

## ARBITRATION

ESTATE OF DIANE FRANKLIN, by Jacqueline Carney,  
Executrix,

Plaintiff,

vs.

OSPREY/PANTOPS PLACE, LLC, trading as  
COMMONWEALTH SENIOR LIVING AT CHARLOTTESVILLE,  
and COMMONWEALTH ASSISTED LIVING, LLC,  
Defendants.

VIDEOTAPED DEPOSITION OF DIANE GENTRY-ROSS

September 21, 2016  
1:02 p.m.

Taken at:

WILLIAMS MULLEN  
321 East Main Street, Suite 400  
Charlottesville, Virginia 22902

REPORTED BY: Lisa M. Blair, RMR

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Richmond, Virginia 23233  
804.359.1984

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By Mr. Gavin

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## EXHIBITS

(None)

## APPEARANCES:

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Counsel for the Defendant

## ALSO PRESENT:

Alex Powers, Video Works  
Ashley Showalter

THE VIDEOGRAPHER: This is the beginning of  
tape one of the deposition of Diane Gentry-Ross. We  
are on record at 1:02 p.m.

Counsel may proceed after the witness  
has been sworn in.

DIANE GENTRY-ROSS, the Witness,  
called by the Plaintiff, first being duly sworn,  
testified as follows:

## EXAMINATION BY MR. GAVIN:

Q. Good afternoon, Ms. Ross.

A. Good afternoon.

Q. Ms. Ross, we were just introduced, but  
I'm Chuck Gavin. I represent the Estate of Diane  
Franklin.

We're here today to take a formal  
statement from you, which means it's under oath. She  
just swore you in. Do you understand the consequences  
of being under oath?

A. Yes.

Q. It's perjury. So like I've told the  
other people, it's sort of like a mini version of a  
courtroom. We're just in a conference room instead.

1 So the testimony you would give today would be the  
2 same testimony you would be giving if you were in a  
3 courtroom. And that's the significance of the oath;  
4 do you understand?

5 A. Yes, sir.

6 Q. Okay. Tell me your address, Ms. Ross.

7 A. My address is 194 Edd – E-d-d – Ridge  
8 Lane, Troy, Virginia, 22974.

9 Q. What county is that in?

10 A. Louisa.

11 Q. What's your education, Ms. Ross?

12 A. High school education.

13 Q. Where did you graduate from?

14 A. Louisa County High School.

15 Q. When did you graduate?

16 A. 2004.

17 Q. What did you do as your first job?

18 A. I worked at Citgo Zion Crossroads at the  
19 truck stop.

20 Q. How long did you work there?

21 A. A year and-a-half.

22 Q. I'm not going to go through every one of  
23 your jobs. What was the last job that you had prior  
24 to Commonwealth Senior Living?

25 A. Capital One.

1 Q. In Richmond?

2 A. Correct.

3 Q. What did you do at Capital One?

4 A. I was a high value servicing private –  
5 or not private; personal account manager for credit  
6 cards.

7 Q. What did you do in that role?

8 A. Incoming calls, escalation calls from  
9 customers.

10 Q. Did you have any experience in any type  
11 of an assisted or independent living environment prior  
12 to your being hired by Commonwealth Senior Living?

13 A. No, sir.

14 Q. What drew your attention to the job?

15 A. Just actually changing careers is all. I  
16 used to work with kids. Worked with financial, which  
17 is credit cards, and kind of wanted a change of path.

18 Q. Did you have any experience or training  
19 in any assisted living facility or independent living  
20 facility?

21 A. Not directly with that. I had nursing  
22 background.

23 Q. What's your nursing background?

24 A. I had several occupation classes in high  
25 school.

1 Q. What kind of occupation classes?

2 A. Just nursing – nursing one, nursing two.  
3 I didn't proceed after that point. I went to  
4 childcare.

5 Q. They were just classes being offered by  
6 the high school?

7 A. Correct.

8 Q. So there wasn't any certificate or degree  
9 associated with those classes?

10 A. No, sir.

11 Q. When were you hired by Commonwealth  
12 Senior Living?

13 A. August 16th of 2015.

14 Q. When you applied, had you seen the  
15 criteria for the job?

16 A. Correct.

17 Q. There's a book in front of you. It's a  
18 white book. If you would flip in that white book to  
19 tab 11.

20 A. Yes.

21 MR. GAVIN: And this is a total aside, but  
22 for the record, Ben, what I told the court reporter  
23 we'd do is as opposed to having her attach this book  
24 and this as an exhibit to the depositions, we would  
25 just agree that this is a copy of it, and rely on it

1 down the road if we have to come back to the  
2 depositions.

3 MR. PACE: That's fine. I've got a copy of  
4 what you're using, and obviously any objections I  
5 would have to you entering it into evidence is  
6 preserved, and that's fine.

7 MR. GAVIN: That just keeps her from having  
8 to attach this to the transcript.

9 MR. PACE: That's fine.

10 BY MR. GAVIN:

11 Q. All right. Exhibit 11, is that your  
12 application?

13 A. This is the start of it, yes. I had  
14 completed an application and resumé, but this is where  
15 they filled everything else out and put phone number  
16 for their file.

17 Q. And does your resumé on page 172 fairly  
18 reflect your experience?

19 A. Correct.

20 Q. I noticed this earlier, but you were a  
21 nanny for the Harman family. What Harman family is  
22 that?

23 A. Harman family in Louisa. They had moved.  
24 We had lost contact.

25 Q. All right. If you would flip on over, if

1 you would, to page 179, do you recognize that?  
 2 A. Yes.  
 3 Q. Is that the document that you were  
 4 responding to when you applied for the job?  
 5 A. That's correct.  
 6 Q. Did you go to an interview?  
 7 A. Yes.  
 8 Q. Who were you interviewed by?  
 9 A. Tiffany Nichols and Stephanie Harlow.  
 10 Q. Stephanie Harlow, what was her role?  
 11 A. Resident care director.  
 12 Q. Was she also a director of nursing?  
 13 A. Director of nursing, yes. That's the  
 14 same thing, yes, sir.  
 15 Q. When they interviewed you, what did they  
 16 tell you that you'd be doing?  
 17 A. Front desk, as well as filling in for  
 18 business office manager when Tiffany Nichols went on  
 19 maternity leave.  
 20 Q. So when you were hired in September, they  
 21 already knew that Tiffany would be leaving?  
 22 A. Correct.  
 23 Q. When you were interviewed, were you told  
 24 that you would have responsibility for maintaining a  
 25 logbook which controlled people's safety?

1 A. Not during the interview, no.  
 2 Q. After you were hired, it appears that you  
 3 went through some training.  
 4 A. Correct.  
 5 Q. And if you would look to page 181, is  
 6 this something that you would have seen, or would this  
 7 have been maintained by management?  
 8 A. Can you clarify your question?  
 9 Q. Did you see this training log, or is that  
 10 something that --  
 11 A. Yes.  
 12 Q. -- Tiffany kept?  
 13 A. Well, this is something that was kept in  
 14 a file, my personal file, but I seen this when we done  
 15 the training, yes.  
 16 Q. When you did the training, did you do it  
 17 individually, or did you do it as part of a group?  
 18 A. Group.  
 19 Q. When did you do it in relation to when  
 20 you were hired?  
 21 A. The 21st or 22nd of September.  
 22 Q. Tell me a little bit about the training.  
 23 A. Training just went in depth of each  
 24 manager or director in the facility of what was  
 25 expected of us; and if we had any questions, who to go

1 to about certain things.  
 2 Q. How long did it take?  
 3 A. It was an eight-hour period.  
 4 Q. I'm just looking first at the  
 5 Commonwealth story, which is the first entry on the  
 6 log. Is that something that Mr. Brewer came in and  
 7 did personally or was that a tape? What happened?  
 8 A. That was something that our executive  
 9 director went over.  
 10 Q. And your executive director at the time  
 11 was?  
 12 A. Monica Adcock.  
 13 Q. All right. What about the general  
 14 overview?  
 15 A. Monica Adcock had went over general  
 16 overview, and then each supervisor thereafter.  
 17 Q. All right. So in all of these instances  
 18 is Monica Adcock essentially addressing the group  
 19 jointly?  
 20 A. Correct.  
 21 Q. And just going over these items line by  
 22 line?  
 23 A. Correct.  
 24 Q. At any point in time in this training  
 25 session did you hear of the compliance or the check-in

1 program?  
 2 A. I'm not sure.  
 3 Q. Do you remember any specific instruction  
 4 or direction on the check-in program?  
 5 A. I'm not sure.  
 6 Q. Do you remember any particular person  
 7 checking you off on the check-in program?  
 8 A. Tiffany Nichols, our business office  
 9 manager, she was the business office manager over  
 10 concierge. She would be the one that would be  
 11 checking behind us.  
 12 Q. And anywhere in this log sheet does it  
 13 reflect any specific training that Tiffany gave you?  
 14 A. Page 182, second group down, that's what  
 15 she went over.  
 16 Q. I see that there are no initials here.  
 17 Are you -- are you saying that when you went through  
 18 the original training, that Tiffany, as part of a  
 19 section, trained you on the check-in program and what  
 20 to do with the check-in program?  
 21 A. Not at this time, no.  
 22 Q. Do you still work there?  
 23 A. Yes, sir.  
 24 Q. What do you do now?  
 25 A. I'm the business office manager.

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- 1 Q. So you're in the same role you were  
2 before?
- 3 A. No, sir. At first I was a front desk  
4 concierge/receptionist. Now I have been promoted to  
5 the business office manager.
- 6 Q. So now you believe that you have totally  
7 assumed Tiffany's role?
- 8 A. Correct.
- 9 Q. Would it surprise you to hear that  
10 Ms. Adcock believed that you were an acting manager  
11 right after Tiffany left?
- 12 MR. PACE: Object to the form. You can  
13 answer if you can.
- 14 A. Can you re-ask, please?
- 15 Q. Were you ever designated as an interim  
16 office manager after Tiffany left?
- 17 A. When Tiffany left, it was kind of up in  
18 the air if I was to get the position. Several people  
19 applied, but we had still had business office duties  
20 to complete. I completed deposits. I ensured that  
21 the front desk position job description was completed,  
22 and also completing deposits and things of that nature  
23 until I was made aware I did -- was granted the  
24 position.
- 25 Q. When were you made aware that you were

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- 1 granted, quote unquote, the position?
- 2 A. It was right before Tiffany had left.  
3 Tiffany's last day was the -- I'm not sure of the  
4 exact date, but it was several -- just several days,  
5 about a week before that.
- 6 Q. Before she left?
- 7 A. Correct.
- 8 MR. PACE: She's talking about when she left  
9 to move to Illinois, not when she left for maternity  
10 leave, just so we're on the same page.
- 11 Q. All right. Well, I'm confused then.  
12 When exactly did you believe that you were elevated to  
13 the official position of a manager?
- 14 A. A week before Tiffany Nichols had moved  
15 to Illinois.
- 16 Q. Okay. And that's the first time?
- 17 A. Correct.
- 18 Q. So that's well after -- just so we're  
19 clear, that's well after the incident with  
20 Ms. Franklin?
- 21 A. That is correct. If I may add, I  
22 completed business office manager duties, but I was  
23 still making the same pay, same hours, everything that  
24 I was making as a front desk receptionist as I was  
25 completing both jobs.

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- 1 Q. All right.
- 2 A. In the middle of her going on maternity  
3 leave.
- 4 Q. At some point in time did you start  
5 participating in walk-ups?
- 6 MR. PACE: Stand-ups.
- 7 Q. Stand-ups.
- 8 A. Before -- it's okay. Before me becoming  
9 business office manager when she went to Illinois, I  
10 participated, in tops, four stand-up meetings.
- 11 Q. Do you remember when she left for  
12 maternity leave, not for Illinois, but for maternity  
13 leave?
- 14 A. I may -- and I'm not sure of the number,  
15 but it was maybe one or two, and that was just because  
16 of something that may have been going on -- events or  
17 something -- that I needed to stand in on, but I was  
18 never invited to a stand-up meeting.
- 19 Q. You're getting ahead of me. My first  
20 question was: Do you remember when she went out on  
21 maternity leave? And I'm talking about Tiffany.
- 22 A. I'm not sure of the exact date, no.
- 23 Q. Do you remember whether it was before or  
24 after the incident that happened with Ms. Franklin?
- 25 A. Before.

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- 1 Q. Do you remember how long, roughly, before  
2 it was with the incident with Ms. Franklin?
- 3 A. About two weeks. I'm not sure exactly,  
4 but about two weeks, three weeks.
- 5 Q. Okay. So during those two weeks, what  
6 was your assumption of your role at the front desk?
- 7 A. The front desk while she was there is I  
8 maintained phones, the check-in log, everything that's  
9 in my job description. When she went out on maternity  
10 leave to my exceptions -- expectations were to  
11 continue deposits, hair care charges, things like  
12 that.
- 13 Q. Did Monica Adcock ever tell you in that  
14 time frame, the first two weeks of December, that it  
15 was your responsibility to oversee the maintenance of  
16 the log-in book?
- 17 A. No, sir.
- 18 Q. Were you under any impression that it was  
19 your responsibility to maintain oversight of the  
20 log-in book?
- 21 A. While I was at the front desk, yes. When  
22 I was working as a receptionist, it was my duties to  
23 be sure that was completed. But while in the business  
24 office and me doing business office duties, if there  
25 was another receptionist, no, sir.

1 Q. So you didn't believe that you had any  
2 managerial oversight, is what I would call it --

3 A. Correct.

4 Q. -- of the log-in book between the first  
5 two weeks of December?

6 A. Correct.

7 Q. So if you were working as a receptionist,  
8 you would complete the log-in book just like you had  
9 already done; but as far as you're concerned, that was  
10 the extent of your duties?

11 A. That's correct.

12 Q. When you talk about the stand-up  
13 meetings, which ones did you go to? Did you go to any  
14 prior to Ms. Franklin's incident?

15 A. I can't remember.

16 Q. Let me ask you this, Ms. Ross: If you  
17 did not believe that you had any managerial  
18 supervision over the oversight of the logbook in those  
19 first two weeks of December and Tiffany was out, what  
20 was your understanding of who did have managerial  
21 oversight responsibility?

22 A. Monica Adcock.

23 MR. PACE: Object to the form.

24 Q. So as far as you were concerned, it was  
25 Monica's responsibility, and not your responsibility?

1 A. Correct.

2 Q. If you flip in that book to tab 7 --

3 A. Seven.

4 Q. -- do you recognize this document?

5 A. Yes.

6 Q. Is this the statement that Ms. Adcock  
7 took from you on December 15th?

8 A. That's correct.

9 Q. Of 2015?

10 A. Uh-huh.

11 Q. Your statement in the third sentence down  
12 in the what happened was, I did not check the call log  
13 to follow up behind Shadell to see if everyone was  
14 calling in and signing the log. This was the duty of  
15 the receptionist.

16 A. Correct.

17 Q. Is that consistent with what you're  
18 saying?

19 A. Correct.

20 Q. That you had no supervision -- or no duty  
21 to supervise the -- whether the logbook was being  
22 completed or not completed?

23 A. Correct.

24 Q. This also says that you saw Ms. Franklin  
25 on Tuesday?

1 A. Correct.

2 Q. And you were out on Wednesday. Why were  
3 you out on Wednesday?

4 A. I was ill.

5 Q. And then Thursday, Shadell worked the  
6 phones?

7 A. That's correct.

8 Q. On Friday, did Shadell work the phones?

9 A. I'm not sure.

10 Yes. Yes. It was between Shadell or  
11 Crystal. I'm not sure who it was.

12 Q. But you didn't work the phones on Friday?

13 A. No.

14 Q. So when you're doing your duties as a  
15 manager, or the records, the deposits, things like  
16 that, tell me what you did in a day.

17 A. I completed deposits, hair care charges,  
18 updated any training that needed to be -- updated in  
19 the training logs. I would just do normal like  
20 business office things, help residents with bills.

21 Q. You just mentioned something that I'm not  
22 familiar with, training logs. What kind of training  
23 logs are you talking about?

24 A. Line in-service trainings like if we have  
25 a mandatory meeting or anything like that, we have a

1 log of all of that being kept. If we had any during  
2 that period, they would be put in a binder by itself.

3 Q. Would that binder reflect any training of  
4 any individual employee?

5 A. No. It's everyone together.

6 Q. What did the training cover?

7 A. We have Social Services or DDS training  
8 that has to be completed per state for assisted living  
9 and memory care. It's training that we have to go  
10 over monthly as in like a mandatory staff meeting.

11 Q. All right. Was any of that training, to  
12 your recollection, concentrated on the check-in  
13 program?

14 A. I'm not sure.

15 Q. Do you remember specifically any program  
16 or training that would have been in that logbook that  
17 addressed the check-in program?

18 A. I'm not sure.

19 Q. The training, would it have occurred on  
20 site or somewhere else?

21 A. On site.

22 Q. Do you remember being on site in a  
23 conference room or anywhere at the facility wherein  
24 the check-in program was discussed as a training item?

25 A. Correct. At the front desk I was trained

on how to complete call log.

Q. I'm talking about -- I'm only relating to the training logs that you just mentioned. Other than your training at the front desk that we'll get into, was there ever a session outside of the front desk where the group went to a different part of the facility and sat down and listened to training that included anything to do with the check-in program?

A. No, sir. Sorry. Misunderstood.

Q. All right. So let me look at your work schedule, if you would flip to page 10.

A. Tab 10?

Q. Tab 10, sorry.

A. No, that's okay.

Q. Tab 10 has the work schedule on page 139 for you for that week of Tuesday the 8th through Saturday the 12th and then the 13th. As I see, you worked Tuesday.

A. Correct.

Q. The schedule says you worked Wednesday, but you're saying you were out ill?

A. Correct.

Q. Thursday you worked 9 to 5?

A. Correct.

Q. And there was only one other person that

was assisting you on that day, and that was Shadell; is that correct?

A. Correct.

Q. So when Shadell was with you on Thursday, she had responsibility for the phones?

A. Correct.

Q. You have to make a verbal answer, or else she can't take it down.

A. I didn't know if you were finished.

Q. And throughout that day you were doing deposits, you were doing things -- all things related to the business operations of the facility, but not the phones?

A. Correct.

Q. On Friday --

A. Well, I can reiterate with that. If -- we have cordless, as well, that we -- say Shadell took a break, restroom, I would take that to my office. And if she was on the other line I may answer, but it was very minimal.

Q. Okay. Would the same apply for Friday, the 11th?

A. Correct.

Q. All right. So your work schedule says that you worked 9:00 to 5:00 on Friday the 11th?

A. Correct.

Q. The same thing on Friday, you would have had the role and the duties of the deposits, etcetera, and Shadell would have had primary responsibility for the phones?

A. Correct.

Q. On Friday, do you remember that your involvement as a backup to Shadell was also minimal?

A. Correct.

Q. All right. And then you were off Saturday and you were off Sunday?

A. Correct.

Q. All right. Let's go to the check-in program in your first training. You indicated that your first training was with Tiffany?

A. Correct.

Q. Where did that occur?

A. Front desk.

Q. Were you operating the phones when she was training you, or were you in a separated isolated area?

A. With the phones.

Q. So the training that you received from her was while you were actually in process on the phones?

A. Correct.

Q. Did she sit with you beside you?

A. Uh-huh. Yes.

Q. Was she teaching you how to answer the phones, or was she teaching you about the importance of the check-in program?

A. We went over in detail. We opened the book. She said, this is what it is. This is their numbers. If they don't call you or you don't see them, you have to call them or physically go to their rooms to check on them with keys. So she went very in-depth over the check-in log at the front desk with me.

Q. Did she provide to you any written materials as part of that training, or was it just her talking to you at the desk?

A. Verbal.

Q. Did you ever see any training materials that related to the program?

A. No, sir.

Q. And the program that I'm talking about, is it included in the logbook, which is this document?

A. Correct.

Q. It's flipped over upside down underneath that tab if you would pull it out for me real quick.

- 1       **A. Of course.**  
 2       **Q.** It's got a stamp on the very front of it  
 3 identified as 75. Do you recognize that as the log-in  
 4 book?  
 5       **A. Yes.**  
 6       **Q.** There's an asterisks and small print  
 7 right underneath the log that says that it must be  
 8 done every day before 10:30. They must be called and  
 9 checked on; is that correct?  
 10       **A. Yes, sir.**  
 11       **Q.** And was that your understanding of what  
 12 had to happen?  
 13       **A. Yes, sir.**  
 14       **Q.** Tell me exactly what your understanding  
 15 of the process and how it would work?  
 16       **A.** The understanding of the process of every  
 17 day I would come in at 9 a.m. Some of our residents  
 18 didn't wake up till later. So that's why we set it at  
 19 10:30. If they walk by walking their dog we would say  
 20 good morning, we would check them in. If we  
 21 physically laid eyes on them at breakfast, we would  
 22 check them in. We knew they were okay. If they  
 23 called, say this is such-and-such apartment, just  
 24 wanted to check in this morning, we would check them  
 25 off.

- 1       **At around 10:30-ish or so, I would**  
 2 **start — well, I would say around maybe 10:15 or so I**  
 3 **would start calling people that I had not seen. The**  
 4 **numbers were right beside their name and their**  
 5 **apartment.**  
 6       **Q.** Now, you said that we came up with the  
 7 idea of 10:30 because that was giving enough time for  
 8 a resident to wake up and get going?  
 9       **A. Correct.**  
 10       **MR. PACE:** Object to form.  
 11       **Q.** Who did you have that understanding with?  
 12       **A.** It was printed right here; and again,  
 13 **some of the residents got upset if we called a little**  
 14 **too early.**  
 15       **Q.** So it wasn't necessarily a discussion  
 16 that you had with Tiffany or Monica; it was just based  
 17 on what you saw in the book?  
 18       **A. Correct.**  
 19       **Q.** And your understanding of the program?  
 20       **A. Correct. And that's what Tiffany went**  
 21 **over with me.**  
 22       **Q.** What would happen, in your mind, if  
 23 somebody did not call in by 10:30?  
 24       **A.** I would place a phone call to them. If  
 25 they did not answer, I would physically get up out of

- 1       **my seat, go to the key box, look at the key log that**  
 2 **we have, their number to their apartment, take keys,**  
 3 **go to their apartment, knock three times, say,**  
 4 **"wellness check." And if I don't hear anything, or if**  
 5 **they say come in or whatnot, I would put the key in,**  
 6 **go in, and check on them.**  
 7       **Q.** So how long would it take you to do that  
 8 with the people that failed to call in?  
 9       **A.** On the normal, everyone checked in. We  
 10 had probably maybe five times a week, I would say,  
 11 that I would have to physically get keys and go to  
 12 someone's apartment.  
 13       **Q.** Would you accomplish that generally by  
 14 11?  
 15       **A. Yeah.**  
 16       **Q.** So for all the calls that you needed to  
 17 make that were return calls, or for people that didn't  
 18 call in, you could have easily completed the call to  
 19 follow up by 11:00 a.m.?  
 20       **A. Yes.**  
 21       **Q.** And that would include going to someone's  
 22 actual unit and checking on them personally?  
 23       **A. That is correct.**  
 24       **Q.** Would there ever be a reason why anybody  
 25 wouldn't do that, if somebody hadn't checked in?

- 1       **A.** They could have told us they were going  
 2 out, or — like, days before. I'm not going to be  
 3 here on Thursday. We're not going to put a time if we  
 4 don't see them. If they weren't in their apartment or  
 5 they didn't call, I would leave that space open,  
 6 because I'm not going to put a time if I don't see  
 7 anyone. So therefore, we would wait until the next  
 8 shift. So it could be some later check-ins in the  
 9 day, if they came in later.  
 10       **Q.** So as I understand, then, if you went to  
 11 somebody's apartment because they failed to check in  
 12 at 10:30, and knocked on the door, and no one  
 13 answered, you would leave that unit unattended?  
 14       **A.** Oh, no, sir. I would knock. And then if  
 15 I didn't hear anything, I would put the key in, go  
 16 into the apartment, look shower, bathroom, bedroom,  
 17 other side of bed, living room, spare bedroom,  
 18 anywhere that they could be to ensure that apartment  
 19 has solely been checked over.  
 20       **Q.** All right. So Ms. Ross, if you found  
 21 nothing in the apartment after you gained entry, what  
 22 would you do then?  
 23       **A.** I would then leave, lock door back, put  
 24 the key back, and then just leave that spot open and  
 25 let the next person know that's coming in after me

1 **that this person did not check in today. If you see**  
2 **them, check them in.**

3 Q. Is there any other reason why a box would  
4 be left open, other than the reason that you just  
5 articulated?

6 A. No.

7 Q. Did you ever know for a fact, or did you  
8 ever follow up to see if the reason a box was  
9 unchecked was because somebody had left the facility?

10 A. Re-ask your question. I'm sorry.

11 Q. If a box was left blank, and you're  
12 saying that one reason that it might have been left  
13 blank is because the resident may have left the  
14 facility --

15 A. Correct.

16 Q. -- would you have ever checked back to  
17 see if that was, in fact, the case?

18 A. It was plenty of times -- a handful of  
19 times where they would be at the grocery store with  
20 family or something, and I see them walk back in. It  
21 would be 2:00. I would check them in.

22 Q. But there would be a big window there  
23 where they're unaccounted for, as far as you're  
24 concerned?

25 A. Correct.

1 Q. And what I mean by that is they haven't  
2 called?

3 A. Correct.

4 Q. They're not in their apartment?

5 A. Correct.

6 Q. They haven't identified themselves as  
7 being out of the facility on your logbook?

8 A. Correct.

9 Q. So they're just flat out unaccounted for?

10 A. Correct. They're independent living.  
11 They have the ability to come and go as they please.

12 Q. But that was okay with you? You have to  
13 answer.

14 A. Yes.

15 MR. PACE: Object to form. You can answer.

16 Q. That was your assumption that that was  
17 acceptable?

18 A. Correct.

19 Q. To leave that item blank?

20 A. Correct. Because I'm not going to put  
21 something if I don't see someone.

22 Q. So if that person instead had walked out  
23 of the facility because they had the beginning of  
24 Alzheimer's or dementia, and was on a park bench  
25 outside, then isn't that a possible situation that

1 could have happened if somebody didn't follow through?

2 MR. PACE: Object to the form. You can  
3 answer, if you can.

4 A. I mean, I'm not sure at that point what  
5 would happen.

6 Q. Is there an emergency contact on every  
7 person's chart?

8 MR. PACE: Objection to form.

9 A. Yes.

10 Q. And when I talk about emergency contact  
11 number, is there an emergency contact number on every  
12 person's chart?

13 A. Correct.

14 Q. So are you saying that if you went to a  
15 room, you checked, there was nobody in the room, they  
16 haven't called in, you can't account for them, that  
17 their emergency contact would not be contacted?

18 A. No, sir.

19 Q. They would not be?

20 A. No, sir. If we had a situation -- I've  
21 never had an incidence where this call log was not  
22 completed more than 48 hours when I'm working, the  
23 next day if it's left blank, say someone didn't come  
24 in till late that night, and say if the other shift  
25 may have -- didn't check in, I ensured that they were

1 **checked in the next day.**

2 Q. So there is a possibility, then, that  
3 through the night if a person was in a facility and  
4 was injured, it just would go undiscovered until you  
5 checked in the next day?

6 A. Well, any time in the facility I would  
7 fully check to ensure that they weren't home. So it's  
8 not as if they would have been necessarily injured in  
9 their room and not accounted for. They would solely  
10 not be in their room.

11 Q. I guess to summarize, then, if they  
12 didn't call and they didn't answer, and someone went  
13 to their room and there was no one in the room, then  
14 you just went back to the desk, didn't make any  
15 notation in the book, and just assumed that they were  
16 somewhere else in a good condition --

17 MR. PACE: Object to the form.

18 Q. -- grocery store or otherwise?

19 MR. PACE: Object to the form. You can  
20 answer.

21 A. Yes.

22 Q. You were aware, I assume, that this was a  
23 program that was designed to protect the safety of  
24 people; were you aware of that?

25 A. Correct.



1 Q. So if it's a program designed for safety,  
2 wouldn't it have been important to you as a  
3 receptionist, or any employee of the facility, to know  
4 where that person was, or to track them down?

5 MR. PACE: Object to the form. You can  
6 answer.

7 A. In my situation of the front desk, these  
8 residents mean a lot to me. If I feel that they are  
9 in danger, yes. But we do have independent residents  
10 that drive, that go out with family. They're  
11 independent. That's why they're there. If they  
12 needed any type of assistance, or if they felt they  
13 had Alzheimer issues or concerns, we would then speak  
14 to the family to get them to assisted living or memory  
15 care. I would not have had a concern for just someone  
16 going to the grocery store or not checking in.

17 Q. Let me ask you this, Ms. Ross: Do the  
18 residents exit the building through one entrance?

19 A. No, sir.

20 Q. So they can exit through multiple exit  
21 points?

22 A. Correct.

23 Q. Were the residents, to your knowledge,  
24 warned to check out if they're going to be out?

25 A. We do not have an independent checkout.

1 Q. I see at some points in your logbook  
2 there is out mentioned and a line through it to cover,  
3 say, Monday through Wednesday. How would you find out  
4 that a resident is out of the building?

5 A. They would tell us.

6 Q. So you relied totally on them telling you  
7 that they were out?

8 A. Correct, if they were going to be out for  
9 a period of time.

10 Q. So if they told you they were out, you  
11 assumed they were out. If they didn't tell you they  
12 were out, you had no knowledge of whether they were  
13 out or not?

14 A. Correct.

15 Q. Did you maintain an out-of-the-building  
16 log separately from the log-in book?

17 A. Correct.

18 Q. You did?

19 A. Yes.

20 Q. All right. Where was that maintained?

21 A. Front desk.

22 Q. All right. And what did that look like?

23 A. It was a binder.

24 Q. So there was a binder that had residents  
25 out, and there was the log-in book?

1 A. Correct.

2 Q. So how would you make entries -- why  
3 would you make entries in both the logbook that  
4 somebody is out and the other book, the out book  
5 that's a logbook separate from the log-in book?

6 A. Because in all honesty, I wouldn't  
7 want -- say, for example, it's Friday. I know this  
8 resident is out of town. It would be -- I would put  
9 out, out, out until they came back. If they came back  
10 early, then we would put, you know, back early  
11 check-in the next day, because I don't want to waste  
12 someone else's time of looking for someone if I know  
13 they're going to be out of the building.

14 Q. All right. So when you did the logbook  
15 and the check, would you look at the logbook to see if  
16 somebody had been checked in; and if you saw a blank  
17 that was there late in the day, would you then go to  
18 the separate out book to see if the out book included  
19 a time that they were supposed to be out?

20 A. Yes, if it was something that may have  
21 been mentioned not on my shift.

22 Q. All right. Let me go back to the  
23 training you received. Other than the initial  
24 training that Tiffany gave you while you were at the  
25 front desk, how long did that last?

1 A. I would say about 20 minutes.

2 Q. All right. So --

3 A. Estimate.

4 Q. So she told you everything you needed to  
5 know about the receptionist job, including how the  
6 phones worked, in 20 minutes?

7 A. No. That was solely call log.

8 Q. Okay.

9 A. The call check-in log, 20 minutes.

10 Q. So she spent 20 minutes out of how much  
11 total time in training you that first day?

12 A. It was all day. I mean, she sat with me  
13 all day. It was a full eight hours, 9:00 to 5:00 she  
14 sit with me. About a good 20 minutes was solely call  
15 log.

16 Q. Okay. And in the call log, did she ever  
17 tell you to note whether you were calling a resident  
18 or the resident was calling in?

19 A. No.

20 Q. For the majority of the time, what  
21 happened? Did the resident call in, or did the  
22 resident fail to call in and then you called in to  
23 check up on the resident?

24 A. It was solely back and forth. I don't  
25 have a set answer for that.

1 Q. So if we look at the call logbook, there  
2 is no way to distinguish whether or not the resident  
3 has called in to check in, or whether you called the  
4 resident because they failed to check in?

5 A. No, sir. There is no way to distinguish  
6 that.

7 Q. All right. You indicated that if -- some  
8 of these blanks in the logbook would be accounted for  
9 by the fact that the resident may be out of the  
10 facility?

11 A. Correct.

12 Q. And that if you went there, checked on  
13 the door, went in, didn't locate anybody, you would  
14 then go back to the desk and just leave it open?

15 A. Correct; and notify the next shift that  
16 so-and-so did not check in.

17 Q. Was Tiffany aware of that policy, that's  
18 how you were doing things?

19 A. It's how she had advised to do it.

20 Q. Okay. So that was her instruction to  
21 you?

22 A. Correct.

23 Q. Was Tiffany the only person that you  
24 reported to?

25 A. Yes.

1 check, there was no one at their apartment, I came  
2 back to the front desk, they happened to stop by the  
3 front desk saying, hey, you called, because I would  
4 leave a message. You know, this is Diane, front desk.  
5 Just wanted to check on you, make sure you're okay. I  
6 didn't get a call from you this morning. I didn't see  
7 you. So that would then prompt them, when they got  
8 home, to come down and see me.

9 Q. So the matter was left essentially  
10 unattended and unaddressed until 4:30 when they called  
11 to say, hey, I am here and I'm okay?

12 A. Correct.

13 Q. And that was in accordance with your  
14 understanding of Tiffany's direction?

15 A. Correct.

16 Q. Did Tiffany check the logbook daily? Did  
17 you see her check the logbook daily?

18 A. No.

19 Q. Did she ever check the logbook?

20 A. I'm not sure.

21 Q. Did she essentially just rely on the  
22 receptionist to keep track of the logbook?

23 MR. PACE: Object to the form. You can  
24 answer.

25 A. Yes.

1 Q. Was it your belief that the follow-up  
2 call by the receptionist desk to the unit needed to be  
3 made immediately or very soon after 10:30 if the  
4 resident hadn't called in?

5 A. Yes. I made it a priority.

6 Q. Was it your belief that the other  
7 receptionists had the same belief on that system?

8 A. Correct.

9 Q. So under no circumstance, as far as  
10 you're concerned, would there be a situation where the  
11 resident wasn't followed up the first time by 4:00 in  
12 the afternoon?

13 A. So everyone had the understanding that  
14 the call log should have been done at 10:30; and if  
15 not, I would say finished up by 11. I mean, most of  
16 the time, the majority of the time, everybody was  
17 checked in by the time I left.

18 Q. Okay. So if there is an entry that says  
19 4:00 in the call log -- 4:38 -- what does that mean to  
20 you? Does that mean to you that the resident didn't  
21 call in, and that you finally visually saw them at  
22 4:30? What does that mean to you?

23 A. So if someone was checked in at 4:38 on a  
24 day that I was working, it was blank, they didn't  
25 call, I called them, no answer, I done a wellness

1 Q. Did she ever ask questions about why  
2 there were blanks in the logbook?

3 A. Very few times.

4 Q. Did she ever raise a concern about why  
5 there were blanks in the logbook?

6 A. She -- we would have a staff -- Jesus,  
7 what is it called? Shift report, sorry. Shift  
8 report, that it was sometimes indicated that, you  
9 know, the check-in needed to be done. And this is not  
10 days that I was working. This is days that possibly  
11 some of the other staff was working, that it was very  
12 important for it to be done.

13 Q. Was that because it wasn't being done?

14 A. It was either late check-ins or some  
15 blanks, yes.

16 Q. When you say some blanks, does that mean  
17 that it was not being done?

18 A. I'm not sure.

19 Q. Did Tiffany ever say in a staff meeting,  
20 hey, I've got concerns that some of these calls are  
21 not being made because they're blanks?

22 A. I'm not sure.

23 Q. Did she ever say anything in a staff  
24 meeting about having any concern about the compliance  
25 of the staff with the program?

- 1 A. I'm not sure.  
 2 Q. Or you were there?  
 3 A. Yes, but it also could have been some  
 4 meetings that I wasn't there. So I can't say.  
 5 Q. Did you ever remember there ever being a  
 6 concern about compliance with the program in any  
 7 aspect?  
 8 A. Again, I felt that I done my job when I  
 9 was there, and she never really necessarily had any  
 10 concerns. What she done with the other girls she  
 11 could have done individually. I'm not sure.  
 12 Q. I understand. And I understand that you  
 13 did your job well. But I'm more curious about, based  
 14 on your answer, whether or not she ever expressed  
 15 concern about any of the other girls that may have  
 16 been not complying with the program. Did you ever  
 17 hear Tiffany say anything that would cause you to  
 18 believe that there was a concern that one of the other  
 19 girls had not been complying with the program?  
 20 A. I'm not sure. Again --  
 21 Q. All right. The shift reports that you  
 22 mentioned --  
 23 A. Correct.  
 24 Q. -- you started there in September?  
 25 A. August. August 16th, 2015.

- 1 Q. All right. August. So between August  
 2 and December 1st, do you remember reviewing any shift  
 3 reports that may have indicated that the calls were  
 4 not being made?  
 5 A. Correct, I do remember that. And one was  
 6 from Tiffany.  
 7 Q. All right.  
 8 A. Or one or two were from Tiffany, yes.  
 9 Q. But that would have occurred after you  
 10 began working there, obviously?  
 11 A. Correct.  
 12 Q. Do you remember how long it would have  
 13 been after you were working there?  
 14 A. I'm not sure.  
 15 Q. All right. So do you remember generally  
 16 what that shift report said?  
 17 A. It would be probably on a Monday, because  
 18 I didn't work weekends. It would say, Remember, call  
 19 log is important. Please do it daily. Or, I see  
 20 call-in log wasn't completed. And then one of the  
 21 other receptionists, she would sometimes check it when  
 22 she came in to ensure it was completed, even if I  
 23 would have said something to her or not. And again,  
 24 she, you know, sometimes put things in shift reports.  
 25 Q. And you're talking about Tiffany?

- 1 A. No. I'm talking about another  
 2 receptionist.  
 3 Q. Who was that?  
 4 A. Ashley.  
 5 Q. So Tiffany and Ashley, after you started  
 6 working there, were putting comments in the shift  
 7 reports expressing concerns about making sure the  
 8 log-in was being completed?  
 9 A. Very so often.  
 10 Q. When you say very so often, does that  
 11 mean once a month? Does that mean once a week?  
 12 A. I'm not sure. I didn't see many.  
 13 Q. Do you remember if anybody was ever  
 14 disciplined -- I mean you or any of the other  
 15 receptionists -- for not complying with the program?  
 16 A. I'm not sure. Myself, no.  
 17 Q. Do you ever know if -- or do you ever  
 18 recall hearing of Tiffany pulling one of the other  
 19 receptionists aside -- Crystal, any one of the other  
 20 ones -- and saying, you've got to get this done;  
 21 you're not doing it?  
 22 A. I'm not sure.  
 23 Q. You're not sure; you didn't see it, or  
 24 you're not sure if it happened?  
 25 A. I'm not sure if it happened. I don't

- 1 know.  
 2 Q. But you didn't see it?  
 3 A. I didn't see it, no, sir.  
 4 Q. And you didn't hear about it from one of  
 5 the others?  
 6 A. No, sir.  
 7 Q. Was there ever a time when, if there was  
 8 a blank in the logbook that you saw the next day, that  
 9 you would go back and fill in?  
 10 A. No.  
 11 Q. Do you remember anybody else -- for  
 12 example, if there was a note in the shift logbook that  
 13 says, you know, go back and fill in your section if  
 14 they were there, are you aware of anybody that ever  
 15 went back and retroactively wrote in a time?  
 16 MR. PACE: Object to form. You can answer.  
 17 A. No, sir.  
 18 Q. These shift reports, was there a duty in  
 19 these shift reports to what I would call pass it on?  
 20 A. It would mostly be verbal. We really  
 21 wouldn't write it in a shift report if someone had to  
 22 check in. I would just say a certain person didn't  
 23 check in today. If you see them, can you please write  
 24 them in?  
 25 Q. So if a resident hadn't called in, you

1 had called and they didn't answer, you went to the  
2 apartment, they weren't there, you went back to your  
3 desk and left it unattended because maybe they would  
4 check in later that day, your shift ends; did you  
5 consider there was a duty there to tell the next  
6 person that such and such hasn't checked in yet?

7 **A. Correct.**

8 **Q.** Would you make a notation of that, or  
9 would you just tell the next person?

10 **A. I would just tell the next person,**  
11 **because it was very, very seldom.**

12 **Q.** These shift reports, do you know where  
13 they were maintained?

14 **A. In a binder not at the front desk, but we**  
15 **have a cubbyhole with a shelf.**

16 **Q.** Did Tiffany go over these shift reports  
17 with the staff?

18 **A. Or excuse me, I stand corrected. There**  
19 **was a binder at the front desk with shift reports, but**  
20 **the overflow was kept in a binder on the shelf.**  
21 **Excuse me. Sorry.**

22 **I'm sorry, what was your question?**

23 **Q.** Did Tiffany ever go over these shift  
24 reports with the staff?

25 **A. No, not with me. Other girls, I'm not**

1 **sure.**

2 **Q.** Did you guys periodically have a meeting  
3 where everyone came in like in between a shift to go  
4 over recent activity?

5 **A. No, sir. From the time I was there we**  
6 **had one kind of team meeting.**

7 **Q.** And what was that team meeting about?

8 **A. Just going over duties and things of that**  
9 **nature, but nothing was mentioned about call log.**

10 **Q.** Did you -- after your initial training  
11 when you were hired, and you discussed the call log  
12 with Tiffany for 20 minutes, did you ever receive any  
13 additional training on the call log or the program?

14 **A. No, sir.**

15 **Q.** Did you ever get coached, for lack of a  
16 better term, by Tiffany on what to do with the  
17 program?

18 **A. No, sir.**

19 **Q.** So I assume there were no refresher  
20 courses at any point, either?

21 **A. No, sir, not with myself. It could have**  
22 **been different with other girls. I'm not sure.**

23 **MR. PACE:** And to clarify, all your  
24 questions are related to what happened up until the  
25 incident.

1 **MR. GAVIN:** Correct.

2 **A. That's what I figured. Thank you for**  
3 **clarifying.**

4 **Q.** If there's ever confusion, I'm only  
5 talking about the time up until the incident with  
6 Ms. Franklin.

7 **A. Okay. Just wanted to be sure. I**  
8 **figured. I just wasn't 100 percent.**

9 **Q.** Did we establish if you knew when Tiffany  
10 left on maternity leave?

11 **A. Her son was born on the 29th of November.**  
12 **She went out about -- and I'm just estimating -- I**  
13 **would say maybe a week, week and-a-half prior to that.**

14 **Q.** So at some point in the latter part of  
15 November --

16 **A. Correct.**

17 **Q.** -- 2015?

18 **A. Correct.**

19 **Q.** I'm going to ask you to look at the  
20 logbook.

21 **A. Yes, sir.**

22 **Q.** That's the logbook in your left hand.  
23 Before you do that, look at the exhibit right there  
24 that you're open to, which is your work schedule.

25 **A. Okay.**

1 **Q.** I'm going to point you to Tuesday, the  
2 1st.

3 **A. Yes, sir.**

4 **Q.** Tuesday the 1st, it indicates that you  
5 worked 9:00 to 5:00?

6 **A. That's correct.**

7 **Q.** And on that particular day, I don't see  
8 any other person that was helping you.

9 **A. No, sir. I was solo.**

10 **Q.** So on September 1st, a Tuesday, every  
11 entry between 9:00 and 5:00 in the logbook would have  
12 been yours?

13 **A. September 1st or December 1st?**

14 **Q.** December 1st, sorry.

15 **A. No, that's okay.**

16 **That is correct.**

17 **Q.** So let's now take a look at that.

18 Now, at this point you're in your quasi  
19 business office manager role, aren't you?

20 **A. Correct.**

21 **Q.** But on this particular day, you're  
22 working the telephones?

23 **A. Correct. I was kind of running back and**  
24 **forth.**

25 **Q.** So you were doing both things?

1 A. Yeah.

2 Q. All right. So calling your attention to  
3 page 108.

4 A. Correct. Yes, sir.

5 Q. I'm looking at 108 and units 323, 324,  
6 326, and 327. All four of those have check-in times  
7 that are after 10:30, after 11:00. I'm not sure about  
8 326. So I'll strike 326. I'm not sure what that  
9 says. Let's just talk about 323, 324, and 327. Is  
10 that your writing?

11 A. And I'm sorry, which one are we talking  
12 about?

13 Q. Let's start out with 323 on page 108.

14 MR. PACE: Room 323.

15 A. Oh, I'm sorry. For the -- I'm sorry,  
16 what time?

17 Q. It's a check-in at 3:30.

18 A. Correct.

19 Q. Is that your writing?

20 A. Yes, sir.

21 Q. Do you have any explanation as to why  
22 that check-in would have been so late?

23 A. I'm not sure.

24 Q. What about the one right underneath it at  
25 3:24 at a check-in time of 3:10, is that your writing?

1 A. Yes, it's my handwriting. I mean, it was  
2 a long time ago, I'm not sure. But these two, she's  
3 very active. She doesn't drive, but she goes out with  
4 her family.

5 And then he's a very late person, but  
6 sometimes he comes down to go outside around that  
7 time.

8 Q. What about 327 at 2:40?

9 A. She's a very late person. She's very in  
10 and out.

11 Q. So go through with me, if you would, on  
12 that particular day, whether you went to room 323,  
13 because they had not checked in by 10:30? Did you go  
14 to the room?

15 A. I'm not sure.

16 Q. On 324, obviously nobody checked in by  
17 10:30. Did you go to the room?

18 A. No.

19 Q. On 327 we have to assume that she didn't  
20 call to check in by 10:30, or else it would have been  
21 written there. Did you go to the room?

22 A. No. I actually remember what happened  
23 with 327. She was at breakfast that morning, her and  
24 her husband, but I physically did not lay eyes on  
25 them. And they had went out that day. And I did not

1 put that down until I physically seen them with my  
2 eyes.

3 Q. But on 323 and 324, you're saying that  
4 you did not go to the room with them?

5 A. Correct, but I knew that they were going  
6 to come down that day. So I waited.

7 Q. At some point?

8 A. At some point, yes. And if not, I was  
9 going to go up.

10 Q. Okay. So it was okay for them, as far as  
11 you were concerned to -- for you to wait until they'd  
12 come down at 3:30. And whatever happened between  
13 11:00 and 3:30 you just assumed would be okay?

14 A. Well, yes, because I knew I would always  
15 see them. And if not, I would go up by the end of my  
16 shift.

17 Q. All right. Flip over to page 109. I  
18 think you testified earlier that on Thursday the 10th,  
19 Shadell had the phones?

20 A. Correct.

21 Q. And that she had the majority of the  
22 phones?

23 A. Correct.

24 Q. So all of the entries on Thursday would  
25 have been essentially Shadell's, between 9:00 and 5:00

1 at least?

2 A. Correct. Now, if I had seen someone that  
3 I physically seen, it could have been a time where I  
4 wrote it down, or if they called.

5 Q. But to the best of your knowledge,  
6 Shadell's -- this is Shadell's handwriting on  
7 Thursday?

8 A. Correct.

9 Q. Did you, on Thursday, even look at the  
10 logbook?

11 A. I see here that, yes, I did check in one  
12 person on Thursday.

13 Q. When was that?

14 A. That is going to be at 10:30, apartment  
15 302. That's my handwriting.

16 Q. In the blue?

17 A. Correct.

18 MR. PACE: I'll note for the record there is  
19 blue highlighting on this page that was not on the  
20 original. It might have been notes you were taking,  
21 Chuck.

22 Q. Would you do me a favor?

23 A. Yes.

24 Q. Would you take that pen and just circle  
25 it?

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- 1       **A. Circle it? Sure.**  
 2       **Q. All right. Friday, your testimony under**  
 3       **oath was that Shadell had the majority of the phones**  
 4       **that day?**  
 5       **A. Correct.**  
 6       **Q. So are all these entries on Friday**  
 7       **Shadell's as well?**  
 8       **A. No, sir.**  
 9       **Q. Whose entries are they?**  
 10       **A. They're going to be mine and hers.**  
 11       **Q. Which ones are yours and which ones are**  
 12       **hers? Can you identify your writing?**  
 13       **A. Yeah.**  
 14       **May I undo this? It's a little easier.**  
 15       **Q. Sure.**  
 16       **A. Thank you.**  
 17       **Q. Why don't you do this for me, why don't**  
 18       **you just put a check --**  
 19       **A. Circle? Oh, okay.**  
 20       **Q. -- beside the ones that are yours.**  
 21       **A. Sure.**  
 22       **MR. PACE: Do you want her to circle?**  
 23       **MR. GAVIN: Just a check.**  
 24       **A. Check?**  
 25       **Q. Yeah, just put a check by the ones that**

Page 54

- 1       are yours.  
 2       **A. Sure. So a lot of that day is me.**  
 3       **Q. How do you reconcile that with your**  
 4       **earlier testimony that you really didn't do anything**  
 5       **on the phones that day?**  
 6       **MR. PACE: Object to the form.**  
 7       **A. It may have not just been phones. If I**  
 8       **had physically seen someone -- breakfast that morning,**  
 9       **walking their dog, again, if it was a nice day, a lot**  
 10       **of people could have been sitting on the porch -- if I**  
 11       **seen them physically, I would check them in. It**  
 12       **wasn't just phones.**  
 13       **Q. Let me go back to the 10th. When you**  
 14       **checked in the person in room 302 at 10:30, do you**  
 15       **remember seeing the entry for Ms. Franklin in room 111**  
 16       **that just has a 10?**  
 17       **A. I'm not sure. I can't say to that. I'm**  
 18       **not sure.**  
 19       **Q. Do you know whose writing that is?**  
 20       **A. At room 111 --**  
 21       **Q. Yeah.**  
 22       **A. -- on Thursday? That's not my**  
 23       **handwriting. That's Shadell's.**  
 24       **Q. So Shadell would have been the only other**  
 25       **person that would have been in the position to write**

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- 1       in the logbook between 9:00 and 5:00 on that day?  
 2       **A. That's correct.**  
 3       **Q. Was it unusual, or do you think it's**  
 4       **unusual that there wasn't a minute entry behind the**  
 5       **number 10?**  
 6       **A. I can't say because it's also not the --**  
 7       **it's the same thing for 109. I can't say.**  
 8       **Q. But you don't remember -- you don't have**  
 9       **a specific recollection as to whether it was there or**  
 10       **not there?**  
 11       **A. I do not.**  
 12       **Q. You wrote in 10:00 -- or did you write in**  
 13       **10:00 on Friday in Ms. Franklin's line?**  
 14       **A. I did not.**  
 15       **Q. So that 10:00 entry is not your**  
 16       **handwriting?**  
 17       **A. It's my handwriting, yes. But that day I**  
 18       **wrote it there, but it was not supposed to go there.**  
 19       **I did not see Ms. Franklin on Friday. I accidentally**  
 20       **wrote it in the wrong spot.**  
 21       **Q. Okay. So that is your entry?**  
 22       **A. Correct.**  
 23       **Q. So the 10:00 entry is your entry?**  
 24       **A. Yes.**  
 25       **Q. Under the December 11th day?**

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- 1       **A. Yes.**  
 2       **Q. All right. But you say that you believe**  
 3       **that it was somebody else's line. Who else did you**  
 4       **believe it was?**  
 5       **A. I had seen Mr. and Mrs. Bright in 112. I**  
 6       **accidentally had wrote 10:00 in 111's spot. I did not**  
 7       **see Ms. Diane Franklin that day. I accidentally -- it**  
 8       **was supposed to go 10:00 in the 112 spot right**  
 9       **directly below that, and I wrote it in the wrong spot.**  
 10       **Q. So when did you see Mr. and Mrs. Bright?**  
 11       **A. I had seen them. They were on the way to**  
 12       **an activity. It was around 10, around that time. And**  
 13       **I put 10 o'clock because I had physically seen them.**  
 14       **Q. What about the day before, had you seen**  
 15       **the Brights the day before?**  
 16       **A. I was there, but I did not see them.**  
 17       **Q. If you look at 109, in the line below**  
 18       **that on Mrs. Franklin's line -- and I'm talking about**  
 19       **page 109.**  
 20       **A. Okay.**  
 21       **Q. If you see that, is there an entry for**  
 22       **the Brights under room 112 under Thursday the 10th?**  
 23       **A. It is not.**  
 24       **Q. If you flip over to the next page, 110,**  
 25       **there is now an entry for the Brights at 9:30. Did**

1 you write that in?

2 A. I did. And I do stand corrected. I did  
3 see them. They were on their way to another activity  
4 that morning. And I did fix it.

5 Q. When you fixed it, do you mean that you  
6 went back the following day and wrote the entry for  
7 the preceding day?

8 A. That's correct. I did do that.

9 Q. All right. So there were times when you  
10 would go back and correct an entry based on your  
11 personal knowledge?

12 A. No. This was the only time, because I  
13 had it wrote down in my office on a sticky note.

14 Q. All right. But you agree that on the  
15 11th of December you went back and amended the logbook  
16 to reflect an entry for the Brights on December 10th,  
17 Thursday?

18 MR. PACE: Object to form.

19 A. Okay. So Thursday I did fix the Brights.  
20 I had it written down on a sticky note in my office  
21 where I had seen them on a Post-it -- I wrote it down  
22 that I had seen them on a Post-it in the office. I  
23 did go back and fix that, because I did see that it  
24 was blank. But the only reason I did, because it was  
25 on a Post-it note.

1 Q. How many times did you do that?

2 A. Just this time.

3 Q. That's the only time that --

4 A. That's the only time.

5 Q. -- you ever did it?

6 A. To my knowledge, yes.

7 Q. Well, you would know, wouldn't you?

8 A. Well, yes, sir, but that's the only time,  
9 yes.

10 Q. All right. Go back to page 109.

11 A. Yes, sir.

12 Q. You were not working that day, correct?  
13 That's Saturday.

14 A. Saturday, no. I was off.

15 Q. There is -- appears to be something in  
16 there with a scribble. Is that your writing?

17 A. Are you referencing Saturday for 111?

18 Q. Correct. December 12th entry, unit 111,  
19 Diane Franklin.

20 A. Is that my handwriting that's scribbled?

21 Q. Yes.

22 A. No, sir.

23 Q. Do you know whose handwriting that is  
24 that's scribbled?

25 A. I'm not sure, but the only person that

1 worked that day was Crystal.

2 Q. But that's not your writing?

3 A. No, sir.

4 Q. How did you first find out about this  
5 incident?

6 A. I received a phone call.

7 Q. From whom?

8 A. Crystal.

9 Q. What did she say?

10 A. She asked me had I seen Diane Franklin  
11 any time between Wednesday and that Sunday. And I  
12 advised her I was out sick on Wednesday, and that I  
13 had not physically seen her, no, because I was not  
14 working the front desk.

15 Q. What did she say?

16 A. And she told me that there was a  
17 situation going on. I asked, What's wrong? And by  
18 that time Monica had beeped in.

19 Q. When you mean beeped in, what do you  
20 mean?

21 A. An incoming call. So I told Crystal, I  
22 said, Monica is calling. I'll call you back.

23 Q. What did Monica say?

24 A. Monica had advised that -- and I'm sorry,  
25 this makes me very emotional -- she had advised that

1 something had happened to Ms. Diane Franklin on I'm  
2 guessing Thursday at some point, and that she wasn't  
3 doing that well, that they had found her in the  
4 apartment, and that she had said that she had been in  
5 there since Thursday, and she was not checked on.

6 Q. Did you ever have any discussions with  
7 Shadell about what happened?

8 A. No.

9 Q. Did Shadell ever say anything to you  
10 about her version of events?

11 A. No.

12 Q. How long did Shadell work there after the  
13 incident?

14 A. Not long. The only thing that Crystal --  
15 excuse me, Shadell had said that -- is that she  
16 thought I had checked her in. Again, I did make a  
17 mistake on Friday.

18 Q. All right. At some point in time this  
19 log was modified -- corrected. We're going to find  
20 out exactly what we want to call it. Did you make  
21 modifications to Ms. Franklin's residence lines?

22 A. I did.

23 Q. And when did you do that?

24 A. Monday.

25 Q. And why did you do it?

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1 A. Because it needed to be corrected. When  
2 I realized that I had made a mistake, I advised Monica  
3 immediately, and I had told her that I made a  
4 mistake — I said, a very bad mistake. I said, I  
5 wrote 10:00 in on Monica — I mean, on Ms. Franklin's  
6 spot. And I said, I saw the Brights. I didn't see  
7 Ms. Diane Franklin. And she said to correct it, and  
8 so therefore I did.

9 Q. All right. So how did you correct it?

10 A. I white-outed it. I white-outed it.

11 Q. I gotcha.

12 A. Sorry. That was confusing.

13 Q. I'm picking up what you're laying down.

14 All right. So you white-outed — or put  
15 whiteout on the entry line that was on December 11th,  
16 Friday?

17 A. Correct.

18 Q. So that whiteout, I assume, would still  
19 be in the original log-in book?

20 A. The original I had placed back in the  
21 call log, and then it is actually not there anymore.  
22 And I don't know what happened to it.

23 Q. Say that again.

24 A. The original, I don't — this is the, in  
25 fact, original here. No, wait.

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1 MR. GAVIN: No, that's not an original.  
2 Mr. Pace has the original.

3 A. Okay. That's the original, but this here  
4 is what I corrected.

5 Q. So the original that you corrected, you  
6 corrected with whiteout?

7 A. Correct.

8 Q. Now, did you correct the entry for the  
9 11th and the 12th or just the 11th?

10 A. Everything that had to be corrected, I  
11 corrected. When I got done, the page 111 is what it  
12 looked like.

13 Q. All right. So you put whiteout over the  
14 entry line for December 11th and December 12th?

15 A. Correct, because it was scribbled out.

16 Q. Did you have to put a whiteout line over  
17 December 13th, the Sunday?

18 A. Oh, no. That was never there. Sunday  
19 was never there. Sunday is on the next following  
20 week.

21 Q. All right. So on regard to the Sunday,  
22 which is page 112, there is no indication that she was  
23 ever checked on?

24 A. No.

25 Q. If any resident — strike that. Let's go

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1 back to 110. 110 reflects a scribble mark for  
2 Saturday, December 10th. And I'm talking about page  
3 110.

4 A. Okay. I'm there.

5 Q. And I'm talking about Ms. Franklin's  
6 entry line, which is unit 111.

7 A. Correct.

8 Q. So there's scribble mark there.

9 A. Yes.

10 Q. And that's a corrected scribble, because  
11 you had previously inserted 10:00 on the day before,  
12 which is 109?

13 A. That is correct.

14 Q. Why don't we just stay with 109. It's  
15 easier. So if you look — if a receptionist on  
16 Saturday, December 12th had not received a call from  
17 Ms. Franklin, would have called Ms. Franklin, received  
18 no response, had gone to the apartment and knocked on  
19 the door and not received a response, if they had a  
20 key like they were supposed to do, wouldn't they have  
21 let themselves in, at which time they would have found  
22 Ms. Franklin?

23 A. That's correct.

24 MR. PACE: Object to the form.

25 Q. Wouldn't the same apply for Sunday?

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1 A. I'm sorry, he said something.

2 MR. PACE: No. I objected to the previous  
3 question.

4 Q. You can go ahead and answer.

5 MR. PACE: To the form of his question. You  
6 can answer.

7 A. I'm sorry.

8 Q. Wouldn't the same situation apply for  
9 Sunday?

10 A. Yes, sir.

11 Q. So she could have been discovered as  
12 early as Saturday at the latest, despite the entry of  
13 your error on Friday, by Saturday, if someone had done  
14 what they were supposed to do?

15 A. Yes, sir.

16 MR. PACE: Object to form.

17 Q. And your understanding is that it was  
18 okay for a line to be left blank, because it was  
19 simply assumed that at some point in the day they  
20 would check in?

21 A. That's correct.

22 MR. PACE: Object to the form.

23 A. Should I wait for a few minutes before I  
24 answer?

25 MR. PACE: No.



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- 1 A. I'm sorry.  
 2 MR. PACE: If I don't get it in fast, I  
 3 still get the objection in. Don't worry about it.  
 4 You're doing fine.  
 5 A. I'm sorry.  
 6 MR. PACE: Not anything for you to worry  
 7 about.  
 8 Q. All right. Just a couple more questions.  
 9 You're doing fine.  
 10 I'm going to go back to your statement,  
 11 which I think we said was tab 7. Actually, I'm going  
 12 to take you somewhere different. I apologize.  
 13 A. That's okay.  
 14 Just FYI, your tabs are upside down.  
 15 Q. My apologies.  
 16 A. No, that's okay. I just wanted to let  
 17 you know.  
 18 MR. PACE: Not to him. He's looking at it  
 19 from the other side.  
 20 A. Well, some of them are and some of them  
 21 aren't.  
 22 Q. I'll have to speak to the person who  
 23 prepared it.  
 24 A. My OCD is setting in.  
 25 Q. I'm going to page -- tab 11, sorry.

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- 1 A. That's all right.  
 2 Q. Flip over to page 193, if you would. You  
 3 were given a reprimand for this; is that correct?  
 4 A. Yes.  
 5 Q. And that's reflected beginning at page  
 6 192?  
 7 A. Yes, sir.  
 8 Q. It provides a comment section on page 193  
 9 under number 5 at the top. And it said at this point  
 10 you do take the call log very seriously, more than you  
 11 did before. What did you mean by that?  
 12 A. I've always -- since I've been employed  
 13 there and I've been trained, I've always called  
 14 residents my residents. I love all my guys. And I  
 15 take it very seriously, as I did before. But now it's  
 16 like a bible. I make sure that it's done every day.  
 17 I thought I was going to be late today doing it here  
 18 to ensure it was done before I left.  
 19 Q. So today do you track people down to make  
 20 sure --  
 21 A. Yes.  
 22 Q. -- they're accounted for?  
 23 A. Yes. I check their apartments. Now,  
 24 there is -- and there's some things still in the works  
 25 about, you know, like you said, independent living.

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- 1 They're independent. They might come and go as they  
 2 please. You know, it could be one or two times.  
 3 We have one resident, she likes to swim.  
 4 She may leave, not press her button. I know she's  
 5 probably swimming; but I don't want to say yes, she's  
 6 swimming, she's good. But I'm not going to check her  
 7 in. So there could be times that there's still, if we  
 8 had our original, there would be open spots.  
 9 But again, how do we stop that? You  
 10 know, do we have a sign-in/sign-out log? Can we get  
 11 that, or is that restricted to the independent -- you  
 12 know, contracts of them being independent and signing  
 13 in and out? It's up in the air. I don't know.  
 14 But do I take this a lot more seriously?  
 15 Absolutely. I took it serious before.  
 16 Q. So before this event, it was a fairly  
 17 common practice to have these open boxes because  
 18 people would check in late?  
 19 A. Correct.  
 20 MR. PACE: Object to form.  
 21 MR. GAVIN: All right. Ms. Ross, I don't  
 22 have any other questions. Thank you.  
 23 MR. PACE: Thanks, Diane.  
 24 THE WITNESS: You're welcome.  
 25 THE VIDEOGRAPHER: Off the record at 2:12

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- 1 p.m.  
 2  
 3 AND FURTHER THIS DEPONENT SAITH NOT  
 4 (The deposition concluded at 2:12 p.m.)  
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COMMONWEALTH OF VIRGINIA,  
CITY OF RICHMOND, to wit:

I, Lisa M. Blair, a Notary Public  
for the State of Virginia at Large, do hereby certify  
that the foregoing deposition of DIANE GENTRY-ROSS was  
duly sworn to before me at the time and place set out  
in the caption hereto.

Further, that the transcript of  
the deposition is true and correct, and that there  
were 0 exhibits filed with me during the taking  
hereof.

Given under my hand this 1st  
day of October, 2016

L

Notary Public for the  
State of Virginia at Large



My Commission expires:  
October 31, 2016  
Notary registration #: 253150

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COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF \_\_\_\_\_ to wit:

I, DIANE GENTRY-ROSS, do hereby  
certify that I have read the foregoing pages of  
typewritten matter numbered 1 through 69, and that the  
same contains a true and correct transcription of the  
deposition given by me on the 21st day of September,  
2016, with the exception of the noted corrections, to  
the best of my knowledge and belief.

Date \_\_\_\_\_ DIANE GENTRY-ROSS

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
My commission expires  
\_\_\_\_\_.

Notary Public  
Notary registration #: \_\_\_\_\_