with him?

A. I got a phone call from Kelly and she had said this is somebody -- a firm that we may want to look into to possibly -- if we were looking for a solicitor to maybe look at them. So, I called their office to set up an appointment just to go in and ask him some questions.

Q. So, did you get the number from Kelly?

A. No, I looked it up.

Q. And what did -- so, you had one meeting in person --

A. Correct.

Q. -- with Kevin Hall? Was there anybody else at that meeting?

A. Mandy Davis was with me.

Q. Okay. And what did you discuss during that meeting?

A. I just did some factfinding questions, asked him about his firm and what they are -- what they do with school law and questions on that line.

Q. What did he tell you? What investigation did you get about that?

A. He said, if I remember right, that they had -- most of their schools were in the western part of Pennsylvania that they did, but they were very confident and they -- so, I was satisfied.

Q. What about Kevin Hall himself? What experience, if any, did he have with regard to either representing a school board or education law?

A. I did not ask him, or I don't remember that.

Q. How long did this meeting last?

A. I am going to say maybe 10 or 15 minutes. It was brief.

Q. So, did you cover anything other than the back -- sort of the background of his law firm at this meeting?

A. No, no.

Q. Did you discuss anything about specifics of how Kevin Hall would represent the board --

A. No.

Q. -- if he were appointed? Did you ask

about or get any information regarding how the board would charge the -- or how -- excuse me, how Tucker Arensberg would charge the board or what their fees were?

A. No.

Q. Did Mandy Davis ask any questions while --

A. I can't answer for her. I don't remember.

Q. You don't remember specifically --

A. Correct.

Q. -- whether she asked anything during the meeting you were at?

A. Correct. Yes.

Q. All right. So, after that meeting, were you convinced at that point that Kevin Hall and his firm were qualified to be the solicitor?

A. I can't say that I did or did not. I don't think I had a definite either way at that point.

Q. Okay. So, after that meeting, did you have any other follow-up telephone calls with Kevin Hall?

A. No.

Q. Did you speak to anybody else at his

firm about potentially being a solicitor?

A. No.

Q. Did you have any other meetings with Kevin Hall?

A. No.

Q. Did you talk about Kevin Hall with any of the other school board members?

A. I don't recall, no.

Q. Did you -- when the meeting was over, did you talk with Mandy at all about what went on at the meeting?

A. I honestly don't remember.

Q. All right. At this point you are aware that a committee had been formed to explore pursuing a request for proposals or RFP for legal services prior to this point, correct?

A. I knew that Kelly and David were a committee to do an RFP. I don't remember the exact date. But I do know -- I knew they were forming a committee.

Q. What was your understanding about what the committee was doing?

A. I had to research RFPs because I am not familiar with the term. So, I did research what an RFP was and why it was done. And I

understood that they were going to try to get together to come up with a rubric and qualifications and other information in order to put out RFPs for solicitors for the district.

Q. Okay. Did you think that was a good idea to do that?

A. I am not -- like I said, I am not real familiar with the process or the business -- a lot of the business sides of things. So, I know that it wasn't -- because I did some research and I know we don't have to do an RFP. So, I am indifferent to that.

Q. Did you -- I know you only came on the board, you said, in 2023. Were you aware or did you do any research into how the solicitor was chosen at the time Stock and Leader was --

A. 12 years ago?

Q. Right.

A. No.

Q. Do you have any idea what process --

A. No.

Q. You don't know what the board did to -- yeah, let me finish.

MR. BONN: For her sake.

THE WITNESS: I'm sorry.

MR. BONN: Let him completely finish the question before you answer.

BY MR. ELLIOTT:

Q. Yes. So, did you have any understanding of what process the board used to select Stock and Leader approximately 12 years ago?

A. No.

Q. When did you -- but your understanding of the committee was that they were in the process of developing an RFP that would go out and presumably get applications from multiple firms?

Is that your understanding?

A. Yes.

Q. When did you first find out that an RFP was not going to be used?

A. I am not going to be -- I am actually not sure. It would have been in April. I am sure it was during one of our executive meetings. It may have been our first meeting in April, which would have been the first Thursday in April. Somewhere around that time.

Q. What was your understanding of why the RFP committee was not moving forward?

A. I believe what I was told was that the committee dissolved because of a lack of -- I don't know, cohesiveness or willing -- will to work together.

Q. And who told you that?

A. It was discussed in executive session. So --

Q. Did you ever have -- other than executive session, did you have any discussions with any of the board members outside of executive session about the RFP committee or the process it was going through?

A. No. I wasn't involved in the RFP.

Q. Other than when Ms. Brent initially told you about Attorney Hall and suggested that you contact him, did you have any other discussions with Kelly Brent about Kevin Hall or the change in solicitor?

A. I honestly can't remember.

Q. Did you think -- when did you first become aware that there was any dissatisfaction among the board members with either Brooke Say or Stock and Leader?

A. Could you say that again, please?

Q. What was the -- prior to finding out

that -- or prior to Kelly Brent suggesting that you talk to Kevin Hall about potentially being a new solicitor, prior to that, were you ever aware that there was any dissatisfaction with Brooke Say or Stock and Leader, their performance as a solicitor?

A. I know I had been involved in a situation that led me to believe I wasn't really too satisfied with Brooke Say.

Q. Okay. What was that situation?

A. It was the Byrnes incident.

Q. And that was -- were you present at any of the other previous depositions in this case?

A. Yes.

Q. Okay. Who were you here for?

A. Kelly and a little bit of Mandy's.

Q. So, this incident with the Byrnes Center was discussed during those depositions?

A. Mm-hmm.

Q. Is that what you are referring to? And that had to do with a parent who made a complaint and there was a meeting about that, correct?

A. I was present, yes.

Q. You were present?

A. Mm-hmm.

Q. Okay. Do you remember when that meeting took place?

A. I am not sure. February. May have been in mid February.

Q. All right. So, what happened -- you said -- what was it that happened that made you question whether you wanted Brooke Say to continue as solicitor?

A. To continue or not to continue?

Q. To not continue. You questioned whether she should continue to be the solicitor.

A. Okay. I have a parent -- I was on the curriculum committee and the policy committee. The parent contacted me, was told she could not see the curriculum, therefore she contacted me, asked me to go into this meeting with her. I went into this meeting with her and there were other people present.

The only reason I got involved was because of the curriculum and the policy. When an organization comes into our schools, there has -- the policy states -- 105.2, they must show the curriculum to a parent or guardian.

This Byrnes Center said they did not have to. They did not do that, they did not want to do that.

So, that is the only reason I got involved. I went to the meeting. I only asked two questions. After the meeting, our assistant superintendent went to our superintendent and told him -- I don't know what he told him. But our superintendent came up with this letter calling the actions of people in this meeting, lack of decorum and unprofessional, and all this. He wasn't there.

We told Brooke and Dr. Stoltz that that was not true and that we did not want him to give it to the public. She didn't stop him. He went out, presented to the public, and it wasn't true.

After the board meeting, I walked up to Brooke and said I need to do a rebuttal because what he said was not true because he wasn't there, he had hearsay information and it wasn't true. She said, well, I recommend you don't do that. And I said, why? I was in the meeting, I know what I did and what was done at the meeting. He more or less threw me under the

bus. And she was, like, I recommend you don't do that.

Also at the meeting, other things brought to light then, because the Byrnes Center found out -- we found out they didn't -- West Shore didn't have an agreement, any kind of MOU, or any kind of contract. They were just billing us and we were giving them checks.

So then I got an e-mail from the assistant superintendent saying, are you sure you want to go through with this, because we have other agencies that come into our schools that we don't have a contract or an agreement or MOU with. And I was, like, our policy states we have to.

So, the solicitor was not making sure that West Shore School District was being guarded against lawsuits and everything. We had to have some kind of agreement with any agency that comes into West Shore School District. And we didn't.

So, all of a sudden, after this incident, he is having to do all these MOUs and all this stuff with all these, Junior Achievement, with the fire department, with

everybody who comes in, because it should have been done before, but wasn't.

So, I was, like, you know, I didn't feel good.

Q. Okay. From your personal perspective, was that the only instance? Or was there anything else that made you think that --

A. Well.

Q. -- there should be a change in solicitor?

A. I attended a couple board meetings before I was elected and everything. And just listening to what was said and a couple things that were done, I was, like, it is -- the solicitor is for the board and for the policies and everything. And we got sued because of a policy that wasn't followed. So, I was -- yeah, I just didn't feel that I wanted to keep her as a solicitor. I can't speak for every board member, but I can speak for myself.

Q. All right. So, what is your understanding of the role of the solicitor and who the solicitor represents?

A. Well, it is written that the solicitor serves at the will of the board. And when she

doesn't do -- the board is to set policies and to do all of those things and the policies aren't being followed, aren't being written, then she wasn't doing her job properly.

Q. Okay. But who -- what is your understanding of who the solicitor represents? Is it the board? Is it the school district?

A. It is the school district.

Q. Okay. Did you have any discussion -- this is all -- I am talking about prior to April 11 when the public vote happened.

Did you -- prior to that, did you have any discussions with any of the other board members about Brooke Say or whether she should continue to be the solicitor or not?

A. I can't remember exact discussions. So, I don't want to lie and say either yes or no. I am sure I probably did, but I don't remember exactly what it was.

Q. Okay. You don't have -- do you remember speaking to any specific person about it?

A. About getting rid of her? Or about her performance?

Q. Either one.

A. I am sure I talked to Heidi about how upset I was about her -- how she did the Byrnes Center thing and how she let that go through without speaking to me or Heidi, because we were mentioned in that letter. We were never talked to before that letter was drawn up and presented to the community and newspapers and everybody else.

Q. Okay.

A. We never had any input into it.

Q. Okay. So, other than Heidi, do you remember speaking to anyone else about the Byrnes incident specifically? Let's start there.

A. I don't think -- I know I talked to Heidi. She is probably the only one I really talked to about it. Everybody knew about it. So --

Q. All right. The RFP committee, is it your recollection that was for -- or the idea to form that first came up in January 2024?

A. If you -- I honestly don't know.

Q. Do you recall -- I think my recollection was at one of the meetings an RFP was put forward for potential vote and was not

acted on at that time, then -- but as a result, the RFP committee was formed.

Is that your recollection? Or how do you remember that coming about?

A. I believe that is how it went.

Q. So, that was before the Byrnes Center meeting, correct?

A. I believe it was about the same time. It was in February, wasn't it?

Q. Well --

A. I don't remember.

Q. Your recollection is that the Byrnes Center meeting was in February?

A. Yes. Because the incident happened in January. The whole thing started actually over Christmas, and then she -- the parent contacted me the beginning of January. And that is how long it took to get a meeting with the Byrnes Center. It took, like, four weeks. Which led into February.

Q. So, the meeting itself occurred in February, to the best of your recollection?

A. I believe so. At the end of January, beginning of February.

Q. All right. So, if the RFP process was

starting before that, were you aware of whether any of the other board members had other issues with Brooke Say they wanted to start this process?

A. No. I don't believe it was started then way back in January or the beginning of February. Not that I know of.

Q. Okay. So, you are saying you don't remember when the possibility of an RFP was first discussed at a public meeting?

A. Correct.

Q. And whenever that was, do you have any recollection of speaking to any of the other board members about why they thought an RFP was a good idea?

A. State that one more time. Any board member --

Q. Yeah, any board member?

A. I know I talked to Mrs. Tierney, I believe, not on the phone or anything, but casual conversation, and she said that they would like to see an RFP. But I didn't really talk to anybody else much about it.

Q. Okay. Do you remember if that discussion was prior to an RFP being discussed

during a public meeting?

A. No. I believe it was when -- at a board meeting when we were bringing up doing an RFP.

Q. Right. So, my question is, prior to that point, did any board member discuss with you why they thought that would be a good idea or why they wanted to start that process?

A. No, I don't recall.

Q. Did you speak to any other attorneys about the potential for serving as a new solicitor? I am talking about other than Kevin Hall.

A. No.

Q. All right. Why not?

A. When I talked to Kevin at his firm and he had said that they had a really good -- on his team, they had a person who handled a lot of school law, and I was, like, okay.

Q. And it didn't matter to you this person was based in Pittsburgh?

A. I didn't know that he was -- they were based in Pittsburgh. He just said that most of their schools that they are solicitors for were in the western part of the state.

Q. Did you find out specifically what any of those schools were?

A. No.

Q. Did you talk to anyone at any of those schools about their performance as a solicitor?

A. No.

Q. So, what was it about -- you said this meeting lasted probably 10 or 15 minutes, correct?

A. Mm-hmm.

Q. What was it about this meeting that made you so confident that Kevin Hall and Tucker Arensberg were the appropriate candidate that you didn't need to talk to or interview anybody else potentially for the solicitor?

A. I guess I felt confident that his group could do as good as Brooke had done.

Q. And what was it that gave you that confidence?

A. Just a feeling.

Q. Okay. So, there are lots of law firms that have people who do education law. What was it that made you so convinced that you didn't even need to speak to anybody else or interview anyone else?

A. When I talked to him, I felt we had a great conversation and more or less told us, me, that he could, you know, do the job. And he was local, he lived local. He lives in the district. His children go to our school district.

Q. Okay. What was -- at the time of this meeting, what was your understanding of his -- of Kevin Hall's specific legal specialty, if any?

A. I went in only to do factfinding. I didn't know -- I looked up online Tucker Arensberg to get the phone number to call them. While I was on there, I just looked at a couple things.

So, I didn't know him or who he was before I went to the meeting, other than the fact Kelly had just said he was somebody that we should look into.

Q. Right. As part of your factfinding, what, if anything, did you find out specifically about Kevin Hall's legal background and what he did as a lawyer?

A. I honestly don't remember.

Q. Okay. Did you -- and you said you --

at that time you did not ask about or you didn't know what Tucker Arensberg's fees would be comparatively to Stock and Leader's?

A. Correct.

Q. Did you find that out at any point prior to voting for Tucker Arensberg at the April 11 meeting?

A. I believe that I knew -- I went back on but didn't have their fees on it and stuff. So, I don't know that I did.

Q. So, do you agree that the -- to the extent the school board is spending local taxpayer money, that you have a duty to do that responsibly?

A. Absolutely.

Q. Why -- how is it consistent with best practices to hire a solicitor without conducting interviews of multiple candidates?

A. I am not necessarily agreeing that it is or isn't.

Q. I guess my question is, why did you think it was a good idea to vote in favor of this without conducting any other interviews of any other potential law firms?

A. I trusted my colleagues.

Q. That is kind of similar to what Heidi Thomas said at her deposition, that she trusted Kelly.

Is that your view also, that you were putting your trust in Kelly to do the research and digging into the background of the firm and determining that Kevin Hall would be appropriate?

A. I trust all of my board members. I would say yes.

Q. All right. You were aware that this is the person that Kelly Brent wanted to put forward as the solicitor, right?

A. All I know is she called me and said this is somebody that I should talk with and see if it is somebody that would be a fit for us at this point.

Q. When did you first find out that Kevin Hall was going to be officially put forward as a candidate to be voted upon?

A. I don't know if I have the exact date. It would have been the day that I got the agenda before the meeting.

Q. I would like to show you what has been marked previously as Brent No. 5. If you could

take a moment to look at this. I'll represent this is an e-mail exchange between Attorney Say and Attorney Hall dated April 5, 2024.

Take a minute to look at that, let me know if you have ever seen these e-mails before.

A. I saw these after the fact.

Q. When is the first time you remember seeing these?

A. When somebody posted them online, actually. I did not see these before the meeting. Somebody got ahold of them and gave them to a public person. Somebody in the public posted them online.

Q. Okay. And --

A. I was not involved in this.

Q. Right. So, you don't recall -- well, first of all, let's -- the e-mail from Kevin Hall to Brooke Say, which is the one on the second page, it says starting on the second sentence, as I indicated, Heidi Thomas, president of the board of school directors of the West Shore School District, asked me to reach out to you as a courtesy to inform you a change in solicitor will be on the agenda for April 11, 2024 board meeting. With the goal of

making the transition as smooth as possible, we would appreciate it if you would provide us with a list of the most pressing issues facing the school district and begin preparing transition paperwork for any active matters you or your firm are currently working on.

So, are you saying prior to voting at the April 11 meeting, you were not aware that Kevin Hall had reached out and contacted Brooke Say?

A. I was not aware.

Q. Okay. That also included she was told she need not attend that meeting.

Were you aware -- prior to the April 11 meeting, were you aware that Brooke Say had been told not to attend?

A. I was not aware.

Q. Okay. Then on the first page in Brooke Say's e-mail to Kevin Hall, it says, thank you for the note. This confirms our conversation where you informed me that you and your firm would be appointed at the upcoming board meeting on April 11, 2024.

You informed me that President Thomas asked you to make this communication about the

appointment and that my presence at the meeting was not necessary. In response to my question, you also advised that there had not been a board meeting or executive session where appointment of your firm was discussed.

Do you have any reason to question the accuracy of what Attorney Say is stating in this e-mail?

A. I was not involved, so I can't say either way.

Q. All right. So, prior to the April 11 meeting, were you aware of whether or not any of the four board members who ended up voting against the change, which would be Brian Guistwhite, Christopher Kambic, Abigail Tierney, Adam Trone, were you aware that none of them had spoken to Attorney Hall about potentially being the new solicitor?

A. Correct. I was unaware.

Q. When you found out about that during the April 11 meeting, did it bother you that they had not been given an opportunity to talk to somebody who was going to be in a position as important as the solicitor for the school district?

A. It bothered me, but decisions are always made that sometimes people don't have an opportunity to get involved in.

Q. We are talking about the solicitor for the school district. Are you saying it is not important that every board member have a voice in that process?

A. Absolutely they should. I was unaware they had not had any conversations.

Q. So, if they did not have that opportunity, why didn't you vote to table the matter or not act on it? What was the urgency that it had to be voted on that particular evening?

A. I would say that I wanted a different solicitor.

Q. So, it didn't matter to you whether or not the four other board members had any input in that vote or not?

A. Of course it matters.

Q. All right. You remember during that meeting the four of them all saying that they didn't know who Kevin Hall was, didn't have a chance to speak to him, and asked why is this going on now, when they had not had a chance to

interview him?

A. I don't remember. I do know it had been on the agenda.

Q. And the agenda typically comes out approximately 24 hours before the meeting, correct?

A. Usually 48. 24 to 48 hours.

Q. Do you remember when the agenda came out, the agenda items specifically referencing the solicitor change? Do you remember --

A. No, I do not remember.

Q. If the situation had been reversed, how would you feel if you had 48 hours' notice to vote on something like the solicitor without having any idea who it was or any opportunity to talk to them beforehand?

A. Things are brought up that a lot of times I don't have any information about.

Q. For something as important as the solicitor, that is okay with you as a board member that that functioned that way?

A. It was done that way.

Q. Well, you were one of nine people who had the ability to vote on it. Why did you think it was okay to proceed if four of those

board members had not had the opportunity to participate?

A. I voted the way that I voted.

Q. And why did you need to vote -- why did it need to be voted on that evening? Why couldn't it have been postponed for at least a month to allow full participation of all the board members?

A. All I can say is I voted the way I voted.

Q. When did you decide for yourself that you were going to vote for Kevin Hall as the new solicitor?

A. Probably when I looked at the agenda.

Q. Okay. All right. You say you -- other than the call, the initial phone call with Kelly Brent and the meeting you had with Mandy Davis, you are saying you did not have any other discussions with any of the board members about Kevin Hall prior to April 11?

A. I don't recall. I may have talked to Kelly once again. But I don't remember anybody -- I don't remember anybody else.

Q. Okay. Did you tell Kelly your impressions of Kevin Hall or what you thought

about your meeting?

A. I honestly don't remember.

Q. All right. Can you -- do you have any explanation of how Kevin Hall knew he was going to be appointed prior to April 11?

A. No, sir. No.

Q. Do you have any explanation for why he would ask Brooke Say to start transitioning files to him prior to April 11?

A. No.

Q. Do you know why Brooke Say would be told not to attend the meeting if the decision to replace her had not already been made?

A. No.

Q. Do you think Heidi Thomas knew the -- what the outcome of that vote was going to be on April 11, before the vote was taken?

A. I can't answer to what Heidi thought.

Q. Do you have an opinion yourself of whether or not she knew?

A. No.

Q. Next I would like to show you what was marked as Brent No. 6. This is -- I'll represent to you this is an e-mail -- chain of e-mails starting April 3 and April -- also April

5 involving an e-mail from Kevin Hall to Heidi Thomas, then Heidi passing along an e-mail to Dr. Stoltz.

If you could take a moment first and let me know if you have ever seen these e-mails before.

A. They do not look familiar, no.

Q. Okay. The e-mail on the first page dated April 3 from Kevin Hall to Heidi Thomas says, good afternoon, Heidi. Please see the attached business agenda items for the upcoming April meeting. Thank you.

Then on the second page it looks like the e-mail from Heidi Thomas to Dr. Stoltz was saying, Todd, please distribute this entire e-mail as we discussed last night to each of the board members, then there is a list of four attachments, which No. 4 includes business agenda items for April 11, 2024 meeting.

Do you remember getting those items forwarded to you prior to the April 11 meeting?

A. No, I do not remember.

Q. Okay. Do you know why Kevin Hall would be working on agenda items for the board prior to the April 11 meeting?

A. No, I do not.

Q. Did you find it unusual someone other than the solicitor -- other than the current solicitor would be preparing the agenda for the board members?

A. I know that the president and vice president usually work on it with Dr. Stoltz. I don't know how that operation works.

Q. Do you have any explanation why if Kevin Hall didn't already know he was going to be appointed, why he would be working on agenda items for the next meeting?

A. No, I do not know.

Q. I am going to show you what we marked as Exhibit Brent 7 previously in other depositions. These are the minutes -- the meeting minutes for the April 11 meeting.

Take a moment to go through if you like and let me know if you have seen these before.

A. I believe I have.

Q. Okay. There is a numbering on the bottom right corner of the page starting between 331 and 342. There are a list of written comments that were shared with the board in

advance of the meeting.

Did you get copies of all the comments that are listed here in the minutes prior to the April 11 meeting?

A. Yeah. I believe these were the ones that we got. Most of them look like a form letter that somebody sent out and people just put their name on. They all are, like, the same.

Yeah, I remember them. Yes.

Q. Is it fair to say most of these comments expressed concern about the way the solicitor appointment was happening?

A. I would say yes.

Q. And that a number of these comments claimed that the board was not being transparent and were concerned that maybe the Sunshine Act was being violated.

Do you agree that opinion was expressed in a lot of these comments?

A. Repetitively. Very similarly.

Q. Okay. What is the significance of that?

A. They all -- almost all of these were very -- they were written almost, like, verbatim

and that somebody gave them -- somebody had talking points and they just all repeated them.

Q. Does that somehow not make them legitimate comments in your mind?

A. Legitimate, no. They may be legitimate, yes.

Q. All right. Given the -- did you think it was unusual to get that many comments about the same subject before a meeting?

A. Not at that point, no.

Q. Did the fact that you received these comments in addition to people who spoke at the meeting itself, did any of that give you pause that maybe there was something problematic with the way the board was proceeding with the solicitor change?

A. Define problematic.

Q. We just said there were a lot of concerns that the board was proceeding in a way that was not transparent and could possibly violate the Sunshine Act.

A. Explain how that would happen.

Q. The -- would you agree a lot of those comments suggested that it looked like Kevin Hall already knew ahead of time that the

decision was made and that he knew he was going to be appointed as the solicitor?

A. I wonder, how did they know that? That would be problematic.

Q. It would be problematic that Kevin Hall knew? Or that the public knew?

A. Before anybody else knew. But it didn't surprise me that -- no, I was not surprised we got all of these. We get them all the time.

Q. All right. But as of April 11, earlier you said you were not aware of the e-mails between Kevin Hall and Brooke Say, correct?

A. Correct. Yes.

Q. Were you finding out for the first time at the meeting on April 11 that there were allegations that Kevin Hall was already told about the decision prior to the meeting?

A. Restate that one more time.

Q. During the meeting on April 11, is that the first time you were made aware of allegations that Kevin Hall already knew the decision and the outcome of what the vote was going to be at the April 11 meeting?

A. Correct.

Q. What is your understanding of whether that would violate the Sunshine Act or not?

A. From my understanding of the Sunshine Act, I don't believe that it -- there were no deliberations. I don't believe that broke the Sunshine Act.

Q. What if a decision was communicated to Attorney Hall that he was going to be appointed as the solicitor?

A. I didn't know that happened. So, I don't know.

Q. How would he possibly know that he was going to be appointed as the solicitor if no one had told him that ahead of time?

A. I can't answer that. I don't know.

Q. If that had actually happened, would that have violated the Sunshine Act?

A. If what had actually happened?

Q. If, for instance, Heidi Thomas had specifically told Attorney Hall that he was going to be appointed as the next solicitor at the April 11 meeting, would that be a violation of the Sunshine Act, to your knowledge?

A. That is a -- to me, that is a

hypothetical.

Q. Understood. But what is your understanding of that hypothetical situation?

MR. BONN: Do you understand the question?

THE WITNESS: No, I don't. I don't know what he is trying to ask me.

BY MR. ELLIOTT:

Q. If Heidi Thomas told Kevin Hall that he was going to be appointed as the solicitor at the April 11 meeting prior to the vote actually taking place, would that be a violation of the Sunshine Act?

A. With her acting as board president?

Q. Yes. Speaking as on behalf of the board president, if she had told Kevin Hall you are going to be appointed as the solicitor on April 11.

A. I honestly don't know.

Q. Based on the training that you received about the Sunshine Act, what is your understanding of -- let me rephrase that.

You just said you are not sure whether Attorney Hall being told by Heidi Thomas ahead of time would violate the Sunshine Act or not.

What is your understanding of what has to take place for a vote to comply with the provisions of the Sunshine Act?

A. There either has to be -- no quorum. There has to be so many people in attendance. You can't deliberate outside of -- outside of the -- what do they call it? Sunshine. All people.

Q. Do you -- based on your understanding, is there a legal distinction between discussions versus deliberations?

A. Well, I would say when you deliberate, you come to a conclusion usually. Discussions, you talk about maybe facts, factual information, you share thoughts, but you don't deliberate. You don't come to any conclusion about anything.

Q. All right. Are board members allowed to deliberate outside of a public meeting?

A. No.

Q. Do you believe that any deliberations occurred during the April 11 meeting to discuss why Kevin Hall was being appointed?

A. During the meeting?

Q. During the meeting.

A. No, I don't recall.

Q. Do you remember you yourself giving any explanation for why you were voting the way you were voting?

A. No.

Q. Do you specifically recall if any of the other board members who were voting in favor of Kevin Hall, do you remember if any of them explained their rationale for why they were voting the way they were voting?

A. No, I don't recall.

Q. Do you remember the four board members who voted against Kevin Hall, do you remember them asking questions about why the RFP process was suspended?

A. I believe they knew before the meeting that the RFP had already been canceled or discontinued. But I believe they still brought it up, yes.

Q. Right. And do you know -- do you recall them saying they were first hearing about this at the time the new agenda was announced?

A. I don't recall, but they probably did, because apparently that is how it happened.

Q. Do you understand why some of them could have been surprised at Kevin Hall being

put forward that evening when the last thing discussed publicly was that there was going to be an RFP process to choose the next solicitor?

A. No, because it was on the agenda. They knew before that meeting that he was going to be there because it was on the agenda.

Q. Right. They had found out a couple days ahead of time, right?

A. Mm-hmm.

Q. And prior to that, the last thing anyone knew publicly was that an RFP was going to be used to select the solicitor, correct?

A. As I understand it, yes.

Q. So, didn't you think the board members and the public deserved an explanation for why the RFP process was no longer being used?

A. I was not involved in the process, so it was not up to me to discuss it.

Q. But don't you think someone who was involved in the process should have explained that?

A. Possibly.

Q. Doesn't the public have a right to know the reasons behind why the board is making the decisions they are making?

A. Absolutely.

Q. Okay. So, you just said you don't recall specifically anyone who was involved in this process giving an explanation for why they were voting the way they were voting. You didn't see any problem with that?

A. At the time, no.

Q. At any time since then, have you reconsidered about how things went at that meeting?

A. Yes. I believe it could have been done differently.

Q. How could it have been done differently?

A. Changing the RFP committee, maybe, and going through with the RFP.

Q. Do you -- as you sit here today, do you think it would have been a better way to go about it if the RFP was used to select the solicitor?

A. Only had the committee been changed.

Q. By change -- what do you mean by changing the committee?

A. I can only talk from what I understood happened, because I wasn't in the committee.

But I believe it started out as Mr. Brinton and Mrs. Brent and Mrs. Tierney and Mr. Guistwhite. That was about the time when David was hospitalized. He had a foot thing going on, so he had to go in the hospital for several weeks, had surgery.

So, it was just Mrs. Brent, and then Mrs. Tierney and Mr. Guistwhite. Then all of a sudden, Mr. Guistwhite and Mrs. Tierney started adding people. Administrators, superintendents, cabinet -- people that were on the cabinet, and other people.

And I believe Mrs. Brent just felt overwhelmed and felt that the voice -- they weren't equal. Like, the input for what we were looking for and what would be -- so, I believe that was when the committee dissolved. Mr. Brinton never came back.

Q. Do you believe that administration or staff that would be working regularly with the solicitor should have input as to the kind of qualifications that the board should be looking at for solicitor?

A. I am not saying they don't. But the board should have the right to hire the

solicitor without approval from administration.

Q. Okay. Well, the RFP had not even been issued. Are you suggesting that somehow the administration had a final vote in who would be chosen?

A. I believe in the end they would have had an influence, yes.

Q. How would they have had an influence?

A. On the two board members that had been previously been there for 12 years.

Q. I don't follow. What do you mean by that?

A. The committee started out as four board members. Two that were newly appointed, two that had been there for 12 years. And, so, then all the administrators and everybody else and Mrs. Brent felt that her suggestions and what she wanted to accomplish were being overwhelmed by everybody else. And they were more or less just taking over everything. So, that is why it was dissolved.

Q. Next I'll show you what is marked as Brent 10. This looks like -- let me represent to you this is an e-mail exchange that happened between Christopher Kambic and Thaddeus

Eisenhower dated April 10. The response from Christopher Kambic is dated April 10, and the original e-mail from Thaddeus Eisenhower looks like it is dated April 8.

Could you take a moment to look at this and tell me if you have ever seen these e-mails before?

A. Sorry, I have never seen this before, so I am reading it very, very closely.

Q. Take your time. Let me know after you have had a chance to read it.

MR. BONN: This e-mail, the part that is not in italics is Mr. Eisenhower speaking. And the parts that are in italics is Mr. Kambic responding to what Mr. Eisenhower is saying.

MR. ELLIOTT: Yes, that's correct.

THE WITNESS: So, was it all on this one e-mail? Or were they back and forth?

BY MR. ELLIOTT:

Q. It is -- based on what Mr. Kambic said, I think the non-italics part is what Thaddeus Eisenhower wrote on April 8. On April 10, Chris Kambic responded to that. And his responses to the questions are what's the italics text.

A. That changes my reading.

MR. BONN: If you look, there was an e-mail on April 8 at the beginning of the bottom of Page 2 onto Page 3.

THE WITNESS: Okay.

MR. BONN: That was written by Thaddeus Eisenhower. Then Mr. Kambic responded on April 10. And he inserted -- he wrote inside of -- when he replied to Mr. Eisenhower's e-mail, he --

THE WITNESS: Numbered them.

MR. BONN: He numbered them and wrote responses in italics.

THE WITNESS: Okay.

MR. BONN: So, if that helps you understand when you are reviewing this --

THE WITNESS: I don't really need to read Thad's, I just need to read the -- this is basically Thad's, and then Mr. Kambic's responses?

MR. BONN: Yes.

MR. ELLIOTT: That's right.

THE WITNESS: Okay. Can I have one of these?

MR. BONN: I can get you a copy

afterwards.

THE WITNESS: Thank you.

BY MR. ELLIOTT:

Q. You may have said this, but have you seen these e-mails before?

A. No.

Q. Do you know who Thaddeus Eisenhower is?

A. I have heard of him. I don't know him personally.

Q. You don't know him personally?

A. No.

Q. Okay. Do you know how he would have known on April 8 Kevin Hall was going to be on the agenda for April 11?

A. No.

Q. So, you never had any direct conversation with Thad Eisenhower prior to April 11 about Kevin Hall?

A. I have never had a conversation with him, correct.

Q. Do you have any explanation of how he could have known about Kevin Hall being considered as the solicitor at that point?

A. No.

Q. Next I would like to show you what was marked as Brent 11. This is an excerpt from the Answer and New Matter the school district filed in response to the complaint.

A. Mm-hmm.

Q. And I specifically want to direct your attention to No. 54, which says, upon information and belief, Plaintiffs Stephen Beaver, Leah Cooper, Amy Elliott, John Elliott, Jeff Harmon, Tara High, Katherine Jan Jarrett, Jesse Sayre, and Jane Vivier have brought this lawsuit for the illegitimate means of imposing their political agenda on the West Shore School District, regardless of how the majority of the duly-elected board members voted.

Do you agree with that statement?

A. Yes.

Q. What is your basis for saying that?

A. I ran against one of these people. I got elected. My husband and my son ran against one of these people, they got elected and she did not. When I was running, there were people on this list who put things on Facebook about how I was -- would be divisive because of my religion and posted that on Facebook.

So, yeah, I tend to be it may be a little bit political.

Q. Okay. But whether or not there are political differences, do you understand the distinction between bringing a claim that might not ultimately win in court versus knowingly bringing a case with no factual or legal merit?

A. Yeah.

Q. So, what is your basis for saying that the purpose of the Plaintiffs was to do this for illegitimate purposes, irrespective of the merits of the Sunshine Act?

A. I just explained that some of them don't agree with the way I live my life and that they don't agree with -- I was told by some people or put on Facebook and stuff that I was called a religious zealot and told that I would bring my religion into the schools, which I can't do anyways because you can't do that. And I think they were just trying to make me look bad in the eyes of my constituents.

Q. Who specifically are you talking about when you say some of these people?

A. Sorry, it would be Ms. High would be one of them. Jane Vivier, she ran for political

office against my son and my husband and she did not win. So, she was not too happy about that. Which I had no control over any of those things.

Q. What office are you talking about she ran against?

A. Supervisor, township supervisor for Fairview Township.

Q. Okay. Ms. High, Ms. Vivier. Anyone else listed in the Plaintiffs?

A. Not that I know of.

Q. Okay. All right. You suggested that those two people have an ulterior motive. What about all the other Plaintiffs? What is your evidence that any of them an illegitimate purpose for bringing the complaint?

A. I don't know any of the other ones personally.

Q. Do you have -- other than your opinion based on the political differences you've described, do you have any evidence that the purpose of bringing a case is illegitimate?

A. Other than those facts that I just gave you?

Q. Yes.

A. No. Not other than those facts, no.

Q. Those facts you are suggesting that Ms. High ran against you for the position on the board, Ms. Vivier ran unsuccessfully as a supervisor. So, the only possible explanation for those two joining in the lawsuit is because it is politically motivated?

A. It could be, yes.

Q. Well, this statement said that it could be, it is saying it is. It is saying specifically --

A. Yes, it is.

Q. -- making an accusation --

A. Yeah.

Q. -- that --

A. I believe that is what motivated some people, yes.

Q. By some people, that is Ms. High and Ms. Vivier?

A. Correct.

Q. Do you have any reason to believe that any of the other Plaintiffs are doing this for an illegitimate reason?

A. No, I don't.

MR. ELLIOTT: Why don't we take a break for just a minute. I want to look at my

notes and speak to the other Plaintiffs here, see if I have anything else.

(A recess was taken from 11:05 a.m. until 11:09 a.m.)

BY MR. ELLIOTT:

Q. One follow-up. Did you say you were on the policy committee?

A. Yes.

Q. The April 11 meeting, prior to the vote to change solicitor, there was a change to the policy, it was 005.

Were you involved in discussions or in any way changing or making the decision to --

A. Yes, I had --

Q. -- change --

A. Yes.

Q. What happened leading up to that meeting with regard to the policy?

A. I believe there was some verbiage in there that was paragraphs and went into detail about how a solicitor could be let go. And we didn't want -- we wanted to eliminate that.

Q. Do you remember when that issue first came up or when you first started discussing making that change?

A. No, I don't remember.

Q. Do you remember how it was first brought to your attention that that was a policy that you might want to consider changing?

A. Well, I believe when -- after -- well, right around the time in January when we started dealing with the Byrnes incident, was probably about the time.

Q. Is that -- did somebody mention it to you? Or was that something that you brought up? How did that subject come up, if you recall?

A. Who was on the committee with me back then. Me, Abby, Mandy, David.

I don't remember actually who brought it up, but I know I was in the discussion, because I wanted to eliminate it.

Q. Okay.

A. In the curriculum committee.

Q. Right. You just don't happen to remember whether this was something someone else mentioned first or you brought it up?

A. No, I don't.

Q. So, this -- but this is something you were aware of prior to April of 2024? This wasn't something that just popped up for the

first time on the agenda?

A. Correct.

MR. ELLIOTT: Any follow-up? I think that is all I have.

MR. BONN: Yeah.

EXAMINATION

BY MR. BONN:

Q. Based on your training under the Sunshine Act, what do you believe has to occur for there to be a Sunshine Act violation?

A. There has to be deliberation between more than four -- three, four board members that actually come to a conclusion regarding a situation or policy behind -- not happening in the sunshine, behind closed doors or something.

Q. Based on your understanding of the Sunshine Act, do you believe the board violated the Sunshine Act by either suspending the policy or changing solicitors?

A. Absolutely not.

Q. Why do you believe no Sunshine Act violation occurred?

A. Because we never met or deliberated together behind closed doors or as a group to discuss this.

Q. Did you ever tell any other board members how you were going to vote on changing the solicitor?

A. No.

Q. Did any other board members tell you how they were going to vote on changing the solicitor?

A. No.

Q. If you look at Brent No. 6, you can pull that back out.

On the third page there is an e-mail from Kevin Hall that has -- to Heidi. And Kevin Hall says, please see attached. And one of the items is an engagement letter.

Do you know if those items were ever distributed to the board prior to the April 11 meeting?

A. Not to my knowledge.

Q. You don't know one way or the other?

A. No, I don't remember.

Q. You recall we looked earlier at an exhibit where Christopher Kambic was discussing Kevin Hall with the member of the public?

A. Yes.

Q. Back on -- that chain began on April

8?

A. Yes.

Q. That is Brent Exhibit 10.

A. Mm-hmm.

Q. So, does it look to you like Mr. Kambic knew that Kevin Hall may possibly be on the agenda --

A. Yes.

Q. -- as of April 8?

A. Yes.

Q. Do you know if there is anything that stopped Mr. Kambic from calling Kevin Hall the way you did and setting up a meeting to talk to him?

A. I can't talk for Mr. Kambic, but I would say no.

Q. Whenever the school board hires vendors, do you ordinarily talk to the vendor before you make a vote to hire them?

A. That is a good question. I believe it is not West Shore School District's practice to do it that way. We would like to see it done that way.

Q. Do you typically rely on information that's distributed in the meeting packet to make

your decisions on voting?

A. That is how it has been done in previous years, yes.

Q. Did you ever ask to delay a vote so that you could talk to a vendor?

A. Yes.

Q. When did that occur?

A. That would have been, believe it or not, it was -- the Byrnes came back again because they did not have a contract with us or an agreement. Nothing. So, the assistant superintendent spoke with them and they came up with their own MOU, then we had to vote on it.

So, we wanted to go over it and make sure it was in adherence to Policy 105.2 and our other policies.

Q. Okay. Whenever you vote at board meetings, do you always explain why you are voting the way you are voting?

A. No, they don't.

Q. Well, let me first ask about you.

A. Oh.

Q. Do you always explain why you are going to vote the way you are going to vote?

A. Do you mean at the meeting?

Q. At the meeting publicly.
A. Not all the time, no.
Q. And then are there some votes that just go through with no discussion from any board members?
A. Yes.
Q. Do you believe the board is violating the Sunshine Act whenever it is doing that?
A. No.
MR. BONN: I have nothing further.
MR. ELLIOTT: Just briefly.

RE-EXAMINATION

BY MR. ELLIOTT:
Q. Do you think choosing a solicitor is comparable to selecting a vendor?
A. Comparable, no. But one goes along with the other.
Q. You said that there are instances where you are voting on information that's given to you in the information packet prior to --
A. Correct.
Q. -- the meeting.
A. Yes.
Q. What are typically those kind of votes?

A. Those are on contracts usually with outside firms, agreements with outside firms. Things we discuss in executive session that we can't talk about at the public meeting. Those are hires, which we talk about in the executive session. Purchasing of items, large purchases, which we all get information before the meeting, and we go over most of that information before the meeting.

Q. All right. So, there aren't any votes where you haven't had a chance to be privy to the information necessary to make an informed judgment in your vote, right?

A. We receive it all on the agenda either 24 to 48 hours before the meeting.

Q. Right. If you don't think that there is adequate information to make a vote, you would ask to table the matter, correct?

A. Yes.

Q. You wouldn't want to make a vote unless you felt confident you had all the information necessary to make an informed decision, correct?

A. Yes.

Q. Do you believe the information in the

packet regarding Kevin Hall and Tucker Arensberg was sufficient for the four board members who never spoke to him to be able to make an informed decision on -- a decision such as that?

A. I believe they could have gotten in contact with him and asked him questions.

Q. And you think having approximately 48 hours to do that would have been enough time to vet the solicitor for the school district?

A. I can't say either way. That would depend on them.

MR. ELLIOTT: I think that is all I have.

MR. BONN: I don't have anything further.

MR. ELLIOTT: Thank you. That will conclude the deposition.

(At 11:22 a.m., the deposition concluded.)

* * * *

County of Lancaster:

SS

Commonwealth of Pennsylvania:

I, Angela N. Kilby, Reporter, Notary Public, duly commissioned and qualified in and for the County of Lancaster, Commonwealth of Pennsylvania, hereby certify that the deponent/witness came before me, who was duly sworn/affirmed by me to testify to the truth of his/her knowledge concerning the matters in controversy in this cause.

I also certify that the questions and answers were recorded by me in stenotype, to the best of my ability, and subsequently reduced to computer printout under my supervision, and that this copy is a true and correct record of the same.

I further certify that I am not a relative or employee of counsel or the parties hereto. This certification does not apply to any reproduction of the same by any means unless under my direct control and/or supervision.

Dated this 10th day of March, 2025.

Angela N. Kilby - Reporter
Notary Public

Commission Expiration: June 2, 2027

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