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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

- - -

A.L., BY AND THROUGH D.L., AS)
NEXT FRIEND, PARENT AND NATURAL)
GUARDIAN, AND D.L., INDIVIDUALLY,)
Plaintiffs,)

vs.) Case No.:

WALT DISNEY PARKS AND RESORTS) 6:14-CV-1544-ACC-GJK
U.S., INC.,)
Defendant.)

DEPOSITION OF
MARK LEE JONES
LOS ANGELES, CALIFORNIA
JANUARY 27, 2015

ATKINSON-BAKER, INC.
COURT REPORTERS
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REPORTED BY: LAWRENCE SCHUMACHER, CSR NO. 1464
FILE NO.: A80DE99

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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
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A.L., BY AND THROUGH D.L., AS)
NEXT FRIEND, PARENT AND NATURAL)
GUARDIAN, AND D.L., INDIVIDUALLY,))
Plaintiffs,)
vs.) Case No.:
WALT DISNEY PARKS AND RESORTS) 6:14-CV-1544-ACC-GJK
U.S., INC.,)
Defendant.)

Deposition of MARK LEE JONES, taken on behalf of
Plaintiffs, at 1999 Avenue of the Stars, Suite 1600,
Los Angeles, California, commencing at 9:10 A.M.,
Tuesday, January 27, 2015, before LAWRENCE SCHUMACHER,
CSR No. 1464.

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A P P E A R A N C E S :

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I N D E X

WITNESS: MARK LEE JONES

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By Mr. Dogali	6

EXHIBITS

LETTER	DESCRIPTION	PAGE
1	Letter to "Hi All" from "Donna"	102
2	Email dated Wednesday, November 06, 2013 8:25 A.M., From: Donna Lorman To: WDW.Guest.Communications@disneyworld.com	123
3(1-4)	Email chain, the first of which is dated Dec 20, 2013, 10:18 A.M. from Donna Lorman to Mark Jones	124
4	Email chain, the first of which is dated Friday, January 10, 2014 6:43 P.M. From: Mark Jones To: Dlorman@asgo.org	126
5	Email dated Thursday, October 02, 2014 8:28 A.M. From: Contact Us [forms@apps.registeredsite.com] To: Disabled Guest	130
6(1-3)	Document headed "Denise's List-Yahoo Groups"	132
7	Email dated Tuesday, October 08, 2013 1:36:38 P.M. From: Disability Services Disney Parks	138

1 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

2 PAGE LINE

3 37 17

4 41 13

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7 INFORMATION TO BE SUPPLIED:

8 (NONE)

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MARK LEE JONES

having first been duly sworn in
accordance with CCP Section 2094,
was examined and testified as
follows:

EXAMINATION

BY MR. DOGALI:

Q. Good morning, sir.

A. Good morning.

Q. Can you start by stating your full name please?

A. Sure. My name is Mark Lee Jones.

Q. And who's your employer?

A. I work for Walt Disney Parks and Resorts.

Q. What's the precise name of that entity that
employs you?

A. Walt Disney Parks and Resorts U.S. perhaps. I
don't know the official name, but it's Walt Disney Parks
and Resorts is how I identify my employer.

Q. I think I kind of know the answer to this one,
but have you ever given a deposition before?

A. Yes.

Q. How many times?

A. One time.

Q. The one I attended?

1 A. Yes.

2 Q. Do you recall that one was -- was that one in a
3 corporate representative capacity?

4 A. No, I don't believe so.

5 Q. Do you understand you're being deposed
6 individually today as Mark Jones and not as a
7 representative of Disney?

8 A. Yes.

9 Q. As was the case before, you're the guest of
10 honor today, so if you need any breaks, holler, and
11 you're entitled to all you need.

12 If I ask things that are unintelligible I
13 encourage you to throw something at me or let me know
14 that, and I will do my best.

15 Does that seem fair?

16 A. It does.

17 Q. How long have you been employed by the entity
18 that currently employs you?

19 A. I've been with the company officially 17 years
20 full time.

21 Q. Always employed by that same entity?

22 A. Yes.

23 Q. When -- what were your duties when you started
24 17 years ago?

25 A. When I started I assisted in the establishment

1 of our program in delivering sign language interpretation
2 to our guests visiting our theme parks and other events
3 at the resorts in Florida that required interpretation
4 for their -- for their experience.

5 Q. Your duties always encompassed, in one way or
6 another, accessibility for disabled persons at the parks?

7 A. Yes.

8 Q. And as you -- well, strike that.

9 When you started out you were based in Florida?

10 A. Yes.

11 Q. For how long was that the case?

12 A. I was in Florida for approximately 12 years.

13 Q. Maybe five plus or minus years ago you moved to
14 California?

15 A. Correct.

16 Q. Prior to doing so did your responsibilities
17 encompass Disneyland as well as Disney World?

18 A. They did not officially encompass Disneyland.

19 Q. When you moved to California did they then
20 encompass both parks -- both resorts?

21 A. Yes.

22 Q. What is your current title?

23 A. My current title is Manager, Domestic Services
24 for Guests with Disabilities.

25 Q. Was that the title five years ago when you

1 relocated to Florida?

2 MR. SCANLON: Relocated --

3 MR. DOGALI: To California. I apologize.

4 THE WITNESS: Yes.

5 BY MR. DOGALI:

6 Q. To whom do you report?

7 A. Are you looking for the name of my immediate
8 leader?

9 Q. Yes.

10 A. Okay, my immediate leader's name is Randy,
11 R A N D Y, last name is Bevan, B E V A N.

12 Q. Is Randy a male?

13 A. Yes.

14 Q. What is Mr. Bevan's title?

15 A. I don't know that I know the exact title that he
16 has, but he is the manager of Worldwide Analysis and
17 Accessibility, I believe. And that's just -- it's
18 something similar to that.

19 Q. Who is Mr. Bevan's leader?

20 A. Randy reports to Greg Hale. Greg, G R E G, last
21 name Hale, H A L E.

22 Q. How many persons report to you as their leader?

23 A. I have three individuals that report to me.

24 Q. Who are they?

25 A. I have a Guest Service Manager, and I assume you

1 would like their names?

2 Q. Yes please.

3 A. It's Maureen, M A U R E E N, Maureen Hogan,
4 H O G A N. She is the Guest Service Manager of Walt
5 Disney World Services for Guests With Disabilities.

6 And I'd like to make a point that anytime I
7 mention Services for Guests With Disabilities it is an
8 actual department, so I would make sure that those are
9 capital letters. That's the name of the department that
10 I work in. It's called Services for Guests With
11 Disabilities.

12 Maureen Hogan is the Guest Service Manager, as I
13 mentioned, of Walt Disney World Services for Guests With
14 Disabilities. I also -- at the moment we have a
15 position, that is a professional intern position, in
16 Florida that assists Maureen. That position is currently
17 vacant. The intern who was in the position has moved on
18 to a full-time role. And then the other person that
19 reports to me is another professional intern. His first
20 name is Patrick. His last name is Beckman,
21 B E C K M A N. Patrick is the professional intern who is
22 at the Disneyland Resort, and Patrick's title is
23 Assistive Technologies Professional Intern.

24 Q. How many persons are in the department which is
25 Services for Guests With Disabilities?

1 A. Currently in the department there are three,
2 including myself.

3 Q. And the other -- are these the other two --

4 A. Yes.

5 Q. -- Ms. Hogan, Mr. Beckman?

6 A. Yes.

7 Q. If I use the term -- I personally use the term
8 "your team" in describing work you've performed in
9 connection with the parks, is that the department?

10 MR. SCANLON: You mean, without the time?

11 MR. DOGALI: Yes.

12 THE WITNESS: When I refer to "the team," in
13 what way? When I'm having any conversation where I'm
14 trying to explain --

15 BY MR. DOGALI:

16 Q. Yes.

17 A. -- what I do?

18 It would depend, but generally speaking if I was
19 to use the term "my team" that would include the people
20 who directly report to me, yes.

21 Q. But it might actually vary by context?

22 A. It would certainly depend on the situation, yes.

23 Q. What did you do to prepare for your deposition
24 today?

25 A. I had a meeting with my attorney. I spent some

1 time reviewing just general information about our
2 Services for Guests With Disabilities.

3 Q. What was the information you reviewed?

4 A. I spent some time just ensuring that I was aware
5 of all of the services that we do offer for our guests
6 with disabilities: the information that we provide to
7 our guests, the information that is in printed
8 literature, and information that is available on our
9 websites.

10 Q. Have you ever read the Complaint filed in the
11 lawsuit which is known as A.L. versus Walt Disney Parks
12 and Resorts?

13 A. I am aware of the Complaint. I have not gone
14 through it line by line, but I am aware of the Complaint.

15 Q. Have you -- whether you read it in connection
16 with preparing for the deposition or not, have you ever
17 read it?

18 A. All the way through, no.

19 Q. When was the first time you reviewed it?

20 A. A few -- I would say it would be a few weeks
21 ago. I -- I made a point to ensure I at least understood
22 what was contained in it.

23 Q. At any earlier date did you ever review that
24 Complaint in its prior form when it included multiple
25 parties?

1 A. Ask your question again.

2 Q. Yeah. As a predicate to that, that Complaint
3 previously included other families as well as plaintiffs
4 before it was limited only to A.L. and his mother. Did
5 you ever review the Complaint in its prior form?

6 A. "Reviewed" meaning read it beginning to end, or
7 had awareness of the fact that there was a Complaint?

8 Q. Turned its pages and read any of it's words.

9 A. Yes, I -- yes.

10 Q. Was that soon after its filing in April of 2014?

11 A. Yes.

12 And since, obviously, I'm not an attorney, I
13 mean, I've looked at it. There were a lot of things in
14 it I didn't necessarily understand either, so at some
15 point I skimmed it.

16 Q. Are there any individuals within the Disney
17 family of companies, to your knowledge, whose -- whose
18 job description is principally limited to accessibility
19 for guests with cognitive impairment or disabilities or
20 autism?

21 A. Are you asking if there is a -- a person that
22 works for the company who is the authority, the expert
23 when it comes to cognitive disabilities?

24 Q. Sure. Is there such a person?

25 A. Not that I'm aware of.

1 Q. Are you most likely the most knowledgeable
2 person within the Disney family of companies about sign
3 language?

4 A. I don't -- I don't know that. I mean, certainly
5 I have a background and understand sign language and have
6 a personal -- some personal experience with that
7 community, but I certainly -- I don't know of the 120,000
8 plus people that work for the company if I would be
9 the -- I don't know -- the authority, if you will.

10 Q. That's fair. How about within -- within the
11 group of people whose job description focuses on
12 accessibility in the parks, are you the person most
13 knowledgeable regarding sign language?

14 A. I -- I would -- I would lean towards it is
15 likely that I am.

16 Q. Is there an individual in a similar vein that
17 you would lean toward being the most likely person --
18 strike that. I'll rephrase it.

19 In a similar vein, is there a person within the
20 Disney family of companies whose job focuses on
21 accessibility for guests in the parks who you would
22 expect would be the most knowledgeable person about
23 cognitive impairments or autism?

24 A. I'm not aware of -- of somebody who would meet
25 that criteria.

1 Q. In your 17 years, has there ever been an
2 individual you would characterize that way?

3 A. Not that I'm aware of.

4 MR. SCANLON: Excuse me, we're off the record.

5 (Discussion off the record.)

6 BY MR. DOGALI:

7 Q. Is Jay Cardinali still in the employ of the
8 Disney companies?

9 A. Yes.

10 Q. What's his role?

11 A. I believe Jay's title is Worldwide Accessibility
12 Manager. And again, I'm -- I'm guessing. I don't know
13 that for a fact, but that's what I believe his title is.

14 Q. Is he in the same chain of command as Greg Hale?

15 A. Jay Cardinali is a peer of mine.

16 Q. Is Rex Bellar, B E L L A R, still in the
17 company?

18 A. Yes, Rex Bellar is still employed with the
19 company.

20 Q. What's his role?

21 A. He is the manager of -- I'm gonna try to
22 remember which title. I'll give you just sort of what he
23 does.

24 (Pause in proceedings.)

25 I wanna say it's something to the effect of

1 Accessibility Program Manager, something to that effect,
2 involving budgetary work and -- and program management.

3 Q. Betty Appleton still with the company?

4 A. Betty Appleton is still with the company.

5 Q. What's her role?

6 A. Betty is the Director of Disneyland -- I believe
7 it's Guest Claims and Workers' Compensation.

8 And on all these titles and on all these, some
9 of these I'm guessing. Obviously, I don't know off the
10 top of my head, but I'm giving you my best guess on what
11 their titles are.

12 Q. Do you in your own office --

13 Is your office located in Anaheim?

14 A. Yes.

15 Q. In your own office, do you maintain a set of
16 hard-copy files that are your own?

17 A. Sometimes.

18 Q. Are --

19 A. I mean, obviously we have, as a company, very
20 much tried to be green -- going green and trying to be
21 environmentally friendly and not trying to have too much
22 paper, if you will.

23 Q. When you're being green and your generated notes
24 or drafts or documents are kept electronically, are they
25 on a Disney network, or are they, in contrast, perhaps on

1 your own hard drive exclusively?

2 A. I -- I always try to place any emails or
3 anything that I -- I have, I try to place those on a
4 shared directory. More so if I for some reason need
5 access to it later off-site and I don't have my own
6 computer with me, I'm able to still access the network.

7 Q. Do you possess in hard copy or electronic files
8 that are available only to you any historic documents or
9 notes relating to development of the DAS?

10 A. I am confident that I have documents from
11 meetings and other group conversations relating to DAS,
12 DAS. D A S, DAS.

13 You'll probably hear that word a lot today, by
14 the way (to the reporter).

15 BY MR. DOGALI:

16 Q. I've sort of used the term D A S. Your team
17 actually refers to it as DAS, a one syllable acronym?

18 A. I do. I've heard both.

19 Q. Is there a central folder accessible to Disney
20 employees that relates specifically to creation and
21 development of the DAS?

22 A. "Central folder" meaning --

23 Q. Electronic file.

24 A. -- a place where anybody who needs to access
25 whatever has the ability to do?

1 I don't know what you mean by "central."

2 Q. Is there on the Disney network that's available
3 to employees --

4 A. Uh-huh.

5 Q. -- a folder of electronic files that relates
6 specifically to the DAS?

7 A. The only one that I'm aware of would actually be
8 the -- the guest -- if you will, the guest-facing
9 website. So we're talking about the disneyland.com
10 website, disneyworld.com website. There's a section in
11 those particular sites that have information about
12 cognitive disabilities and DAS.

13 Q. Is that where employees would go to find records
14 relating historically to the development of DAS?

15 A. No.

16 Q. Is there a folder of electronic files relating
17 to development of the DAS?

18 A. I am not aware of any centralized place, if you
19 will, where all of these -- anything would be kept that
20 employees would be able to go and access.

21 Q. Who is most likely the most knowledgeable
22 individual regarding development of the DAS?

23 A. I would probably say Allison Armor.

24 A L L I S O N, Allison, last name Armor, A R M O R.

25 Q. Ms. Armor's located in Florida?

1 A. Yes.

2 Q. To whom does she report?

3 A. Allison reports to Mark, M A R K, Rucker,
4 R U C K E R. I believe she still reports to Mark, but
5 Mark is the Vice President of Parks and Lodging Line of
6 Business. I believe that's his title.

7 Q. What role did you play in development of the
8 DAS?

9 A. I was aware that there were ongoing discussions
10 about a program that would replace the Guest Assistance
11 Card program, and I was one of many individuals who
12 participated in sort of ongoing meetings discussing a --
13 a -- a new replacement to the GAC -- G A C, GAC -- which
14 is our -- how we -- that's the acronym we use for Guest
15 Assistance Card, GAC, G A C.

16 Q. Have you ever seen a document generated with the
17 lawsuit like the Complaint that is a request to produce
18 documents?

19 A. Ask that again. I'm sorry.

20 Q. Have you ever seen a document generated in
21 connection with the lawsuit that is the plaintiffs'
22 request for Disney to produce documents?

23 A. I -- I have not seen that document. I have been
24 asked by the legal partners representing us to --

25 MR. SCANLON: I'd advise you not to say anything

1 about conversations you had with attorneys.

2 THE WITNESS: Sorry.

3 BY MR. DOGALI:

4 Q. Have you ever performed a review of your files
5 for the purpose of identifying materials relating to the
6 DAS?

7 A. No.

8 Q. Have you ever assembled any documents that --
9 for the purpose of creating a historic record of the
10 DAS's development?

11 A. I have not. The documents that I have are
12 documents that were created to provide guests with an
13 overview of -- of the DAS program, and those documents
14 are contained on the -- the guest-facing external
15 websites. So disneyland.com and disneyworld.com have --
16 have those documents as well.

17 Q. Have you ever made an effort to identify any
18 documents or files you may possess that relate to A.L. or
19 D.L.?

20 A. I am aware of some email correspondence that I
21 have had with D.L.

22 Q. Have you made any effort to assemble your own
23 communications with guests that relate in any way to the
24 DAS?

25 A. What -- what do you mean "assemble"?

1 Q. Compile, copy, organize, produce.

2 A. I have -- I certainly have emails from guests
3 who have asked questions about DAS who are seeking
4 information about DAS.

5 Q. Have you made an effort at any time to organize
6 or assemble all those materials for any purpose?

7 A. I have not, no.

8 Q. To your knowledge, other than lawsuits brought
9 by clients I might represent, are there any other
10 lawsuits against Disney relating to the DAS?

11 A. None that I'm aware of.

12 Q. In the ordinary course of standard operating
13 procedures would you ordinarily be aware if there were?

14 A. Of a lawsuit related to what? Just in general
15 lawsuit? A specific topic? What -- what do you mean
16 would I be aware.

17 Q. Any lawsuit alleging that in one way or another
18 the DAS is inconsistent with the Americans With
19 Disabilities Act.

20 A. I -- I don't know that I would be officially be
21 on that quote "list" to be made aware, but I would
22 imagine I would certainly be aware of those kinds of
23 things.

24 Q. Does Ms. Armor have a team that reports to her?

25 A. I -- she does, yes.

1 Q. Who is on it?

2 A. I knew you were gonna ask that question, and I
3 don't know off the top of my head who is a part of her
4 current team. If you'll give me a moment I'll certainly
5 try to think about that a little bit.

6 (Pause in proceedings.)

7 I know that that group has had some
8 consolidation and some -- some moving of roles, so I
9 don't know -- I couldn't tell you currently who is a part
10 of her team.

11 Q. Okay. Why was the DAS created?

12 MR. SCANLON: If you know.

13 THE WITNESS: I -- I -- I know what I had read
14 in -- in some of the official information that was put
15 out into the community about it, so I -- that's my
16 understanding as well: is that there was abuse of the
17 old program, and there was abuse that had gotten to a
18 point where it was very widespread.

19 BY MR. DOGALI:

20 Q. Do you have personal knowledge that this abuse
21 of the GAC existed?

22 A. "Personal knowledge" meaning I witnessed it
23 myself?

24 Q. Yes.

25 A. No.

1 Q. Have you seen or reviewed documentation
2 indicating that that abuse of the GAC existed?

3 A. "Documentation." Give me an example of what you
4 mean --

5 Q. Anything.

6 A. -- when you say "documentation."

7 (Pause in proceedings.)

8 MR. SCANLON: If you don't understand the
9 question you can ask him to clarify it.

10 THE WITNESS: Yeah, would you clarify what --
11 I'm still not a hundred percent understanding what you're
12 asking. I'm sorry.

13 BY MR. DOGALI:

14 Q. Have you ever seen anything in writing,
15 electronically or hard copy, which identify any instance
16 of such abuse?

17 A. I think you are all aware there was an actual
18 article written by a journalist talking about abuse of --
19 of the program.

20 Q. Have you ever -- have you ever seen anything,
21 other than an article written by a journalist, indicating
22 that such abuse actually existed?

23 A. I, as -- during the normal course of my role I
24 certainly have many interactions with our Guest Relations
25 partners -- Guest Relations being the entity that is the

1 front line point of contact for guests in our team
2 parks -- and through conversations with the employee cast
3 members and Guest Relations and the leadership I was
4 aware that there was a -- a problem, if you will, as it
5 related to abuse, yes.

6 Q. Prior to the rollout of the DAS, how many
7 documented or confirmed instances of such abuse were ever
8 identified by Disney?

9 A. I don't -- I don't have the answer to that.
10 I -- I will say that in -- in my experiences having those
11 kinds of conversations with Guest Relations -- I was, by
12 the way, not physically at Guest Relations to experience
13 those, but based on my conversations with Guest
14 Relations' employees there was certainly -- there was
15 abuse happening related to the old Guest Assistance Card.

16 Q. As you understand the roles of other employees
17 in the Disney organization, who would you expect would be
18 the most likely individual regarding the quantity of
19 instances of abuse that existed under the GAC?

20 A. Off -- I don't know. I -- I would say that
21 Allison Armor would probably be. If there would be a
22 person who would have some knowledge of that, would
23 certainly be something she might -- might have.

24 Q. When -- strike that.

25 Approximately when did you begin to hear these

1 complaints or concerns that Guest Relations had about
2 abuses under the GAC?

3 A. Honestly, as long as I can remember.

4 Q. Is it fair to say that when you heard about such
5 abuses they typically involved someone with a mobility
6 challenge as a disability or claimed disability?

7 A. Not necessarily.

8 Q. As a general rule, was it -- is it fair to say
9 that when you heard about such instances they related to
10 mobility-challenged guests?

11 A. You're going to have to ask the question again.
12 I think I know what you're asking me, but if you would
13 please restate the question.

14 Q. Historically, before the DAS was released, when
15 you heard these concerns, complaints, of Guest Relations
16 about abuse, did they typically involve perpetrators who
17 were or claimed to be mobility-challenged individuals?

18 A. Not always.

19 Q. Have you ever heard of an actual instance of
20 abuse involving a guest who claimed to have a cognitive
21 impairment?

22 A. I -- I mean, I think it's fair to say that I was
23 aware that the Guest Assistance Card was a tool used by a
24 wide range of individuals.

25 Q. Do you have any recollection of -- of hearing

1 over time that one of these instances of abuse had
2 existed and was perpetrated by someone who had a mobility
3 challenge or claimed to have a mobility challenge?

4 A. If you're asking if there was -- are you asking
5 was there somebody I knew or had heard through the Guest
6 Relations partners, somebody who was abusing the GAC
7 program, did I know that that happened and did I know
8 that they had a mobility disability --

9 Q. Yes.

10 A. -- is that what you're asking me?

11 Sure.

12 Q. You heard about instances of people in a
13 wheelchair bringing a large number of guests along so
14 they could utilize the advantages of the GAC along with
15 the person in the wheelchair?

16 A. I think it's important to point out for the --
17 the Guest Assistance Card, the GAC, the GAC was a tool
18 that was primarily for individuals with a nonapparent
19 disability.

20 Q. What do you mean by that?

21 A. Something that wasn't obvious.

22 Q. The GAC was generally not intended for persons
23 in wheelchairs?

24 A. That is safe to say, yes. Was it used in
25 situations for somebody in a wheelchair? Yes.

1 Q. Were disabled guests in wheelchairs encouraged
2 to go to Guest Relations and get a GAC at the beginning
3 of their day in the park?

4 MR. SCANLON: I'm gonna object to this question
5 as not being relevant to the A.L. case involving the DAS
6 system. I mean, I've given you some latitude to go back
7 into GAC in the development of this, but I think this is
8 going a little far. I don't think it's related to the
9 A.L. case specifically, and the judge has made it clear
10 these cases are related -- limited to those individual
11 claims.

12 MR. DOGALI: Is that an objection or an
13 instruction?

14 MR. SCANLON: It's an objection.

15 MR. DOGALI: I don't remember my question.
16 Can you read it back to me?

17 (The question was read by the reporter as
18 follows:

19 "Q. Were disabled guests in
20 wheelchairs encouraged to go to Guest
21 Relations and get a GAC at the beginning
22 of their day in the park?")

23 THE WITNESS: I don't know.

24 BY MR. DOGALI:

25 Q. Were guests who were disabled but were not in

1 wheelchairs encouraged to go to Guest Relations and get a
2 GAC?

3 A. When you say "encouraged," by who?

4 Q. Disney.

5 A. All employees? Specific employees in our
6 literature? I'm not understanding who was the person or
7 how -- how -- who was -- who was encouraging guests to do
8 this.

9 Q. It's true, isn't it, that now, since October 9,
10 2013, Disney's website encourages persons with
11 disabilities to go to Guest Relations when they arrive?
12 Is that fair?

13 A. Yes.

14 Q. Before the DAS, did the website encourage guests
15 who were disabled to go to Guest Relations at the
16 beginning of their day?

17 A. If -- if they -- if the guest needed the
18 assistance of Guest Relations we would encourage any
19 guest to do that, and I think our information always
20 provides that level of instruction: "If you are a guest
21 and have questions and need information, please make
22 Guest Relations your first stop."

23 Q. For example, the website did not differentiate
24 between guests with apparent disabilities and those with
25 nonapparent ones when encouraging them to go to Guest

1 Relations?

2 MR. SCANLON: Same objections: beyond the scope
3 of this individual case.

4 THE WITNESS: Being in a guest service role,
5 Guest Relations is the point of contact for guests who
6 have any question in visiting the theme parks.

7 BY MR. DOGALI:

8 Q. Typically before October 9, 2013, someone went
9 to Guest Relations in a wheelchair, were they given a
10 GAC, or were they told, "You just don't need one"?

11 MR. SCANLON: Objection. This case isn't about
12 mobility-impaired plaintiffs.

13 BY MR. DOGALI:

14 Q. Do you know?

15 A. I don't know.

16 Q. Were there any other functional inadequacies in
17 the GAC other than vulnerability to abuse?

18 A. I mean, only -- only what I was -- you know, had
19 heard through some of the discussions or the
20 conversations that I was a part of there was concern
21 around was the person who had the GAC, were they the
22 person who needed the GAC, if you will.

23 Q. I mean, guests would obtain the GAC and really
24 were not disabled.

25 Is that what you mean by that?

1 A. I -- I -- I -- that's certainly, yeah, part of
2 it, sure.

3 Q. Other than the -- the notion that guests were
4 abusing the GAC by obtaining privileges that would be
5 available to disabled persons, is there any other
6 functional inadequacy in the GAC that led to the
7 development of DAS?

8 A. I -- I don't -- I don't know the answer to that
9 question.

10 Q. Who would?

11 A. I -- I would certainly suggest Allison Armor
12 would probably be able to give you some additional
13 information about that.

14 Q. Do you remember when the first public news story
15 came out about abuses of the GAC in the press?

16 A. I believe I remember that, yes.

17 Q. You became aware of that fairly
18 contemporaneously when the news reports came out.

19 Yes?

20 A. Uh-huh.

21 Q. Was it approximately May of 2013?

22 A. I couldn't tell you exactly but I'm guessing
23 it's -- it's in that time frame.

24 Q. When news reports came out for the first time,
25 did you know that was gonna happen?

1 MR. SCANLON: Know what was gonna happen?

2 MR. DOGALI: That the news reports were going to
3 come out.

4 THE WITNESS: Did I know that the news reports
5 were going to come out? No.

6 BY MR. DOGALI:

7 Q. Was the first report, as you recall it, CNN?

8 A. I don't know.

9 Q. The "Today" show?

10 MR. SCANLON: What's the question?

11 MR. DOGALI: Same question. I'm sorry.

12 MR. SCANLON: Can you repeat it?

13 BY MR. DOGALI:

14 Q. Do you recall perhaps whether the first report
15 you heard about was the "Today" show?

16 A. I don't recall specifically where or what --
17 what network or what program it was on.

18 Q. When those news stories broke was the DAS
19 already being developed?

20 A. I -- my understanding is there were
21 conversations that had begun regarding the Guest
22 Assistance Card.

23 Q. When was the point in time at which the decision
24 was made to change the GAC to address the abuse problem?

25 MR. SCANLON: If you know.

1 THE WITNESS: I don't -- I don't know exactly.

2 BY MR. DOGALI:

3 Q. When was the point in time that the decision was
4 made to issue the DAS?

5 A. I -- I don't know.

6 Q. Was a committee or team formed, presumably with
7 Ms. Armor, for the purpose of developing the DAS?

8 A. I was invited to meetings regarding the subject.

9 Q. What was that group called?

10 A. I don't know the specific name of it.

11 Q. Approximately when were you first invited?

12 A. It would've been over the summer of '13.

13 Q. As you recall it, did you know that group
14 existed for some period of time before you were first
15 invited?

16 A. I don't -- I don't know. And I don't know what
17 the -- if it was a group at all. I don't know.

18 Q. The first time you attended a meeting for the
19 purpose of considering the DAS or addressing the GAC
20 abuses, was that meeting in person?

21 MR. SCANLON: You're asking the first time that
22 he remembers such a meeting?

23 MR. DOGALI: Yes.

24 THE WITNESS: I -- I don't know if it was in
25 person or if it was by phone.

1 BY MR. DOGALI:

2 Q. Did you attend such meetings over time both
3 ways?

4 A. Yes.

5 Q. Were the in-person meetings that occurred for
6 that purpose in Florida?

7 A. I -- I would only assume they were in Florida
8 because the -- the majority of the individuals within
9 the -- the Parks and Lodging Line of Business are
10 Florida-based employees of the company.

11 Q. Who were the individuals that customarily
12 attended such meetings?

13 A. There were representatives from the Parks and
14 Lodging Line of Business. There was always legal
15 representation. There were individuals from I believe
16 Industrial Engineering. And these -- you know, the
17 invitees to these meetings would -- there would -- it
18 would not always be the same individuals department-wise,
19 but some of them. Just -- just thinking off the top of
20 my head, the meetings that -- that I was a part of, some
21 of the others that I remember being in these meetings,
22 operational leaders. There were individuals from Global
23 Business Technology Solutions. I think that's it. I
24 think that covers, I think, everybody that I could
25 remember.

1 Q. So the individual that may have attended from a
2 particular department was subject to changing from
3 meeting to meeting?

4 A. Possibly.

5 Q. Was there customarily one individual most often
6 there for Parks and Lodging?

7 A. I -- I was -- I was not a part of every possible
8 meeting on the subject, obviously, so I don't know that.
9 There were certainly some reoccurring names. When I
10 would be a part of the meeting there would be some
11 reoccurring names that were in the meeting.

12 Q. Who were the recurring names from Parks and
13 Lodging?

14 A. In Parks and Lodging team? It would be Allison
15 Armour, Todd Evans. Todd Evans, E V A N S. Then there
16 were others who might come. Those were the two more of
17 the regular attendees from the Parks and Lodging Line of
18 Business.

19 Q. What recurring names come to mind from Legal?

20 A. Scott Pacula. Last name P A C U L A, first name
21 Scott. And there would be other attorneys who might also
22 join or might be on the call in addition to Scott.

23 Q. Particular recurring names come to mind from
24 Industrial Engineering?

25 A. I'm trying to think who that was.

1 (Pause in proceedings.)

2 I'm sorry, that name's not -- the name's not
3 popping in my head.

4 I take that back. I -- one of the other -- I
5 know one of the individuals from Industrial Engineering.
6 Janet, first name. Last name, I'm gonna have to spell
7 it. I may spell it wrong. But it's Vogelsgang.
8 V O G E L S G A N G, I think.

9 Q. All right. I have an inadequate baseline
10 knowledge of some of this. What would Industrial
11 Engineering contribute to a meeting of this nature?

12 MR. SCANLON: If you know.

13 THE WITNESS: I -- I -- I don't know.

14 BY MR. DOGALI:

15 Q. What do those people do?

16 A. My limited understanding of what the Industrial
17 Engineering team does is they look at the movement of
18 people in queues and in lines and how you most
19 effectively create queues or lines to move people through
20 attractions, et cetera. I think that's probably the --
21 the -- the most that they do. I know they do lots of
22 other things that I don't understand. I know they do
23 potentially some study work as well, so it's observing,
24 going out and observing the movement of people in crowds
25 and trying to understand how that works to be more

1 efficient.

2 Q. Do you recall the specific recurring names from
3 Global Business Technology?

4 A. No.

5 Q. What department was principally responsible for
6 development of the Magic Band?

7 A. I -- I don't know primarily. I do know that
8 Parks and Lodging Line of Business was a part of that.
9 I'm confident that there were others, but I don't know
10 who those others were. That's the only one I can think
11 of.

12 Q. To your knowledge, was a regular attendee at
13 these meetings Mr. McPhee?

14 A. Not meetings that I was a part of, no.

15 Q. A minute ago I asked you when the decision was
16 made to replace the GAC. You indicated you don't know.

17 Correct?

18 A. Correct.

19 Q. Where would you look to find out?

20 A. I -- I -- I don't know.

21 Q. The meetings you described that were attended by
22 the various departments as the DAS was developed --

23 A. Uh-huh.

24 Q. -- were minutes kept of those?

25 MR. SCANLON: If you know.

1 THE WITNESS: I don't know. I -- I -- I believe
2 so, but I don't know.

3 BY MR. DOGALI:

4 Q. Was Ms. Armor effectively the facilitator or
5 moderator of the meetings?

6 A. Yes.

7 Q. Did you personally keep notes of the meetings?

8 A. I did not personally keep notes.

9 Q. Was it customary for minutes or notes to be
10 disseminated to the attendees after the meeting as a
11 record of what was discussed?

12 A. I do recall getting those in an email form from
13 time to time, yes.

14 And I'll also state that based on my location,
15 work location, the vast majority of any meetings on this,
16 I was doing this by phone.

17 Q. On the occasions when notes or minutes of such a
18 meeting were disseminated afterward, were they
19 principally generated by Ms. Armor or Mr. Evans?

20 MR. SCANLON: I would instruct you not to answer
21 the question to the extent it may divulge any attorney
22 client privileges given that you've testified that an
23 attorney was always present at these meetings.

24 BY MR. DOGALI:

25 Q. The question was I asked you to identify who

1 disseminated the minutes or notes. Would that require
2 you to divulge an attorney-client communication?

3 A. I don't know who actually sent the notes --

4 Q. Okay --

5 A. -- they did not come from anybody that I know,
6 if you will.

7 Q. In any meetings leading to the release of the
8 DAS, did you discuss the anticipated impact of the DAS on
9 the autism community?

10 MR. SCANLON: Objection; that is an improper
11 question given that counsel was at each of these
12 meetings.

13 MR. DOGALI: Kerry, I don't -- I don't know
14 whether I want to belabor Mr. Jones with a series of many
15 questions relating to "did you discuss this or that at
16 those meetings?" Same privilege would be invoked?

17 MR. SCANLON: Yes.

18 MR. DOGALI: Okay.

19 Q. Approximately how many meetings did you attend?

20 MR. SCANLON: Are you including by telephone?

21 MR. DOGALI: Yes.

22 THE WITNESS: I -- I don't know an exact number.
23 You know, once a week, maybe once every few weeks there
24 would be a one-hour meeting.

25 BY MR. DOGALI:

1 Q. When you first became involved, attended the
2 first meeting, did the project already have DAS as its
3 working name?

4 MR. SCANLON: Again, to the extent that that
5 would require you to reveal anything discussed at the
6 meetings I would instruct you, as I have before.

7 THE REPORTER: Kerry, is that an instruction not
8 to answer?

9 MR. SCANLON: No.

10 THE REPORTER: Okay. I have to put "index," you
11 know, for myself.

12 BY MR. DOGALI:

13 Q. In order to tell me whether when you first
14 became a part of these meetings DAS was already the
15 working name of the project, would you have to divulge an
16 attorney-client communication to answer that?

17 A. I -- I don't recall.

18 Q. Okay. During any of these meetings what
19 individual contributed any information about potential
20 impact on the autism community?

21 MR. SCANLON: Same objection.

22 BY MR. DOGALI:

23 Q. Would you have to divulge an attorney-client
24 communication to answer that?

25 MR. SCANLON: Well, whether he understands the

1 privilege or not, he's -- you're asking about something
2 that was said at a meeting that was always attended by
3 counsel, so I'm telling him that's an attorney-client
4 privilege.

5 MR. DOGALI: Okay. So I just want to -- when
6 the reporter asked you a minute ago about one instruction
7 on that it was an objection --

8 MR. SCANLON: Right, I --

9 MR. DOGALI: With respect to the precise
10 discussions that occurred at those meetings, this is an
11 instruction not to answer?

12 MR. SCANLON: No, I haven't instructed him not
13 to answer anything. I assume that you understand the
14 privilege and you are not gonna ask him something that is
15 clearly covered by the attorney-client privilege.

16 BY MR. DOGALI:

17 Q. What individuals contributed any information
18 during any of these meetings, other than someone from
19 Legal, that related in any way to autism?

20 A. I don't know.

21 Q. Do you recall anybody, other than Legal, ever
22 even mentioning autism or cognitive impairments in any
23 meeting?

24 MR. SCANLON: Same objection. And I would -- if
25 you persist I will -- I will instruct him not to answer

1 if you're asking about the content of discussions in a
2 meeting attended by counsel and you're gonna persist,
3 Mr. Dogali, I will instruct him not to answer.

4 MR. DOGALI: Okay. We simply --

5 MR. SCANLON: Or the witness can tell you that
6 it would involve something that was said at that meeting
7 and I don't have to instruct him.

8 THE WITNESS: There was an attorney present for
9 a part of the discussion. For -- for every meeting that
10 I was a part of related to this there was always an
11 attorney present.

12 BY MR. DOGALI:

13 Q. Anyone other than the attorney in these meetings
14 ever mention autism?

15 MR. SCANLON: Same objection.

16 MR. DOGALI: And as I understand it, that's an
17 objection and not an instruction?

18 MR. SCANLON: Are you persisting in asking that
19 question --

20 MR. DOGALI: Yes. We don't agree --

21 MR. SCANLON: I instruct the witness not to
22 answer.

23 MR. DOGALI: Okay.

24 Q. Did you ever, in any context anywhere, anytime,
25 suggest or propose some aspect of the DAS which was not

1 incorporated into it as released?

2 MR. SCANLON: Again I would caution you in any
3 of your answers to be aware of the attorney-client
4 privilege and things that you may have said in the
5 presence of an attorney.

6 THE WITNESS: And I'm -- I'm not aware of
7 anything, and as mentioned, there were attorneys always
8 present in any of the meetings that I attended on the
9 topic of DAS, if you will.

10 BY MR. DOGALI:

11 Q. Whether inside these meetings or not, as the DAS
12 was released, was there any dissenting voice within
13 Disney about releasing it?

14 MR. SCANLON: Again, to the extent you can
15 answer that without discussing things said in the
16 presence of counsel you may do so. If you understand the
17 question, of course.

18 THE WITNESS: Ask the question again please.

19 BY MR. DOGALI:

20 Q. Do you recall anyone at Disney objecting or
21 dissenting to the notion of issuing the DAS in October of
22 2013?

23 A. I'm confident that there were people who stated
24 that guests wouldn't like the DAS.

25 Q. Who were they?

1 A. Who were they.

2 Q. Any persons who said --

3 MR. SCANLON: Objection if it occurred in the
4 same meetings he's been discussing.

5 THE WITNESS: Okay.

6 I don't know.

7 BY MR. DOGALI:

8 Q. As the date for release of the DAS, October 9,
9 2013, approached, did you object to releasing it?

10 MR. SCANLON: Same -- same objection.

11 THE WITNESS: Am I -- am I -- I'm sorry, am I
12 answering or --

13 MR. SCANLON: Not if it calls for anything that
14 was said or discussed by you or others in the presence of
15 an attorney.

16 THE WITNESS: Yeah, I -- I'm not aware of
17 anything.

18 BY MR. DOGALI:

19 Q. I want to be really clear: You're not aware of
20 any objection you made or concern you had about releasing
21 the DAS, or you're not aware you expressed any such
22 concerns outside the presence of a lawyer?

23 A. I think the answer is there were going to be
24 people who didn't like it because it was different than
25 perhaps what they had before.

1 Q. Did anyone at any time specifically propose
2 postponing the release of the DAS?

3 A. I'm -- I'm not aware. I -- and I'm just trying
4 to remember. I know there were conversations to --

5 MR. SCANLON: Again I would caution you
6 regarding conversations that occurred in the presence of
7 counsel.

8 THE WITNESS: Uh-huh.

9 I think -- I don't know.

10 BY MR. DOGALI:

11 Q. Did you ever propose that the release date of
12 the DAS should be postponed?

13 MR. SCANLON: Same objection.

14 THE WITNESS: Yeah. I don't recall.

15 BY MR. DOGALI:

16 Q. You don't recall whether you did, or you don't
17 recall whether that occurred outside the presence of
18 counsel?

19 A. I don't recall that I did.

20 Q. Did anyone ever propose some condition or aspect
21 for the DAS that was not incorporated into the final
22 release?

23 A. I don't know.

24 Q. In any communications you were privy to did
25 anybody do that?

1 MR. SCANLON: Same objection.

2 THE WITNESS: I don't know, and I -- as I said,
3 there was always -- in any of the meetings I was a part
4 of there was always an attorney that was part of the
5 meeting.

6 BY MR. DOGALI:

7 Q. I want to be very clear in my understanding, or
8 at least as much as I'm capable of, whether anyone
9 proposed something for the DAS that was not incorporated
10 into the final product is a question you can't answer
11 because an attorney was also privy?

12 A. I don't -- I don't -- I don't know if there were
13 other things proposed, if you will.

14 Q. And then I followed up with a question that
15 limited -- limited the question to communications which
16 you were privy to did anyone ever do that? Is that a
17 question you can answer without disclosing an
18 attorney-client communication --

19 MR. SCANLON: I think he already said --
20 regardless whether it's privileged or not, he doesn't
21 have any knowledge that anything was proposed and not
22 incorporated.

23 BY MR. DOGALI:

24 Q. Is that accurate?

25 A. That's accurate, yes.

1 Q. During development of the DAS, did any of the
2 persons who worked on its development visit other parks
3 to see how the competitors were addressing disabled
4 accessibility?

5 A. I'm not sure.

6 Q. Did you?

7 A. Did I visit other parks?

8 Q. Yes.

9 A. No.

10 Q. Do you generally keep abreast of what the other
11 parks are doing in terms of accessibility for the
12 disabled community?

13 A. Sure.

14 Q. Was any aspect of the DAS patterned after
15 something another resort was doing?

16 A. I'm not sure.

17 Q. In October of 2013 did you believe Disney
18 released a system that was better than its competitors'
19 or --

20 MR. SCANLON: I'm gonna object to this as not
21 relevant to the individual case; probably not relevant to
22 any of the cases.

23 BY MR. DOGALI:

24 Q. I'm asking about your personal perspective --

25 MR. SCANLON: Objection.

1 BY MR. DOGALI:

2 Q. -- when the DAS was released, did you think it
3 was better than what your competitors were using?

4 A. Yes.

5 Q. In what way?

6 A. Well, I mean, it allowed guests to virtually
7 wait -- guests who qualified for the DAS or guests who
8 obtained the DAS were allowed to virtually wait for
9 attraction experiences. And during -- they were allowed
10 to virtually wait for attraction experiences if they were
11 unable to be any traditional queue. They were not able
12 to wait in a traditional queue the DAS allowed them to
13 virtually wait for attractions. Which would also allow
14 them to do other things during that period that they were
15 waiting: being able to go and experience all of the
16 offerings that any one of our theme parks might have.
17 Whether that was going to see, perhaps, a street
18 performer. Or going to get some food. Or going to maybe
19 go to a shop. Maybe go enjoy the architecture. Maybe go
20 look for the hidden Mickeys that we -- we many times
21 we'll -- hidden Mickeys that we'll many times place in
22 some of our architecture. Being able to go sit on a
23 bench. Go take a nap. You know, whatever you wanted to
24 do you could do that during your -- your -- your window
25 that you were doing your virtual wait. That's -- that's

1 a great thing to be able to do.

2 So to answer your question, yeah, I thought -- I
3 thought it was -- I think it's better than what other
4 others were doing.

5 Q. And what were the others doing that was less
6 accommodating?

7 A. Well, I think there's many that aren't doing
8 anything. I can't give you specifics, but there's many
9 other businesses that are in our line of work that aren't
10 doing anything for people who can't stand in lines or
11 wait in lines.

12 MR. DOGALI: Take a short break.

13 (Recess taken.)

14 BY MR. DOGALI:

15 Q. As the DAS was developed, did Disney seek the
16 input of any autism-dedicated organization?

17 A. We certainly talked to a lot of organizations.

18 Q. Which ones?

19 A. I -- a lot of the conversations were informing
20 organizations what we were going to be rolling out,
21 making them aware of what we were going to be rolling
22 out. That way, when the rollout occurred they were not
23 hearing about it for the first time through the media,
24 they were hearing it from us. So the organizations that
25 I spoke with, I spoke to -- and there were other

1 individuals, by the way, who were calling. It wasn't
2 just I. But I had -- we divided a list, if you will, of
3 organizations that we were going to have that
4 conversation with. I spoke with the Autism Speaks
5 organization. I spoke to the Autism Society of America.
6 I spoke to an organization called TACA, T A C A. And I'm
7 trying to remember what it stands for, but it's an
8 autism- based organization. I -- I believe I spoke with
9 United Cerebral Palsy. I'm not for sure if I spoke with
10 them directly, but I spoke with -- I spoke with Donna
11 Lorman as the -- the -- the executive at the Autism
12 Society of Greater Orlando. There were others that I
13 called as part of the normal course of -- of informing
14 the community, if you will, the community of
15 organizations what we were going to be doing.

16 Q. These are groups you spoke with --

17 A. Uh-huh.

18 Q. -- to advise them of the planned release before
19 it hit the streets?

20 A. Correct.

21 Q. Did Disney seek the input of any such groups
22 during the design of the DAS before the decision to
23 release it was made?

24 A. Ask your question again.

25 Q. As I understand it you identified a number of

1 groups --

2 A. Uh-huh.

3 Q. -- you communicated with for the purpose of
4 notifying them that the DAS was going to be released.

5 A. Uh-huh.

6 Q. Did you or, to your knowledge, anyone at Disney
7 communicate with those groups during the planning and
8 development of the DAS about how to assemble it, put it
9 together?

10 A. Yes.

11 Q. Did you do that?

12 A. I did the...I -- I -- I had had conversations
13 with Autism Speaks regarding a -- a booklet, a piece of
14 collateral that we were developing for guests with
15 cognitive disabilities, and during the course of those
16 conversations regarding the booklet and looking for
17 thoughts and suggestions about what would be helpful
18 information to contain in this booklet, during the course
19 of those conversations I -- I -- I was certainly asking
20 questions of -- of the organization representative that I
21 was talking to about what we were going to be -- what we
22 were framing up as far as the DAS program.

23 Q. Was that Matt Asner?

24

25

1 A. Yes.

2 Q. Did he, on behalf of Autism Speaks, make any
3 suggestions about how the DAS ought to be assembled or
4 constructioned?

5 A. I don't -- I can't say that it was on behalf of
6 Autism Speaks. I don't know that. I mean, I had
7 conversations with him. I had conversations with other
8 individuals from Autism Speaks or that worked or had an
9 affiliation with Autism Speaks as well. And this was
10 all, again, during the course of our development of a
11 booklet that was going to be available for guests with
12 cognitive disabilities.

13 Q. Do you recall any of those individuals
14 associated with Autism Speaks making any suggestions or
15 proposals about how the DAS ought to be designed or
16 implemented?

17 A. I don't know proposals is correct. I -- I think
18 it would be categorized more as the individuals I spoke
19 with knew that there would be those individuals out there
20 who wouldn't like the DAS.

21 Q. Did any organization specific to autism or
22 cognitive impairment support issuance and release of the
23 DAS at the time?

24 A. "Support" meaning what? They wanted to be --
25 what do you mean when you say "support"?

1 Q. Did any such organizations issue kudos or
2 applaud Disney for releasing the DAS at the time?

3 A. In some of the conversations I had with the
4 individuals who -- those were the individuals I was
5 speaking with, I don't know if they were speaking on
6 behalf of their organization or not, but some of the
7 individuals I was speaking with understood what we were
8 doing and why we were doing it and they said, "There
9 might be those out there who don't like it, but we
10 understand what you're doing and why you're doing it."
11 So if you're going to call that support, then yes, but I
12 don't know that they used the word "we support it." And
13 I think more because they knew that there might be some
14 individuals who don't like it, just didn't like what it
15 was.

16 Q. Are you aware of any organization committed to
17 autism or cognitive impairments that today advises its
18 members that the DAS is a good thing?

19 A. In the conversations that I had with the Autism
20 Society of America it was very much a "We understand.
21 We'll certainly pass along to our membership who may
22 inquire about a trip to Disney, being able to explain the
23 DAS and what it is." And again, supporting meaning they
24 understand why we did it and, you know, knew we had to do
25 something to curb the abuse that we had while continuing

1 to maintain service for people with disabilities, then
2 yeah, I would say "support" is -- is a word you could
3 use, sure.

4 Q. The organization you mentioned in that context
5 is Autism Society of America?

6 A. Yes.

7 Q. Who was your --

8 MR. SCANLON: Objection to the characterization
9 that his word or use of the word "support" was limited to
10 that one group. I think that misstates the testimony.

11 THE WITNESS: Yes, there were others -- as I'm
12 explaining the word "support," there are other
13 organizations out there who fell into the same category
14 as Autism Society of America, sure.

15 BY MR. DOGALI:

16 Q. Is it your understanding that that is the level
17 of support that exists today from the Autism Society of
18 America for Disney's DAS?

19 A. Yes. And as I -- as I had said previously, you
20 know, the DAS is a -- is a -- is a great tool, a great
21 resource. I think organizations out there see the value
22 in DAS; that it's a great tool for whatever disability
23 category that particular organization may support. They
24 see the value in that tool to assist their membership,
25 whether it's autism, whether it's, you know, cerebral

1 palsy, whether it's multiple sclerosis. You know,
2 whatever the disability might be the organizations see
3 the value with the DAS and how it assists people with
4 disabilities have a good time at our theme parks. And
5 that's kind of what, you know, my -- my role in all of
6 this is. I -- I am in the business of making people
7 happy. That's what I do in a customer service/guest
8 service role is to make people happy, so it really makes
9 me feel good to hear organizations and individuals say,
10 "Hey, this is a really good tool for me and this really
11 makes my day."

12 Q. And the -- any organization which has expressed
13 those thoughts that made you feel good that is related in
14 an autism community includes Autism Speaks of America and
15 any others?

16 A. I'm sorry, ask your question again.

17 Q. You described for me that some of these
18 organizations have said things about their understanding
19 and support for the program and that made you feel good.

20 A. Uh-huh.

21 Q. And I'm asking you what organizations connected
22 with the autism community said such things that made you
23 feel good.

24 A. Well, the individuals I spoke with who were
25 affiliated with Autism Society of America, individuals

1 who are affiliated with Autism Speaks, they -- they --
2 they -- they made me feel good based on their comments to
3 me, either during the explanation of DAS prior to rollout
4 and then even beyond that once they had an opportunity to
5 experience it themselves or they had members of their
6 organization actually experience the product being able
7 to share the positive experiences that it was.

8 Q. With whom did you communicate at Autism Society
9 of America?

10 A. Scott Baedsch. I believe it's B A E D S C H.
11 I'm not positive on that spelling but I believe that's
12 it, B A E D S C H. Oh, I'll also mention during the
13 course of my conversations informing organizations out
14 there, the list of organizations that I was asked to
15 reach out to, I did speak to somebody from the Asperger's
16 Association. The exact name of their organization is not
17 popping in my head, but I did have a conversation with
18 them as well.

19 Q. And that was during that period prior to the
20 rollout --

21 A. Uh-huh.

22 Q. -- letting them know it was going to happen?

23 A. Correct.

24 Q. In that context, did you also contact
25 organizations that are committed to the interests of the

1 blind community?

2 A. I'm trying to -- I don't remember, honestly, if
3 we -- if we -- meaning those individuals who were asked
4 to make those phone calls to inform the organizations in
5 the community, if we spoke to the blind community.

6 Q. What about the hearing impaired community?

7 A. Same thing: I don't -- let me think about this.
8 Did I personally make contact with them? I don't recall.
9 I don't believe I personally made that contact.

10 Q. Do you know of anybody doing that?

11 A. I know --

12 MR. SCANLON: In relation to that?

13 MR. DOGALI: Yes.

14 THE WITNESS: I mean, we had a very sizable --
15 and "sizable," I don't want to put a number on it. We
16 had a sizable list of organizations we were going to be
17 communicating with in some way. Whether it was email
18 communication, whether it was a phone call. A lot of it
19 was based on the relationships if we had had a
20 conversation or had connection with some organization
21 previously, knew an actual individual in the
22 organization. And as I said, there were numerous
23 individuals with within our company who were making those
24 contacts beyond just myself.

25 BY MR. DOGALI:

1 Q. And the question was do you know that any of
2 them contacted an organization connected with the hearing
3 impaired community?

4 A. I don't know the answer to that, but I would say
5 it is likely.

6 Q. You mentioned there was a big list.

7 A. Uh-huh.

8 Q. Was it written?

9 A. It was -- "written" meaning it was a hand-
10 written list or was it an electronic document of some
11 sort?

12 Q. Was it typed --

13 A. Yeah, it was a typed -- it was a typed list.

14 Q. As you understand it, why were the autism-
15 focused organizations your bailiwick?

16 A. Well, obviously, as I had stated, I had already
17 been having dialog with Autism Speaks on an unrelated
18 project we were working on, so I had had that contact
19 with them already and I had had that relationship with
20 them already, so it made sense for me to talk to them
21 rather than somebody who hadn't had those conversations
22 previously.

23 Q. When's the last time you spoke with anyone at
24 any autism-committed organization about the DAS?

25 MR. SCANLON: When you say "autism-committed

1 organization," was that including a theme park? Are you
2 referring to strictly things that are like 501 T3
3 organizations?

4 MR. DOGALI: I intended the latter in that
5 organizations who spoke as the membership is individuals
6 with an autism or cognizant members of their families.

7 Q. When's the last time you spoke with anybody
8 associated with them?

9 A. I have continued quick phone calls with -- with
10 the before mentioned Matt Asner. I also have some email
11 conversations or phone calls with Karen Thompson, who is
12 part of the Autism Speaks organization in central
13 Florida. I don't know if she's actually an employee, but
14 I know she's very much an advocate and is very active in
15 the Autism Speaks central Florida. And that's been a few
16 months.

17 THE REPORTER: I have to change paper.

18 MR. DOGALI: Okay.

19 (Recess taken.)

20 BY MR. DOGALI:

21 Q. The groups and persons you reached out to prior
22 to the release of the DAS --

23 A. Uh-huh.

24 Q. -- did that include Valerie Herskowitz?

25 MR. SCANLON: How do you spell that?

1 MR. DOGALI: H E R S K O W I T Z, I think.

2 THE WITNESS: It sounds familiar. Do you have
3 the -- the organization that she -- is she a
4 representative of an organization?

5 BY MR. DOGALI:

6 Q. National Autism Registry.

7 A. It does sound familiar, Andy. I don't know for
8 fact, but I believe that name sounds familiar and that
9 organization sounds familiar as one I talked to, but I --

10 Q. You don't recall --

11 A. -- none specific.

12 Q. Was the DAS beta tested or released in a limited
13 or focus group way prior to October 9, 2013?

14 A. There was no way for us to begin offering the
15 DAS in any kind of rollout, if you will.

16 Q. So it's "no"?

17 A. No.

18 Q. And because, as I understand it, it wasn't
19 really feasible to do it in a limited way?

20 A. That is my understanding.

21 Q. Were any other alternatives to the GAC released
22 before the DAS was released?

23 A. "Alternatives" meaning what?

24 Q. Other forms of what became the DAS.

25 A. Not -- not -- not that I'm aware of. I am aware

1 that during the GAC, when the GAC was available there
2 were -- there was some modification of the number of days
3 that it would be valid for a guest who was an annual
4 passholder, so the ability to have a DAS for a longer
5 period of time -- I'm sorry, a GAC for a longer period of
6 time, I'm aware, that sticks in my head that was
7 something that was worked on.

8 Q. While the DAS was being developed, did you
9 contemplate, personally, that it would have a disparate
10 impact for autism guests -- I'll rephrase the question.

11 Did you anticipate while the DAS was being
12 developed that it would have different impacts on
13 autistic guests depending on whether they were high
14 functioning, moderately functioning or low functioning?

15 MR. SCANLON: Objection to the question. It's
16 vague and ambiguous.

17 THE WITNESS: I think I'll go back to what I
18 said before. I think I knew, and I'm confident others
19 knew, that there would be those individuals who just
20 didn't like DAS because it was different. It was new, it
21 was different, and hence, that was the reason point we
22 made to contact many of these organizations, because it
23 was different and it was new and it was possible that
24 there would be those out there who say they don't like it
25 'cause it's different. It's not what they had been --

1 it's not what they had gotten or had service-wise before.

2 BY MR. DOGALI:

3 Q. My question was while the DAS was being
4 developed did you believe it would have a different
5 impact on high-functioning autistic guests than it would
6 have on low-functioning autistic guests?

7 MR. SCANLON: Same objection: vague and
8 ambiguous.

9 THE WITNESS: I -- I don't know that I thought
10 of it that way.

11 BY MR. DOGALI:

12 Q. So you don't know whether you thought that as it
13 was being released?

14 A. I knew that there would be guests, as I've
15 stated -- I knew there would be guests who didn't like
16 it. Based on experiences they may have had before under
17 the GAC, if they were people who had a GAC before, they
18 very well may not like the DAS. Depending on what kind
19 of access or what kind of service that they had under
20 your GAC the DAS would be different.

21 Q. Was it your understanding, just prior to release
22 of the DAS, that there would be a correlation between, as
23 you described it, people who would like it and the level
24 at which those people functioned on the autism spectrum?

25 A. I'm not understanding your question.

1 Q. Did you understand that people who function
2 highly on the autism spectrum were more likely to like
3 it, as you use the term, than other people on the autism
4 spectrum would?

5 MR. SCANLON: Objection to the technical and
6 nature of the question.

7 But if you can answer, go ahead.

8 THE WITNESS: I wouldn't connect the dots the
9 way you categorize it, no. I wouldn't have connected it
10 that way. I think it's fair to say that, you know, like
11 any disability, autism has, in my limited understanding
12 of it, has a range of -- of -- of severity, et cetera,
13 and I don't even wanna speculate, you know, what somebody
14 might speak about DAS and where they are on that
15 spectrum. Again, the feeling was that there were going
16 to be those individuals out there who were accustomed to
17 GAC who just plain don't like DAS because it's different.
18 And I'll also say that in some of the conversations I had
19 there were individuals who had already decided, before
20 even trying it, before even giving really in my purpose
21 of calling, before even giving me an opportunity to
22 explain what we were doing had already decided it was --
23 it was -- it was gonna be for them bad or it was gonna be
24 bad for their membership.

25 BY MR. DOGALI:

1 Q. Has the reaction of the autism community to the
2 DAS since its release been what you expected?

3 A. The community as a whole, I -- I don't know what
4 the reaction from the quote "autism community" is. I
5 know there are individuals who say they have autism. I
6 know there are individuals who say they have other
7 disabilities who say they don't like DAS. And there's
8 individuals with autism, other disabilities, who say they
9 really, really like DAS. So I've had both. I don't know
10 that I wanna say the community. "Community" implies
11 everybody, and that's not the case.

12 Q. Have you at any time perused any websites or
13 blogs or Facebook pages that relate exclusively to autism
14 for any purpose?

15 A. Well, during the course of my working with
16 Autism Speaks, obviously. I mean, I would visit the
17 website and, you know, try to -- during the creation of
18 our booklet, trying, you know, to see if I might
19 understand a little bit more how they -- you know, what
20 tools they have available for their memberships. In
21 creating that -- you know, the individuals we were gonna
22 call in some of those organizations -- my example will be
23 the Autism Society of America -- I went to their website
24 to see who I should call. Yes, I certainly visited
25 websites out there of all kinds of different

1 organizations, all kinds of different backgrounds.

2 Q. Have you reviewed any websites of social
3 networking pages and specifically reviewed member posts
4 or commentaries about the DAS?

5 A. Sure. I think that would be only the smart
6 thing to do, is to just try to get as much information,
7 feedback on what people are saying. I mean, I -- I have
8 phone calls. I have people call my office from time to
9 time with the -- you know, wanting to share their
10 thoughts, their opinions. Emails providing their
11 thoughts and their opinions. That happens all the time.
12 Not necessarily to DAS, but disabilities in general.

13 Q. When was the last time you reviewed any social
14 networking page relating to autism?

15 A. It's been several weeks.

16 Q. Is it your understanding that there exists any
17 blog or social networking page that's devoted to autism
18 that includes even a meaningful percentage of posters
19 which support the DAS?

20 A. I -- I'm not actively seeking that kind of -- of
21 information. I do check some of the sites from time to
22 time to just kind of see what's going on, or sometimes
23 folks will email me directly. I mean, let's face it, my
24 name is out there. People have the feeling that I am
25 the, you know, the guy at Disney that deals with

1 disabilities. So just by the nature of my title I do
2 receive a lot of emails and correspondence.

3 Q. Are you an actual subscriber to any social
4 networking page that's devoted to autism?

5 A. Not that I know of, no. "Subscriber" meaning
6 that I have gone and signed up, if you will?

7 Q. Yes.

8 A. No.

9 Q. Do you ever review Kim McClain's page for any
10 reason?

11 A. Kim McClain. I am aware of that name and I am
12 aware of some of the concerns she shared. I don't
13 recall, though, personally going directly to her page or
14 reviewing anything on her page. We don't have the
15 ability -- I don't have the ability in my role to get
16 onto some social sites through our IT network anyway.

17 Q. Is there anyone in the Disney organization
18 monitoring social networking posts related to the DAS?

19 A. I wouldn't be the best person to ask that
20 question to. I don't know. Obviously we have an entire
21 group that does internal and external communications. I
22 would imagine that part of their course of duties is --
23 is to monitor what the public is saying about anything
24 Disney, whether it's DAS or Magic Bands or that new hotel
25 or the new restaurant. I mean, there's folks who do

1 that.

2 Q. The group or individual who exists who's
3 reviewing public commentary, social networking commentary
4 about the DAS, is that individual within Thomas Smith's
5 group?

6 A. Smith. That name --

7 Q. Do you know who he is?

8 A. That name does not jump out at me. Thomas
9 Smith, I'm not familiar with who that is.

10 Q. I believe his title is Director of Social
11 Networking for the Disney parks.

12 A. Okay.

13 Q. Did you know there is such a group, whether
14 Mr. Smith heads it or not?

15 A. I didn't know that it was called that. I don't
16 know his name, but I -- as I said, with there being a
17 hundred and twenty thousand of us, I certainly don't have
18 the knowledge about everybody or every organization or
19 department within the company. But, I mean, I certainly
20 believe what you say, that it's an organization or
21 department that exists within the company. That would
22 makes sense that we have something like that.

23 Q. Have you ever received a report from anyone
24 about social networking outcry regarding the DAS?

25 A. I mean, I was aware that prior to the rollout of

1 DAS there was a -- there were individuals out there who
2 were not happy about what it was going to be. A report,
3 though? I don't recall seeing a report that I would have
4 received.

5 Q. Has Disney ever studied or analyzed the impact
6 of the DAS on different guests within the autism
7 spectrum?

8 MR. SCANLON: He's not appearing as a 30(b)6
9 witness.

10 I caution you to -- when you answer a question
11 that has Disney looked at something, given the size of
12 the company as you testified.

13 THE WITNESS: Ask your question again please.

14 MR. DOGALI: That's a fair objection.

15 Q. Have you become aware or reached an
16 understanding that Disney has ever studied the
17 differential impact of the DAS on different guests within
18 the autism spectrum?

19 A. No.

20 Q. If Disney's ever done that who would know?

21 A. I -- I'm only guessing on this, but that might
22 fall into the -- the Industrial Engineering scope of
23 responsibility since they do a lot of studies.

24 Q. It really is a guess on your part --

25 A. I'm guessing.

1 Q. -- or highly educated one?

2 A. It's a guess.

3 MR. SCANLON: Pure speculation.

4 BY MR. DOGALI:

5 Q. To your knowledge, did Disney -- strike that.

6 Outside the context of the GAC or the DAS, to
7 your knowledge, has Disney ever studied the impact of
8 meltdowns on the part of autistic guests on other guests
9 in the park?

10 A. No.

11 Q. If that's ever been studied who might know? It
12 would be a guess?

13 A. Guess.

14 Q. Okay. In terms of how the DAS accommodates your
15 autistic guests, are you proud of it?

16 A. Of how the DAS works? Absolutely. I think it's
17 a great tool. I think I mentioned it earlier. I mean,
18 to be able to virtually wait for attractions and be able
19 to use other stuff and be able to use FastPass, being
20 able to do other things while you're virtually waiting
21 for an attraction, I mean, it's a great tool for any
22 guest, whatever disability they might have, whether it's
23 something else. I mean, it's great. And I've had an
24 opportunity to, you know, experience it myself. So I've
25 had these conversations with the various organizations

1 telling them prior to the rollout about what DAS was
2 going to be, but a lot of that was based on what we
3 thought it would be. It wasn't available yet. We didn't
4 have rollout period, if you will. So being able to go
5 out and actually experience DAS after it went live for me
6 sort of validated what I was hoping would be the case,
7 and it worked great for me.

8 Q. Have you ever spent time touring the park with
9 an autistic guest?

10 A. No. But I will say that I have had
11 conversations with guests who have a family member with
12 autism. So although not personally walking around the
13 park with them, I did receive real-time feedback from
14 them about their experiences. In some cases that
15 feedback was given immediately at the end of their day,
16 not even waiting a couple of days, hearing about the
17 experience right at the end of the day. And that
18 happened pretty frequently.

19 Q. In connection with the DAS release, did Disney
20 produce, to your knowledge, any videos about how it would
21 work?

22 A. Videos of DAS? Not that I'm aware of.

23 Q. If Disney produced videos that were intended to
24 educate disabled guests about how to use the DAS and what
25 to expect when they got to the park, who would know?

1 A. I imagine somebody --

2 MR. SCANLON: Again let me just interject an
3 objection here, and a suggestion.

4 You may certainly -- if you think you have a
5 reason to believe someone may know I think you can answer
6 the question, but if it really amounts to pure
7 speculation I would advise you not to speculate.

8 THE WITNESS: Pure speculation. I am not aware
9 of a video, is my point. I am not aware of a video that
10 talked about how DAS worked. That's not something I'm
11 aware of.

12 BY MR. DOGALI:

13 Q. How sophisticated do you consider your own
14 knowledge of autism to be?

15 A. Limited.

16 MR. SCANLON: Compared to what? Compared to the
17 head of Autism Speaks?

18 MR. DOGALI: I just asked the question.

19 MR. SCANLON: Objection.

20 THE WITNESS: Limited.

21 BY MR. DOGALI:

22 Q. Do you know the customary age at what -- or most
23 common age at which autism is diagnosed?

24 A. No. And I'll make a point that I'm -- I'm not a
25 physician, I'm not a (SIC) ADA or a disability expert,

1 but I am good at my job as trying to make guests with
2 disabilities happy when they visit our property, being in
3 a customer service or a guest service role. So that's my
4 expertise, is trying to make people happy and explaining
5 the services that we offer for guests visiting one of our
6 theme parks or one of our resorts. That's my expertise.

7 Q. In the context of Disney's autistic guests, do
8 you know what a meltdown is?

9 A. Sure.

10 Q. What is your understanding of one?

11 A. My understanding of -- of what a meltdown might
12 be, and some of this obviously I gleaned during some of
13 these conversations I had during the creation of our
14 booklet. As I had mentioned earlier, I had had
15 conversations with individuals from Autism Speaks. A
16 meltdown is -- it's an outburst. It could be lots of
17 different types of outbursts, but it's a, you know, a
18 person with autism who -- autism who, you know, in
19 essence, can't take their environment at that moment any
20 longer and has an outburst or some kind of -- whether
21 it's screaming or crying or whatever it might be. I
22 mean, I think it varies. I don't think there's one kind
23 of meltdown, if you will, that exists. I'm speculating
24 again. Not being a physician, that's my limited
25 understanding of what a quote "meltdown" is.

1 Q. For an autistic person do you know what stimming
2 is?

3 A. No. I've heard the word but I don't know -- I
4 don't recall what it means.

5 Q. As the DAS was released, what training was
6 implemented for Guest Relations personnel on how to
7 implement it?

8 MR. SCANLON: Specifically Guest Relations
9 you're asking him?

10 MR. DOGALI: Yes.

11 THE WITNESS: It's -- it's my understanding that
12 they, as they do during the normal course of their
13 operation, they -- they -- they -- they were trained
14 using an operating guide that is -- was written to assist
15 them in any facet of their job. So in this case, leading
16 up to the rollout of DAS they received an operating guide
17 that talked about how -- how they would go about issuing
18 a DAS and the process they would go to -- to determine if
19 a guest received a DAS how the card would be populated,
20 et cetera.

21 BY MR. DOGALI:

22 Q. Did they attend any live presentations, seminars
23 or classes, about the DAS?

24 A. Yes.

25 Q. Who ran those?

1 A. It would've -- would've been the training team.
2 The training team. They're a large organization, but
3 it's the training organization.

4 Q. Who authored the material they presented?

5 A. I don't know who the author was.

6 Q. Was it you, in part?

7 A. Did I author the training materials? No.

8 Q. Did you provide input into how Guest Relations
9 ought to be trained to implement the DAS?

10 A. "Provide input" meaning what? Did I have a
11 chance to review the materials?

12 Q. Yes.

13 A. Yes.

14 Q. What form did they take in terms of booklet,
15 volume, pamphlet, the materials you described?

16 MR. SCANLON: Are you talking about what was
17 finally adopted?

18 BY MR. DOGALI:

19 Q. I apologize. Maybe I didn't follow you.

20 A. You're talking about the training materials?

21 Q. Correct.

22 A. The materials that Guest Relations used to train
23 their cast about DAS is what you're asking.

24 Correct?

25 Q. Right. And you reviewed that?

1 A. Correct.

2 Q. And I just -- can you describe? Was it a
3 binder?

4 A. It was -- well, so the operating guide exists
5 for the day-to-day operation of Guest Relations. It
6 includes everything that a cast member working in Guest
7 Relations needs to know being a Guest Relations cast
8 member. This was a part of that overall booklet. It was
9 like an additional piece of that overall training guide
10 or the operating guide.

11 Q. Some number of pages of additional text for the
12 guide is what it was?

13 A. Correct. It would have been a section within
14 the overall operating guide. As I said, the operating
15 guide is beyond DAS, beyond disabilities. As a Guest
16 Relations cast member you need to know that if today is a
17 guest's birthday you do this. You need to know how to
18 access the reservations system if you're gonna book a
19 dining reservation for a guest. So it's a very wide
20 range of information that's provided in the operating
21 guide.

22 Q. Now, what training was put into place for park
23 attraction operators regarding implementation of the DAS?

24 A. I would categorize it the same kind -- my
25 understanding, that it was done in the same way. It is

1 a -- it is a -- it's a series -- it's information that
2 was included in a larger operating guide for a particular
3 cast member in a particular work location.

4 Q. Was it required that ride operations personnel
5 learn that new material before October 9, 2013?

6 MR. SCANLON: Objection to the term "ride
7 operations personnel" as being vague, broad, and not
8 definitive.

9 THE WITNESS: I don't have knowledge of what the
10 time line was for the actual training, when -- when the
11 training was delivered and when it was completed,
12 et cetera, related to any other dates.

13 BY MR. DOGALI:

14 Q. Have you ever become privy to a complaint about
15 the impact of the DAS on autistic guests by a cast
16 member?

17 A. I mean, I -- as I mentioned, as the normal
18 course of my role I hear about lots of complaints, so
19 along the way would I have received a Complaint from a
20 cast member about a guest who says they have autism?
21 Sure.

22 Q. I -- I must've -- I'm sorry.

23 Have you become aware of any complaint raised by
24 the cast member as the complainant about the impact of
25 the DAS on your autistic guests?

1 A. I'm not aware. That's not normally how that
2 happens. I wouldn't -- if -- if a cast member had a
3 concern or a Complaint, if you will, about something like
4 that, they would -- it would be -- they would present it
5 as a guest, not as a cast member. So I don't know. I
6 mean, is it possible I talked to a guest at some point
7 along the way who actually turned out to be a cast
8 member? It's possible. But I -- I wouldn't wanna guess
9 which of the guests I spoken with are also Disney cast
10 members. Maybe there's some.

11 Q. Are you aware of any cast members who were
12 actually disciplined for voicing objections about the
13 impact of the DAS on autistic guests?

14 A. No.

15 Q. You've never heard of that happening?

16 A. No.

17 Q. Is a cast member subject to discipline for
18 giving an additional accommodation to an autistic guest
19 beyond the DAS?

20 A. Subject to discipline? I --

21 MR. SCANLON: Objection to the ambiguity of that
22 question.

23 THE WITNESS: I don't know. I -- I -- I don't
24 work in Guest Relations so I can't answer that. I don't
25 know.

1 BY MR. DOGALI:

2 Q. As you understand it, right now while we're
3 sitting here, over at Disneyland what authority or
4 flexibility does an attraction operator have to give an
5 additional accommodation to an autistic guest?

6 MR. SCANLON: Objection. To the extent that it
7 calls for a legal conclusion I object on that grounds.
8 And I also object on the grounds of no -- on personal
9 knowledge. You're asking him a lot of questions about a
10 work force that has a hundred and twenty thousand people
11 in it as if he's going to know all these things, and I
12 don't think he should be invited to guess about every
13 possible thing that could happen in a theme park.

14 BY MR. DOGALI:

15 Q. Do you understand my question?

16 A. Please ask it again.

17 Q. As we sit here today, what authority or
18 flexibility does an attraction operator have to give an
19 additional accommodation to an autistic guest?

20 MR. SCANLON: Same objection.

21 THE WITNESS: My understanding of the word
22 "accommodation," when I use the word "accommodation" I'm
23 always using it in the sense of pleasing a guest, making
24 a guest happy. So I don't wanna even speculate legally
25 about what the word "accommodation" means. When I'm

1 talking about accommodation it's making them happy. So
2 to answer your question, the explanation I just gave
3 around the word "accommodation."

4 Cast members are certainly encouraged to make
5 guests happy. That's what they do. That's their role.
6 Obviously their primary rule is to be safe and keep
7 guests safe, but their -- their other priority is to make
8 guests happy.

9 I guess what I'm saying is "accommodation," you
10 know, it -- they don't -- it's not required. It's not
11 legal -- we want to please the guest. They want to
12 accommodate the guest in the sense they want to please
13 the guest, and cast members will certainly go out of
14 their way to please our guests to make them happy.

15 Q. I'll give you a better, more precise example.
16 Hypothetically, based on what you understand the standard
17 operating procedures to be for accessibility of a
18 disabled guest, if someone today approaches a ride and
19 there's a one-hour wait and they have a DAS, does that
20 ride or attraction operator have the authority to at that
21 moment simply waive enforcing the DAS and let them on the
22 ride without waiting?

23 A. I -- I -- I don't have an answer to that.
24 I'm -- I'm not a manager in the operation, so I don't
25 have an answer to that. I don't know. I can just say

1 what I said earlier: certainly we empower our cast
2 members to make our guests happy, so whatever that might
3 mean, you know, based on what the guest is asking, based
4 on what the cast member does, whatever the situation
5 might be. But the goal is to make the guest happy.

6 Q. As the DAS was released, did you understand the
7 one form of making the guests happy at that time included
8 giving them additional FastPasses they could use along
9 with the DAS?

10 MR. SCANLON: Additional FastPasses?

11 MR. DOGALI: Yes.

12 THE WITNESS: I'm sorry, ask the question again.

13 BY MR. DOGALI:

14 Q. You used the term "making the guest happy."
15 I'm asking you back on October 9, 2013, and say a couple
16 of months thereafter, did you understand that one manner
17 in which Guest Relations made the guests happy was by
18 giving them FastPasses in addition to the DAS?

19 A. I -- I -- I am aware that they have, you know,
20 numerous options in their tool belts, if you will, when
21 working with any guest. Whether it's a guest with a
22 disability. Whether it's a guest who is asking about
23 DAS, or who -- whatever the situation might be, Guest
24 Relations has certain items and resources they can use if
25 they, you know, would like to or if they feel that the

1 guest is -- you know, something's presented itself where
2 the -- if the guest presents something where the Guest
3 Relations cast member feels that maybe the guest is
4 upset, maybe the guest has had a bad experience, maybe
5 just whatever reason the cast member feels sorry for the
6 guest, the cast member certainly has tools that they can
7 present to the guest, which could include, as you called
8 it, a FastPass or some kind of instant admission ticket
9 for a particular attraction or a particular show.

10 Q. To the extent grant granting additional
11 FastPasses to make a guest happy is one of those tools,
12 are you aware that the use of that tool has greatly
13 diminished over time since the DAS was initially
14 released?

15 A. I'm not aware of -- of that being the case. I
16 know that our Guest Relations partners have the ability
17 to offer assistance, a tool, including potentially
18 readmission, but I'm not aware of a number, a hard fast
19 number or anything that, you know, would imply that it's
20 diminished. I don't know.

21 Q. Have you become aware, at any time, from any
22 source since the DAS was released, that Disney became
23 concerned about the number of FastPasses that were being
24 doled out as a tool to make people happy and discouraged
25 Guest Relations from doing that?

1 A. I'm not aware of that.

2 THE REPORTER: Would it be possible to take a
3 five-minute break?

4 MR. DOGALI: Sure.

5 (Recess taken.)

6 BY MR. DOGALI:

7 Q. Does a person visiting the park today who goes
8 to Guest Relations to obtain the DAS have a photo taken?

9 A. Well, I wanna start off by saying obviously when
10 somebody goes to Guest Relations they aren't
11 automatically provided the DAS, so assuming that they,
12 based on their service need and based on what the cast
13 member's able to do for them, if they do receive a DAS,
14 having a photo of the guest or a member of the party is
15 certainly something we'd like to have. Now, there's a
16 way to not have a photo if -- if there's a feeling that
17 not having a photo is preferred, but having a photo of
18 either the guest that the DAS is for or a member of their
19 party is certainly -- are preferred.

20 Q. Why is having a photo preferred?

21 A. Well, as we talked about why when DAS even came
22 to be to start, there was widespread use with the GAC
23 card. Sometimes the abuse would include the card being
24 passed around between a party or passed between different
25 groups. Having the photo on the DAS connects that

1 service to that guest that the service is for.

2 Q. There are occasions -- and I'm not playing hide
3 the ball, I just hadn't heard of this. There are
4 occasions in which a photo for DAS purposes is actually
5 taken of a companion of the disabled guest and not the
6 disabled guest?

7 A. That is my understanding. Not being in Guest
8 Relations, but from what I understand, yes, that is
9 certainly a possibility.

10 Q. Since October 9, 2013, how many DASes have been
11 issued?

12 A. I don't have an answer to that. I don't know.

13 Q. How many are issued on a typical day?

14 A. I don't have an -- I don't know the answer to
15 that either.

16 Q. Is a record maintained by Disney of all the
17 DASes that have been issued?

18 A. "Record" meaning like a quantitative how many?

19 Q. Start there, yes.

20 A. I -- I -- I believe so, yes, that they -- that
21 is -- that is tracked, yes.

22 Q. Is that tracked by disability as well?

23 A. No. We would never do anything in that vein, of
24 trying to associate a certain disability, certain
25 category. That's not something we would ever do. We

1 certainly don't ask guests, either, about their
2 disability.

3 Q. Why not?

4 A. My understanding, not being a lawyer, is we're
5 not allowed to.

6 Now, obviously during the course of
7 conversations with guests many times guests will tell us,
8 if you will, their life story, but it's not something
9 that we require they tell us what their disability is.
10 The questions always focus service needs, "What service
11 do you need?" Again back to that customer service focus,
12 guest service focus, "What service do you need as a
13 guest?" whether you have a disability or not.

14 Q. Is a record still maintained by Disney of the
15 name and visit date of each person who received a DAS?

16 A. I believe the system -- the system is -- is
17 capable of doing that. What they -- what is done with
18 that information I don't know. And I know part of that
19 is to be able to -- for future. If a guest was to come
20 back again in the future and perhaps needed service
21 again, whether it was a DAS or something else, that it
22 would be -- as far as process goes it would certainly
23 expedite the process or expedite the conversation at
24 Guest Relations.

25 Q. Is that information available to your team,

1 services for guests with disabilities?

2 A. I don't know. I've never asked for it. I don't
3 know.

4 Q. For what purpose is that information kept?

5 MR. SCANLON: If you know.

6 THE WITNESS: I -- I -- I don't know. I know,
7 as I said a moment ago, that it allows the Guest
8 Relations cast member, if in the future a guest returns
9 or within the same visit or if it's a future -- you know,
10 six months down the road, being able to obtain
11 information about that guest in a little bit more of a
12 timely way. In this case if they had received the DAS
13 before and their DAS had expired, if you will, being able
14 to have quick record of what was issued or what was
15 available to the guest the first time around.

16 Q. What is a magic list?

17 A. I'm not aware of anything called a magic list.

18 Q. If a disabled guest goes to Guest Relations
19 today and is told, "You're already in our system" --

20 A. Uh-huh.

21 Q. -- is that the database or system of information
22 you just described?

23 A. I don't know that for fact. I do know that
24 Guest Relations, as well as other departments within the
25 company, do have a database that they use to capture

1 information about a conversation, perhaps, with a guest.
2 If it was a phone call with a guest. Whether it was done
3 in person. Information about the guest themselves. If
4 any recovery was offered to the guest. I don't know, the
5 guest had an ice cream cone and -- and spilled ice cream
6 on their shirt and it was gonna be a real awkward day for
7 them to walk around all day with a big ice cream stain on
8 their shirt, Guest Relations may offer them a free
9 T-shirt to replace the one that's gotten dirty. They
10 would wanna keep a record if they did that, so that's
11 where they would use this database to capture that kind
12 of information.

13 Q. Is the extent of any accommodation which might
14 be afforded a guest be on the DAS, such as FastPasses,
15 kept in the system?

16 MR. SCANLON: Objection to the use of the word
17 "accommodation."

18 But within that objection, you can answer if you
19 can.

20 THE WITNESS: So my definition of
21 "accommodation," meaning to please a guest who is
22 unhappy. You know, the information that is captured
23 is -- could be anything. Whatever information that the
24 cast member wants to record at that moment in time for
25 future if needed for another cast member to be able to go

1 in and see, "What did we do for this guest before?" If
2 anything.

3 BY MR. DOGALI:

4 Q. As you understand it, applying standard
5 operating procedures at Disney for guests with
6 disabilities, if someone receives a DAS and five
7 FastPasses, is the fact that they got the five additional
8 FastPasses recorded in the system?

9 A. It is my understanding that something like that
10 would be since it would be something outside of DAS. So
11 it was an extra -- you know, just like giving the guest
12 that T-shirt in my example. Giving the guest something
13 like that would certainly be captured in -- in a
14 database.

15 Q. Do you have an understanding of the term
16 "individualized assessment" that applies to disabled
17 guests?

18 A. "Individualized assessment." I can -- I can
19 speculate what I think that means.

20 Q. We'll get to that in a moment.

21 A. Okay.

22 Q. Do you have an understanding of that term as a
23 term of art?

24 A. Sure. I mean, I'm interpreting that to mean a
25 particular guest individual service request. That would

1 be my definition of that. Versus "assessment," which
2 somehow means -- when I hear that word I immediately leap
3 to we would be asking somebody to make a, perhaps, make a
4 medical determination and not being a doctor.

5 Q. Do you understand the standard operating
6 procedures that exist today for your disabled guests?

7 MR. SCANLON: I'm sorry, I didn't hear the part
8 about standard operating procedures.

9 BY MR. DOGALI:

10 Q. As you understand the standard operating
11 procedures that exist today for your disabled guests, if
12 they call in advance of their trip and ask what
13 accommodation will be provided, what are they told?

14 A. Well, I'll start with -- I mean, there's not a
15 standard operating procedure for disabled guests. I
16 mean, there is a standard process we have for any guest.
17 So there's not, you know, book A for disabled guests only
18 and book B for everybody else. There's a standard
19 process that all employees or cast members, you know, use
20 in their -- what their role is, if you will. What their
21 role and responsibility is. And it usually includes
22 language such as, you know, "customer Service is
23 priority." You know, "guests are No. 1." You know, "In
24 my own world customer is always right." You know, I'm in
25 that kind of guest service role where the customer is

1 always right. So within that -- that -- that world,
2 obviously depending on the inquiry, depending on the
3 question, the cast members are certainly going to do
4 their best to answer the question.

5 As it relates to DAS, DAS, like the Guest
6 Assistance Card that DAS replaced goes the issuance of
7 such tool was done on site with a conversation with a
8 Guest Relations cast member face to face, not done by
9 phone or some other means other than that face-to-face
10 interaction with Guest Relations. I wasn't even able to
11 issue a DAS. I would refer all guests to Guest Relations
12 for that conversation.

13 Q. I was asking about persons who call in advance
14 of their trip --

15 A. Uh-huh.

16 Q. -- and disclose they're disabled and want to
17 know what kind of accommodation will be provided for
18 them.

19 Is there a policy in place to not tell them
20 anything other than, "We'll discuss that with you when
21 you arrive"?

22 MR. SCANLON: If you know.

23 THE WITNESS: I would -- I would never -- if a
24 guest was to contact me and have that conversation, I
25 would certainly tell them everything I could about what

1 services exist based on what they tell me. Somebody
2 calling me saying, "I have a disability." I would wanna
3 know more. "Tell me what service you're seeking. Tell
4 me a little bit more about what you'd like to do when you
5 visit." "I have a hearing disability." Whatever the
6 disability, based on what they say would lead me to
7 provide as much information for them as I could.

8 Q. Even in advance of their trip?

9 A. Sure. Without promising anything. I think
10 that's important to note: I would never promise. For
11 example, I would never promise a DAS to a guest based on
12 a phone call with them.

13 Q. Does a group or committee exist that regularly
14 reviews complaints by disabled guests since the DAS was
15 released?

16 A. Regularly meets.

17 MR. SCANLON: I'm sorry, could you read that
18 back?

19 (The question was read by the reporter as
20 follows:

21 "Q. Does a group or committee
22 exist that regularly reviews complaints by
23 disabled guests since the DAS was
24 released?")

25 MR. SCANLON: Objection; vague and ambiguous.

1 THE WITNESS: I don't know. I don't know if
2 there's any group that meets specifically for that. I
3 know --

4 BY MR. DOGALI:

5 Q. Okay --

6 A. -- certainly various departments have meetings
7 on a regular basis about a whole host of things. You
8 know, I have a staff meeting every week, so I'm assuming
9 that other departments have meetings regularly.

10 Q. Since the DAS was released have you personally
11 participated in any meetings that were convened for the
12 purpose of discussing how it's working?

13 A. I mean, I -- I'm -- I'm trying to think of a
14 specific meeting, but certainly, I mean, we would be --

15 MR. SCANLON: Objection again to remind you
16 regarding the attorney-client privilege.

17 THE WITNESS: I think in anything that I do I
18 wanna know how things are going, so I'm always wanting to
19 know if a guest had a good experience. So I'm talking to
20 guests or somebody on my team is talking to a guest,
21 obviously we wanna know how things went.

22 BY MR. DOGALI:

23 Q. And what I intended to ask about is whether
24 there have been meetings of you and others which were
25 convened specifically to discuss how the DAS is working?

1 A. I -- I mean, I am a part of meetings that have
2 occurred since the rollout of DAS just to get an update
3 on things, and the specific topics discussed in the
4 meeting, as Kerry mentioned there was an attorney present
5 in all of those meetings as well.

6 Q. Approximately how many of them have there been?

7 A. I don't know how many meetings that have
8 actually taken place. I have been from time to time in
9 those kinds of meetings. For my own purposes maybe once
10 a month, something like that. I don't know how many
11 meetings are happening without me present, but those are
12 the ones that I've been a part of.

13 Q. Are minutes of those meetings kept?

14 A. I don't know. I don't -- I'm trying to think if
15 I...I have not seen the minutes.

16 Q. Were any notes disseminated after those meetings
17 about what went on?

18 A. I'm not sure. I don't know.

19 Q. If a disabled guest writes to Disney after a
20 visit to complain about their experience, under what
21 circumstances does that complaint hit your desk?

22 A. All correspondence that comes in from guests,
23 whether it's a phone call, whether it's an email, those
24 generally go through our Guest Correspondence team. They
25 are the point of contact for guests with -- with

1 inquiries: letters, phone calls after the fact. In some
2 situations, depending on the content of the -- the letter
3 and the response back to the guest, if it contains
4 certain topics I might be copied on those responses and
5 those letters. And conversely, if I receive an email
6 from a guest, you know, expressing feedback, whatever it
7 might be, I always forward that correspondence off to
8 Guest Correspondence to reply to the guest on the
9 company's behalf since they are the official point of
10 contact for that kind of correspondence.

11 Q. When a communication comes directly to you, you
12 include that group?

13 A. Correct.

14 Q. When a communication comes to that group, as you
15 understand it, under what circumstances do they include
16 you?

17 A. Many times if it includes things related to
18 services for guests with disabilities. The guest tells
19 in their letter that they have a disability, they divulge
20 they have a disability, many times I'll receive those
21 kinds of -- be copied on those kinds of notes.

22 Q. Do you on occasion advise the Guest
23 Correspondence people as to how you recommend they
24 respond?

25 A. I don't -- many times in these kinds of -- of

1 notes I am copied on the --on the outcome. So the letter
2 was written, the letter was replied to, I am copied that,
3 "This guest has been replied to" or there has been some
4 contact back to the guest.

5 Q. That typically occurs without your consultation?

6 A. Correct.

7 Q. Is there a central record kept of all such
8 complaints?

9 A. Complaints or -- or letters, or what do you
10 mean? Is there a database of all correspondence that
11 guests have with the company?

12 Q. I'm asking here about correspondence they have
13 with the company for the purpose of complaining about
14 their DAS experience --

15 A. Uh-huh.

16 Q. Is there a database of that?

17 A. As I mentioned, all correspondence goes through
18 Guest Correspondence. I would only assume that they --
19 they -- they have the information. How they categorize
20 it or how they might bucket it, I don't have the answer
21 to that. I don't know.

22 Q. How many guests have complained about their DAS
23 experience?

24 A. I don't have an answer. All I can do is to
25 speak to my own personal experiences of those who have

1 reached out to me personally. Or through some of the --
2 the correspondence I've seen I've seen guests who don't
3 like DAS. I've seen guests who, you know, they don't
4 like DAS as compared to the GAC. I've seen, though,
5 plenty of notes from guests who say, "Hey, I really like
6 DAS as -- as -- as a tool. It really helps me out." So
7 I've seen both.

8 Q. Do you recall such communications from guests
9 about, "The DAS did not work for my family because my
10 child is severely autistic and here is why it did not
11 work"?

12 A. I -- I'm -- I'm confident I've seen notes like
13 that where guests have said they didn't like it. They've
14 said that they felt that it didn't meet their needs "and
15 here's why." Sure, I've seen those kinds of emails.

16 Q. How many have you seen like that?

17 A. I -- I don't wanna put -- I mean, I don't wanna
18 put a number on it. I don't know. Certainly during the
19 normal course of my role I see lots of correspondence,
20 but I don't know what number that is. I don't even wanna
21 guess on percentages. I think it's fair to say that, you
22 know, many times people will write letters for anything
23 in life be more likely to write a letter when something
24 doesn't go well than when it does go well. So the fact
25 that I've received a fair number of letters or I've been

1 copied on a fair number of letters where a guest said,
2 "Hey, this really went well for me," I think this speaks
3 volumes to what the service is, that guests are even
4 writing to tell us that it was wonderful.

5 Q. How many of those have you seen?

6 A. Again, I don't wanna put a number on it. A fair
7 number of those.

8 MR. DOGALI: I'm sorry, bear with me a second.

9 MR. SCANLON: No problem.

10 (Pause in proceedings.)

11 BY MR. DOGALI:

12 Q. Since the DAS was released has the number of
13 disabled guests who visit the parks diminished?

14 A. I -- I have no knowledge of any numbers going up
15 or down. I don't -- I don't know. I think we can all --
16 you could look at our -- our stock report and whatever
17 and see that the theme parks attendance-wise are doing
18 very well and a lot people love coming to the Disney
19 park, so I don't want to direct connect more or less
20 people with disabilities coming after DAS rolled out. I
21 don't know.

22 Q. As I understand it the entire purpose of your
23 department is to address services for disabled guests.

24 A. Uh-huh.

25 Q. Is it your understanding that in the last 15

1 months the number of guests for whom your department
2 exists is on a downward trend?

3 A. No.

4 Q. How many disabled guests attend the park a day?

5 A. I don't know. We -- we don't even track that.

6 Q. When a guest visits Guest Relations -- let's
7 start for any purpose -- are they on video?

8 A. On video?

9 Q. Yes.

10 A. I don't think so. I -- I don't know. I don't
11 think so, though.

12 Meaning cameras mounted in Guest Relations that
13 videotapes the interaction specifically --

14 Q. Yes.

15 A. -- to the audio and the whole part of the
16 interaction?

17 Q. Yes.

18 A. I don't think so. I don't know. I don't think
19 so, though.

20 Q. There's video cameras that record the entrance
21 area to the parks.

22 Is that true?

23 A. It's not my expertise but I think so.

24 Q. Who heads Guest Relations at Disneyland?

25 A. Let me think about who that would be.

1 Q. And it's not a memory quiz. I could probably
2 find that out. I just --

3 A. The overall leader would be -- who is also the
4 director of the -- General Manager of the Park Operations
5 would be Julio Badin, B A D I N. He is the General
6 Manager of Disneyland Park Operations and is also the
7 overall director of the shared Guest Relations area at
8 both Disneyland Park and Disney California Adventure
9 Park. There is a single Guest Relations team at
10 Disneyland Resort that works in both parks, so it's a
11 single large team that is in both locations under one
12 director.

13 Q. Who holds the commensurate position at Walt
14 Disney World?

15 A. Each -- each of the theme parks at Walt Disney
16 World has their own General Manager of Operations like
17 Julio, so that would be, if you will, four separate
18 individuals who under them have operations leaders and
19 area leaders and guest service managers and cast members.
20 There's -- underneath that director role would be
21 operations managers, area managers, guest service
22 managers, and then the hourly -- hourly employees. In
23 this case, the Guest Relations front line cast member.

24 Q. It would be -- for each of those parks it would
25 be that General Manager of Park Operations who's

1 ultimately responsible for Guest Relations?

2 A. That is -- yes. My understanding is yes.

3 And in each of those situations they report to a
4 vice president of that particular theme park.

5 Q. How many guests who have complained about their
6 experience under the DAS have received a refund?

7 A. I don't have the answer to that.

8 Q. Any?

9 A. I don't know.

10 Q. Have you ever recommended that?

11 A. Recommended what?

12 Q. That a refund be granted to a guest who
13 complained about their experience under the DAS.

14 A. I don't recall offering that as a -- as a tool
15 or a solution.

16 And that is, by the way, very much an
17 operational-type decision anyway, so I wouldn't
18 necessarily be the one consulted on something like that.

19 Q. Since October 9, 2013, how has the DAS changed,
20 if at all?

21 A. Since -- you're talking about since it rolled
22 out?

23 Q. Yes.

24 MR. SCANLON: Objection to the breadth of that
25 question.

1 THE WITNESS: Yeah, would you mind being more
2 specific about what you mean by "changed"?

3 BY MR. DOGALI:

4 Q. What does "DAS" stand for?

5 A. It stands for Disability Access Service.

6 Q. Whatever the Disability Access Service is, has
7 it changed since October 9, 2013?

8 MR. SCANLON: Objection.

9 THE WITNESS: I don't know what you mean by
10 "changed." As far as the way it's being delivered? The
11 way guests -- you know, I don't know. I'm not sure --
12 I'm not sure what you're asking. I think what I'll say
13 is guests have had an opportunity to use it now, and
14 that's something that we were certainly encouraging prior
15 to the rollout for those guests who were -- who had
16 already determined, even before using it and before
17 allowing us to explain what it was going to be, those
18 guests who had already assumed that it was not going to
19 be something that would be good for them, folks began to
20 use the tool, use the DAS as it was designed. So I think
21 the change, if you will, is guests being able to now
22 understand how it works and have an opportunity to use it
23 and -- and understand the valuable tool that it is. I
24 think what also has changed is, you know, within Guest
25 Relations, for those guests who come on a frequent basis

1 the initial conversation that Guest Relations had with
2 them around the rollout time was a very much more
3 detailed conversation because it was new. Guests were
4 hearing about this for the first time, so the cast
5 members had to explain the service a little bit more
6 detailed to them. But at a park like Disneyland you get
7 folks who are regulars, come very often. After hearing
8 that explanation initially, coming back later their --
9 their -- their knowledge about what DAS was was there, so
10 they are just now seeking a new DAS card, if you will,
11 for their current visit.

12 BY MR. DOGALI:

13 Q. Have the characteristics of a guest to whom a
14 DAS will be given changed since the rollout?

15 A. It is -- it is my understanding that there was a
16 clarification made to the cast members at Guest Relations
17 that guests with mobility disabilities, and that was
18 their only service request was that they needed to be
19 able to access attractions because they used perhaps a
20 wheelchair or a scooter, there was a clarification to the
21 Guest Relations cast that those individuals, much like
22 under GAC, those individuals because of their apparent
23 disability really didn't need a DAS. So that would be --
24 I guess to answer your question, that would be perhaps a
25 change, is the clarification to the cast, as it should

1 have been from the beginning, that people with mobility
2 disabilities and a device of some sort -- wheelchair or
3 scooter -- they don't -- they don't need the DAS, unless
4 they have additional circumstances that might warrant the
5 DAS being something they need.

6 Q. Are any changes in how the DAS is implemented,
7 granted or explained currently contemplated?

8 A. Not that I'm aware of.

9 And I'll mention -- just reminding myself --
10 another change is that the Disneyland Resort is how the
11 DAS is issued, if you will. The DAS at Disneyland, much
12 like Walt Disney World, began as a -- a -- a hand-
13 written -- you know, a card which was printed with some
14 preprinted information on it, but then the actual
15 population of the return times and some of that other
16 information was done by hand. Disneyland now offers the
17 DAS, if you will, service in an electronic format, so
18 that would be another change.

19 Q. Do you ever read among -- among those complaints
20 that have come your way from a member of a family with
21 autism who have complained about how the DAS operates for
22 them, have you ever thought to yourself upon reading that
23 that person raised a valid point?

24 A. Not that I -- not that I recall. Not an
25 instance that I recall.

1 MR. DOGALI: I have to change paper now.

2 MR. SCANLON: Okay.

3 MR. DOGALI: Off the record.

4 (Discussion off the record.)

5 (Luncheon recess taken from 12:45 P.M. until
6 1:05 P.M.)

7 BY MR. DOGALI:

8 Q. I'm going to show you some communications that
9 relate specifically to Donna Lorman.

10 If you can mark that as Exhibit 1 and let the
11 witness take a look at it.

12 (Exhibit 1 was marked for identification
13 and is annexed hereto.)

14 BY MR. DOGALI:

15 A. And after you've had a chance to review that my
16 first question's going to be do you recognize it.

17 MR. SCANLON: What exhibit is it? 1?

18 MR. DOGALI: 1, yes.

19 (Pause in proceedings.)

20 Q. Do you recognize this?

21 A. I do not recognize this document. I do
22 recognize the content of this that I received from Donna
23 in email.

24 Q. Do you recall receiving it promptly after you
25 had had a phone discussion before it was annotated with

1 any additional comments that it was this document
2 supposedly reflecting your conversation?

3 A. No.

4 Q. So you only saw it with later annotations?

5 A. The first -- the first time I saw -- so the
6 conversation I had with Donna was prior to the rollout of
7 DAS, so that would have been -- I believe she put on here
8 October 1st, and I think that's probably right. The --
9 the information -- this content, if you will, that came
10 to me in an email form I received on or around the 19th
11 or the 20th of December.

12 Q. Were you aware prior to that time that promptly
13 after your conversation she had communicated this widely
14 throughout the autism community?

15 A. No.

16 Q. And if I can beg your indulgence, I'll go
17 through it a little bit and -- and identify where she may
18 accurately have recorded what you may have said and where
19 you believe maybe she did not.

20 A. Okay.

21 Q. The first paragraph reflects that you called her
22 that morning.

23 That's true -- right --

24 A. Uh-huh.

25 Q. -- you testified to that.

1 MR. SCANLON: You have to say "yes."

2 THE WITNESS: Yes. I'm sorry.

3 BY MR. DOGALI:

4 Q. Then indicates that you're the one who is
5 actually in charge of this process.

6 A. Correct.

7 Q. If this process is rollout of the DAS, who is
8 that? Who would have been the person actually in charge?

9 A. The person in charge? I would say that the
10 project manager for the Disability Access Service. I
11 would -- I would say Allison Armor would be, if you will,
12 the quote "person in charge" end quote. Obviously there
13 were many other persons that she had worked with, but
14 that's who I would say is quote "in charge."

15 Q. She then indicates "here's the gist of our
16 discussion" and lays out these nine enumerated points.

17 First one is a release date. "These procedures
18 will assist those with disabilities."

19 That's accurate, paragraph 1?

20 A. Sentence No. 1. Yes, based on the conversation
21 I had with her on October the 1st that was the date I was
22 told this was going to be available, yes.

23 Q. Is paragraph 2 accurate?

24 A. No.

25 Q. Did you say that?

1 A. No.

2 Q. Do you recall any aspect of the conversation
3 about that issue which she may have misconstrued?

4 A. I'll preface that with when I made contact with
5 Donna and began to have this conversation with her -- as
6 I said earlier in my deposition, I had this conversation
7 with many individuals from many different organizations,
8 so this conversation with Donna was a conversation that I
9 had with others, making sure that I was -- was providing
10 the correct information -- it was apparent to me at the
11 get-go that Ms. Lorman did not think what we were doing
12 with the DAS was going to work for her own child as well
13 as people that she represented from her organization, so
14 she made that clear to me really before I even was able
15 to start talking about anything. She, if I remember
16 correctly, stated that she had heard or she had read or
17 somebody had told her through all of the unofficial
18 communication that was out in the world already about
19 what we were doing that based on what she had read
20 already, even before us announcing anything, that it
21 wasn't going to work.

22 Q. What she recited there in paragraph 2, if she
23 raised to you this idea that, "I don't think this is
24 going to work," did you acknowledge that she might be
25 right?

1 A. Acknowledge that she might be right? I believe
2 the conversation focused on what the DAS program was
3 going to do, the fact that it was going to be replacing
4 the Guest Assistance Card, and making sure when she
5 immediately balked at the idea of it being something that
6 would work or be good or it would make her audience
7 unhappy or mad as opposed to the GAC, I absolutely put on
8 my the customer's always right hat and, you know, told
9 her that we're gonna work individually with guests to try
10 to certainly make everybody happy if we can. That was a
11 point I continued to make, about working individually
12 with guests to try to make them happy as best we could.
13 If -- if there was a feeling that the DAS itself did not
14 work or was an issue, was a problem, we would certainly
15 work individually with guests to try to make them happy.

16 Q. The third enumerated paragraph starts with, "The
17 card/pass will be changing."

18 Did you say that to her?

19 A. I'm -- I'm sorry, where are you looking?

20 Q. Paragraph 3.

21 A. Oh, I'm sorry, No. 3.

22 Well, it was obviously changing. I mean, it was
23 changing by name, and it was changing the way it looked,
24 and it was changing in the way that it was -- in the way
25 the guest used it. So yes, it was changing.

1 Q. You mean the DAS was changing from the GAC?

2 A. Correct.

3 Q. Did you tell her that the DAS itself would
4 continue to evolve?

5 MR. SCANLON: Is that in here?

6 THE WITNESS: Yeah, I don't see that.

7 MR. SCANLON: Are you reading from something in
8 here?

9 MR. DOGALI: I'm asking the witness a question.

10 MR. SCANLON: He's not asking you about this
11 document now, even though I thought he was.

12 THE WITNESS: I'm sorry ask your question and
13 I'll look in here.

14 BY MR. DOGALI:

15 Q. The first six words, "The card/pass will be
16 changing" --

17 A. Uh-huh.

18 Q. -- you understand that to mean it's changing
19 from what it used to be?

20 A. Correct.

21 Q. And not that after October 9 it will still
22 change?

23 A. That's correct. I -- I -- I -- at the time of
24 this conversation I had no way of knowing what was gonna
25 happen after October 9, other than that was the day this

1 was rolling out based on information I had during my
2 conversation with Donna.

3 Q. Did you tell her that after October 9 it was
4 likely that DAS would still be changing?

5 A. I don't believe I would've said "likely." It is
6 possible I said, "Like with everything else that we do,
7 we will always look at our offerings for our guests with
8 disabilities."

9 Q. Look, if you would, at paragraph 4 for a moment.

10 A. Uh-huh.

11 (Pause in proceedings.)

12 Q. Was at least the first sentence true, there was
13 going to be an imminent announcement to the Public?

14 A. In my recollection, yes.

15 Q. The second sentence indicates that communication
16 would be for the masses, not for the exceptions.

17 Did you say that?

18 A. (Witness shakes head from side to side.)

19 MR. SCANLON: You have to answer.

20 THE WITNESS: No.

21 BY MR. DOGALI:

22 Q. Do you recall any discussion with her of a
23 differentiation between 90 percent of persons on an
24 autism spectrum and another 10 percent with cognitive
25 disabilities for any reason?

1 A. In looking at -- at No. 4, the piece you're
2 talking about, the percentages, the 90/10, I -- I would
3 never have, nor did I with her, give any numbers like
4 that. There would be no way for me to know that. I
5 wouldn't have ever given that as a fact, because I don't
6 know the answer to that.

7 Q. Do you --

8 A. I am -- I am -- I am confident the conversation,
9 though, did focus on that the DAS was going to be
10 available for our guests and that we would work
11 individually with those guests who feel or felt the DAS
12 was not meeting their needs.

13 Q. Did you and she have any discussion about less
14 individualized discussion being needed for high-
15 functioning autistic guests versus others?

16 A. That discussion meaning happening at Guest
17 Relations?

18 Q. Sure.

19 A. No.

20 Q. Did you have any discussion with her about how
21 certain members of the autism community as guests might
22 be accommodated by the DAS versus others that might not?

23 A. Well, the context of me talking to Donna was
24 Donna was a representative of an autism organization, so
25 in talking to Donna I was focusing on talking to her

1 about the organization in which she had a knowledge of.
2 So in the course of our conversation I certainly would
3 have told her, "There are potentially people within your
4 organization or people that you work with who aren't
5 going to be happy about this because it's different than
6 the way it used to be. Absolutely going to be different.
7 So we wanna work individually with those guests once they
8 visit with us at Guest Relations and we're able to
9 explain this process to them, be able to work with them
10 individually. If they feel they need something else, if
11 they feel they need additional information, whatever that
12 might be, we wanna do that individually. We don't want
13 to presuppose anything."

14 Q. Did you have any discussion with her at all
15 about guests with high-functioning autism versus others?

16 MR. SCANLON: Asked and answered.

17 THE WITNESS: I -- I don't recall.

18 BY MR. DOGALI:

19 Q. Did you have any discussion with her at all
20 about guests with Asperger's versus others?

21 A. I don't recall. I'm trying to recall. It is
22 certainly possible that during the course of her
23 conversation with me she may have asked if I had talked
24 to anybody else, if I talked to any other organizations
25 who else was I talking to. It is possible during the

1 course of that I might've said that I've spoken to folks
2 from other competing, if you will, autism or Asperger
3 organizations.

4 Q. Take a look at paragraph 5, if you would.

5 A. Uh-huh.

6 (Pause in proceeding.)

7 Q. The first clause indicates, "For children with a
8 diagnosis of autism" -- the parenthetical "(not Aspergers
9 or High Functioning Autism as they believe that the new
10 system will work for them)" -- end paren -- "you can
11 expect the following."

12 Just that concept there in that clause, did she
13 just make up the fact that the two of you talked about
14 Asperger and high functioning and Disney believes the new
15 system will work for them?

16 A. I -- I -- again, I would not have connected any
17 of those dots for her. It is possible that those dots
18 were connected based on other things I mentioned about
19 other organizations I may have talked to. And again, I'm
20 not -- I'm not a lawyer. I'm not a doctor. I don't try
21 to presuppose my knowledge about autism is -- is that
22 great. So for me to even try to categorize that somebody
23 who's diagnosed with autism is gonna get this absolute
24 service, I wouldn't say that or I wouldn't know that. I
25 wouldn't have any way of knowing that. So

1 differentiating those kinds of things, I would certainly
2 not have even gone down that road with him.

3 Q. So in paragraph 5 we have this language, "For
4 children with a diagnosis of autism" --

5 A. Uh-huh.

6 MR. SCANLON: Where? Where in paragraph 5?

7 Oh, I see. At the very beginning. Okay.

8 BY MR. DOGALI:

9 Q. -- and it introduces the series of
10 subparagraphs. "You can expect the following:" The
11 first being "individually assist guests based on their
12 needs."

13 Do you see that?

14 A. Yes.

15 Q. Did you tell her that?

16 A. I would've certainly mentioned that during the
17 course of our conversation and me explaining the DAS
18 program to them, sure. As I stated, though, the first
19 sentence of No. 5, the one that begins "for children with
20 a diagnosis," I would not have presupposed anything like
21 that to imply that people with autism would or would not
22 get DAS. I -- I wouldn't know that. The DAS is not
23 driven by a particular disability, it's driven by service
24 need.

25 MR. SCANLON: So I think any question about

1 5.a., b., c. d. or e. has to be asked in a -- in a
2 restricted way because he doesn't agree with the premise
3 of all those questions, which is that they were -- that
4 they could quote "expect the following."

5 BY MR. DOGALI:

6 Q. Is it your understanding that what's mentioned
7 there in a., that park personnel are individually
8 assisting autistic guests based on their needs, is that
9 happening?

10 MR. SCANLON: In a.?

11 MR. DOGALI: At some point in time the witness
12 actually has to be the answerer of some of these.

13 MR. SCANLON: I don't see the language you just
14 referred to in a.

15 BY MR. DOGALI:

16 Q. Are you reading a., Mr. Jones?

17 A. Are you saying under No. 5?

18 Q. Yes.

19 A. The letter a. --

20 BY MR. DOGALI:

21 Q. I will rephrase my question --

22 A. Uh-huh.

23 Q. With respect to autistic children, is it your
24 understanding that they are being individually assisted
25 based on their needs?

1 A. Are autistic children disabled?

2 Q. I don't know. I asked you for an answer, not a
3 question.

4 A. Okay. Well -- well, assuming that somebody with
5 autism is needing a service, and assuming they have a
6 disability, then -- then certainly Guest Relations is
7 going to work with them individually. They're not going
8 to only help somebody with autism and not help somebody
9 in a wheelchair. Not -- they're going to help anybody
10 with a question, whether they have a disability need or
11 not. And that service is going to be offered
12 individually and not categorized just because somebody
13 might say they have a particular disability. The service
14 that they might receive is not based on because they have
15 a certain disability, it's based on what service they
16 need or request from Guest Relations.

17 And again, back to -- I was speaking to
18 Ms. Lorman knowing she represents an organization for
19 people with autism. She's not representing those with
20 cerebral palsy or blindness, her organization is an
21 autism organization. That is her knowledge base.

22 Q. Read the subparagraph 5.b., if you would.
23 Apparently her efforts to recount what you and she
24 discussed.

25 (Pause in proceedings.)

1 Does paragraph 5.b. accurately do so?

2 A. It says, "You will be asked: what do we need to
3 do to make this trip successful for you?"

4 That is absolutely part of the -- the -- the
5 dialog that Guest Relations would have with any guest.
6 It's not asking about the disability, it's asking about
7 what service that we -- "What service are you seeking?
8 How can we help you with that particular service? How
9 can we make this trip successful? How are you gonna make
10 you happy at the end of the day?" That's absolutely what
11 Guest Relations was doing and continues to do today.

12 Now, the example that they gave here, that is
13 not something I said. From what I understand from --

14 MR. SCANLON: I think that's the only question,
15 whether you said it or not.

16 THE WITNESS: Okay.

17 No, I did not say it.

18 BY MR. DOGALI:

19 Q. Did you discuss at all the concept of the repeat
20 rider disabled guest?

21 A. As I've already stated, Ms. Lorman, in my
22 opinion, came into this discussion that I had with her
23 already having made up her mind about the service. She
24 began to present to me what ifs. "What if --" you know,
25 "What if somebody?" "What if they have to ride in a

1 certain order?" Whatever exactly she stated I can't
2 remember. Whatever example she gave to me the answer she
3 received back is, "You're gonna have that conversation
4 with Guest Relations. They're gonna try to work
5 individually with you to make your trip a successful and
6 happy one. Whatever they are able to do for you they're
7 gonna try to do for you."

8 Q. Okay. Do you have a specific recollection that
9 one of those examples she tossed out to you was a repeat
10 rider guest?

11 A. It's certainly possible she asked about that,
12 sure.

13 Q. You don't specifically recall whether she did?

14 A. I don't specifically recall if she did, no.

15 Q. And the same question: Do you specifically
16 recall whether she raised the notion of a guest which
17 would need to experience the park in a certain order?

18 A. I don't recall if she stated that or not.

19 Q. Okay. Take a look, if you would, at 5.c.?

20 A. Uh-huh.

21 (Pause in proceedings.)

22 Q. Does 5.c. accurately reflect your conversation
23 with Ms. Lorman?

24 A. No.

25 Q. In what respect?

1 A. You would need to go to Guest Relations for --
2 depending on the kind of ticket media you had or
3 depending on the kind of frequency you visited the park.
4 So my example is if you had a -- a five-day hopper
5 ticket, five-day hopper theme park ticket, you would not
6 need to go to Guest Relations every day. If you did
7 obtain a DAS, perhaps on your first day, you would not
8 need to go to Guest Relations every day. The DAS would
9 be valid, if you will, for your length of stay, whatever
10 length of stay that is. And if you were an annual
11 passholder, which, of course, there are many who are
12 annual passholders, there was also going to be some
13 parameters around how long the DAS would be valid before
14 it would need to be quote "renewed." And that has been --
15 I know that has been looked at over time. And so that is
16 currently being looked at as far as ensuring that guests,
17 once they have the initial conversation with Guest
18 Relations, they have something that will work for them
19 for a long period of time.

20 Q. There's another parenthetical in this paragraph
21 5.c.

22 A. Okay.

23 Q. If visiting Guest Relations. "(This might
24 change but as of today, you will have to report to Guest
25 Relations.)"

1 A. Uh-huh.

2 Q. Was that aspect of the DAS in any state of flux
3 at that time?

4 A. At that -- at the time of this, not that I knew
5 of. I know that there had been certainly conversations
6 about the point of issuance, and if that was going to be
7 Guest Relations theme parks could that be done at a guest
8 service location at a resort. You know, were there other
9 options out there? You know, those kinds of things were
10 being talked about, and lot of this was talked about
11 outside of my role, but that was my understanding at the
12 time of this phone call.

13 Q. Take a look, if you would, at paragraph 5.d.?

14 A. Uh-huh.

15 (Pause in proceedings.)

16 Q. Does that paragraph accurately reflect what you
17 and Ms. Lorman discussed?

18 A. No.

19 Q. In what respect?

20 A. I think as I had -- had indicated earlier, the
21 photo of the person on the card could be the person that
22 the card is intended for, but if for some reason there
23 was a feeling that that should not be the person on the
24 card it could certainly be another member of the party.
25 Guest Relations could also, in certain circumstances, if

1 there was a feeling a photo was inappropriate or the
2 family didn't want a photo, whatever, there was also
3 another option to not have a photo on the card.

4 Q. And the option of not having a photo, do you
5 remember discussing that with Ms. Lorman and she just
6 left it out, or --

7 A. I don't -- I don't recall. I mean, it would
8 certainly have been something I would've mentioned if the
9 question was asked. Quite honestly, with the individuals
10 I spoke with around this topic I -- I don't recall it
11 being a question that came back.

12 Q. Does paragraph 6 accurately reflect your
13 conversation with Ms. Lorman?

14 (Pause in proceedings.)

15 A. No.

16 Q. In what respect?

17 A. The way this is written, to me makes it sound
18 like the cognitive guide was created specifically because
19 of DAS and the rollout of DAS, and that's not accurate.
20 As I stated earlier, I had been in discussions and
21 conversations well before my involvement in DAS in
22 creating a booklet that would be a helpful tool for
23 somebody with a cognitive disability visiting the parks.
24 That document, as it continued to develop and -- and get
25 to a final state, was something that we did make

1 available during this time period of the DAS rollout.

2 Q. Timewise, did its release coincide with the
3 release of the DAS?

4 A. "Coincide" meaning what --

5 Q. Same day.

6 A. -- same day?

7 I don't believe so. I don't know the answer to
8 that.

9 Q. Review, if you would, paragraph 7.

10 A. Uh-huh.

11 (Pause in proceedings.)

12 Q. Does that accurately reflect something you would
13 have told her?

14 A. I think it -- it -- in -- in -- in a way it --
15 it does. Meaning, as I stated earlier, you know, I
16 and -- and my -- my Guest Relations colleagues certainly,
17 you know, we -- we wanna do the right thing for our
18 guests. We wanna make guests happy. And, you know,
19 that's the business that we're in. So they're certainly
20 going to try to do what they can to assist any guest with
21 any question, whatever it might be, whether it's DAS or
22 something unrelated.

23 Q. Paragraph 8.

24 A. Uh-huh.

25 Q. When you've had a chance to review that I'll ask

1 the same question: Does it appear to accurately reflect
2 the discussion you had with Ms. Lorman?

3 (Pause in proceedings.)

4 A. No.

5 Q. In what respect?

6 A. Well, again, because I was talking to Ms. Lorman
7 and Ms. Lorman was representing -- representing an
8 organization that focused on autism, I certainly made her
9 aware that we had been training our cast members in how
10 the new DAS process would work out and how they would
11 assist our guests with any disability, including, in her
12 case, her audience: those with autism.

13 Q. I'm not sure I understand. Is the idea that you
14 would not have specifically told her, "They've been
15 specifically trained about assisting those with cognitive
16 disabilities"?

17 A. Correct, they would not have been trained.
18 There was not a (sic) autism cognitive training that
19 anybody received. They received the general training
20 about DAS and using DAS and issuing DAS for guests with
21 disabilities, whatever that disability might be.

22 Q. No. 9, if you would.

23 (Pause in proceedings.)

24 Does that appear to accurately reflect a
25 conversation you had with Ms. Lorman?

1 A. Not entirely.

2 Q. Would the first clause -- with respect to the
3 first clause, excuse me, did you tell her you would be
4 forwarding talking points to her?

5 A. I would be -- I would be sending her talking
6 points about the new card process, correct, yes.

7 Q. Did you do that?

8 A. I did.

9 Q. When?

10 A. I don't recall. It probably would've been
11 either this day or the other -- within a few days of
12 this. Which would have included a letter written by Meg
13 Crofton, as well as a FAQs document that was created that
14 explained DAS.

15 Q. Do you still have a record of that communication
16 to Ms. Lorman --

17 A. I don't --

18 Q. -- as reflected in paragraph 9?

19 A. I don't know. Honestly, I don't -- I'm not
20 sure. I haven't looked for that.

21 Q. And I apologize if I asked you this earlier, but
22 there's a line of questioning about what you've reviewed
23 to prepare for the deposition today.

24 Did you review this document or any of your
25 communications with Ms. Lorman?

1 A. I -- I did, yes.

2 Q. Did you see that document, your transmittal of
3 the information to her after this discussion?

4 A. I don't recall seeing that document.

5 And I'll also state that I -- it is my
6 understanding that that document was widely communicated
7 to the general public as well. Both of those documents
8 were widely communicated to the general public. It
9 wasn't exclusively for organizations.

10 MR. DOGALI: Mark that as Exhibit 2.

11 (Exhibit 2 was marked for identification
12 and is annexed hereto.)

13 (Pause in proceedings.)

14 BY MR. DOGALI:

15 Q. Have you had a chance to review that?

16 A. Just now, yes.

17 Q. Did you ever see it before?

18 A. I don't recall seeing this document.

19 Q. And this -- this didn't hit your radar screen in
20 early November of 2013.

21 Right?

22 A. And as I stated earlier, it's possible that I
23 would have received this or been copied on some of these
24 kinds of communications that come in from any guest about
25 anything related to disabilities, so it's possible it's

1 something I received.

2 Q. You don't specifically recall any Donna Lorman
3 communications before about December 20 or so.

4 Is that fair?

5 A. Fair.

6 Q. What is the group called Guest Experience
7 Services?

8 A. Oh, Guest Experience Services is also known as
9 Guest Correspondence or Guest Communications, so they are
10 all the same group.

11 Q. So at the top when the email address emanates
12 from WDW.Guest.Communications, that's that department?

13 A. Correct.

14 MR. DOGALI: Exhibit 3, if you please.

15 (Exhibit 3(1-4) was marked for
16 identification and is annexed hereto.)

17 (Pause in proceedings.)

18 BY MR. DOGALI:

19 Q. Is this an item you do remember reviewing --

20 A. I do.

21 Q. -- in preparation for today?

22 A. I do.

23 Q. After your email of 11:45 A.M., on
24 December 20th --

25 A. Uh-huh.

1 Q. -- did you ever -- strike that.

2 When you wrote this on December 20, it appears
3 you indicated, "I'll be regrouping with the larger team
4 after I get back from vacation."

5 What does that mean, "larger team"?

6 A. Well, as I indicated, any -- any correspondence
7 I might receive from a guest -- so in this case Donna
8 sent me an email based on her experiences as a guest in
9 our parks -- this information was passed on to our Guest
10 Communications partners, as I do with all communications.
11 So that would be the team, if you will, was to ensure
12 that that got to that team. And in this capacity, you
13 know, my role in this is I'm ensuring the right people
14 see this communication. So I did that, I ensured that
15 this got to the right people.

16 And by the way, I'll make a note here: You had
17 asked me if I had been able to locate the actual whatever
18 I had sent to Donna, the email, and I've just been
19 reminding myself that No. 9 implies from her that I did
20 send it to her. So she herself is telling me that she
21 did receive it. So even though I might not be able to
22 find record of it -- I don't know where that would be --
23 she obviously did receive it based on her comment in red.

24 MR. DOGALI: Mark that as the next numbered
25 exhibit, if you please.

1 (Exhibit 4 was marked for identification
2 and is annexed hereto.)

3 (Pause in proceedings.)

4 BY MR. DOGALI:

5 Q. The time line, if I understand it right, you had
6 a vacation, returned --

7 A. Uh-huh.

8 Q. -- at the bottom of this exhibit, January 10,
9 that was when you responded to Ms. Lorman's email
10 substantively?

11 A. I had a phone call that I had with Ms. Lorman on
12 or around January 7th, so as implied in the email -- the
13 previous email that you handed to me, I told her I'd be
14 having a follow-up conversation with her. I did have
15 that follow-up conversation with her.

16 Q. What do you remember about it?

17 A. I -- I recall going through again what the DAS
18 card was intended to do and how it worked and the fact
19 that she had already visited at this point. She had told
20 me that she had had some issues or some challenges during
21 her visit, did not feel that this service worked for her
22 son or her son's needs, and that the Guest Relations cast
23 member in her opinion was unhelpful. I -- during the
24 phone call -- you know, as I said earlier, I am in a -- a
25 guest service role, and I am in a customer is always

1 right mindset in everything that I do. I don't do things
2 in a legal way, I do it trying to please the customer. I
3 didn't feel it appropriate to reply back to her email
4 telling her that what she told me I said I said. So
5 during the course of our conversation on January the 7th
6 is when I again provided additional information about
7 what the DAS program was, what the DAS program was not,
8 and she -- she spent a fair amount of time expressing her
9 concerns with her visit on or around December the 19th.

10 Q. In your telephone conversation of January 7 --

11 A. Uh-huh.

12 Q. -- did you tell her you disagreed with her
13 version of your telephone conversation?

14 A. I'm in a guest service role. I am not in a role
15 to say, "What you said is wrong." So I delicately
16 reminded her of what the card did, what the card did not
17 do. I certainly did not call her, if you will, a liar in
18 what she stated in her email back to me.

19 Q. In your January 10 communication --

20 A. Uh-huh.

21 Q. -- the second sentence, "I wanted to let you
22 know that we're continuing to evaluate our current
23 Disability Access Service (DAS) Card process and have and
24 will continue to make refinement/tweaks as we can," do
25 you see that?

1 A. Sure.

2 Q. What refinements or tweaks have ever been made?

3 A. Well, as I had mentioned earlier, you know, we
4 looked at how long the car would be issued, how many days
5 the card would be valid, should we look to see if this
6 can go into more of an electronic form. You know, some
7 of these things have actually happened based on some of
8 those kinds of thoughts. So those would be the kinds of
9 tweaks or refinements we're talking about. Obviously, a
10 big part of this too is the process at Guest Relations.
11 This was new for not only our guests but for our Guest
12 Relations cast, so there was a fair amount of learnings
13 (sic) that Guest Relations had been making along the way
14 in how to more efficiently or effectively explain to
15 guests what DAS is or what it could do, et cetera. So
16 that's what I mean by tweaks/refinements. Those were
17 constantly happening in order to try to make the process
18 as seamless as possible.

19 Q. Is there an electronic version of the DAS at
20 Disneyland now?

21 A. Yes.

22 Q. Is there one at Walt Disney World?

23 A. No.

24 Q. When will there be one at Walt Disney World?

25 A. I don't know the answer to that question, but my

1 understanding is that there will be an electronic version
2 at some point. That's the best information that I
3 received.

4 Q. Is the hope or expectation that the electronic
5 DAS will have some connection to the Magic Band?

6 A. I don't know the answer to that. I'm not
7 familiar enough with the Magic Band to intelligently
8 state if it would be something that could be incorporated
9 into that or not. I don't know.

10 Q. Who is Phil Holmes?

11 A. Phil Holmes is the Vice President of the Magic
12 Kingdom park.

13 Q. What was his role in development of the DAS?

14 A. I -- I -- I don't know. As a -- as a senior
15 executive of the company I am certain he had some
16 involvement but I don't know. I don't have firsthand
17 knowledge of what level of involvement he had.

18 Q. There was earlier a discussion. You were kind
19 enough to try to remember some names that recurred as
20 participants in meetings.

21 A. Uh-huh.

22 Q. Is he one of them?

23 A. I don't recall if Phil -- I don't recall if Phil
24 was a part of the meetings that I was a part of. That
25 certainly does not mean he was not perhaps invited to

1 attend. I don't know. But I will say of course Phil had
2 representatives from his organization or his park who
3 were a part of those discussions.

4 MR. DOGALI: The next numbered exhibit, if you
5 would.

6 THE REPORTER: 5.

7 (Exhibit 5 was marked for identification
8 and is annexed hereto.)

9 BY MR. DOGALI:

10 Q. Mr. Jones, I don't suppose you have seen this
11 before. My first question's simply going to be does it
12 refresh your recollection about Valerie Herskowitz?

13 A. If you'll give me a moment to read through this.

14 (Pause in proceedings.)

15 I -- I don't recall this name off the top of my
16 head, but as indicated earlier, I certainly had numerous
17 conversations with numerous individuals.

18 Q. Did you ever mention to anyone a willingness to
19 accommodate someone who needed to ride the same ride
20 repeatedly?

21 A. "Accommodate" meaning what? Make them happy?

22 Q. I'll rephrase the question.

23 A. Okay.

24 Q. Did you ever talk with anybody about the concept
25 of a guest needing to repeatedly ride a single ride?

1 A. I would have certainly addressed that if asked
2 the question in the sense of, "What if?" "What if,
3 Mr. Jones, I have a family member or I have a member of
4 mine who needs to ride a ride over and over again? Can
5 you do that?" I would have certainly, in my customer
6 service role, said, "Well, you know what? You have that
7 conversation with Guest Relations. They're gonna do what
8 they can. They're gonna do what they can to make you
9 guys happy." Again, not promising anything, but
10 encouraging that dialog, asking that question. Asking
11 what service you are seeking. "And if Guest Relations is
12 able to do that, they're certainly gonna do their best."

13 Q. Did you have an understanding or knowledge at
14 that time, October 2013 --

15 A. Uh-huh.

16 Q. -- that needing to repeatedly ride a ride would
17 be a common need among your autistic guests?

18 A. I don't think that would be -- I don't believe I
19 thought it was a common need. I had heard that that --
20 there were those that was something they enjoyed doing,
21 was riding a ride over and over again.

22 Q. Have you heard that among your autistic guests a
23 common need would be the need to experience the park in a
24 certain order?

25 A. I -- I don't know if "need" is the right word.

1 I think it would be more of a desire to, would like to
2 experience the park in a certain order.

3 And as I'm -- never mind.

4 MR. DOGALI: Please mark this.

5 (Exhibit 6(1-3) was marked for
6 identification and is annexed hereto.)

7 (Pause in proceedings.)

8 MR. SCANLON: This is 6?

9 THE REPORTER: Yes.

10 BY MR. DOGALI:

11 Q. Mr. Jones, the prior exhibit, dated October 2,
12 2014, referred to a discussion with you that it said was
13 last year. You can accept for the purposes of my
14 question that when she said in that communication that
15 she disseminated it to the autism community in South
16 Florida at the time, that this is that dissemination --

17 MR. SCANLON: I'm sorry, are you -- are you
18 stating something for the record?

19 MR. DOGALI: I'm giving him a predicate for this
20 document.

21 MR. SCANLON: Objection; it sounds like you're
22 testifying.

23 BY MR. DOGALI:

24 Q. Do you have personal knowledge of this?

25 MR. SCANLON: Of what?

1 MR. DOGALI: Exhibit 6.

2 THE WITNESS: Personal knowledge of this
3 document --

4 BY MR. DOGALI:

5 Q. Yes.

6 A. -- no.

7 Q. Have you ever seen it before?

8 A. (Witness shakes head from side to side.)

9 Q. That's a "no"?

10 A. No.

11 Q. Did you know before today that Ms. Herskowitz
12 circulated what she said were your words to the autism
13 community in South Florida?

14 A. No.

15 Q. Does this document refresh your recollection
16 about anything else regarding a possible discussion with
17 Ms. Herskowitz?

18 MR. SCANLON: Can you give him a chance to read
19 it? And are you asking about the first two pages or the
20 third page or all three?

21 MR. DOGALI: Any of it.

22 MR. SCANLON: Just go over it carefully.

23 THE WITNESS: Okay.

24 (Pause in proceedings.)

25 Well, it -- it -- Mr. Dogali, it sounds --

1 BY MR. DOGALI:

2 Q. Just right now the question is does it refresh
3 your recollection.

4 A. Well, it -- it -- it certainly refreshes the
5 fact that I -- this was obviously another person I had
6 had a conversation with who wanted -- who wanted to learn
7 a little bit more about what DAS was going to be, so this
8 is in line with those conversations I'd -- I'd had with
9 many offerings, if you will. So I'm guessing, based on
10 this, that this particular person represented an
11 organization that we had on a list of -- of folks we were
12 gonna reach out and talk to and this is one of those
13 other folks I spoke with; much in line with my
14 conversation with Ms. Lorman, as the representative of
15 ASGO, A S G O.

16 Q. There's a portion of the document, on pages 1
17 and 2, that says "From Mr. Jones," and then all the
18 following is in quotations --

19 A. Uh-huh.

20 Q. -- the third page appears to be the same thing
21 that was pasted into this post.

22 Do -- do you recognize that quoted section or
23 purportedly quoted section as coming from something you
24 wrote or said?

25 A. It was -- it was not something that I wrote. It

1 was not something that I said. This was the
2 communication that was put together that, as before
3 mentioned, when I indicated to Ms. Lorman and other
4 organizational leaders that I talked to that I would be,
5 if you will, sending them something as a follow-up to our
6 phone call, this was, in essence, the -- the body of the
7 text that they received. To which they also received, I
8 believe, the attachments that I had mentioned. The
9 letter, for example, from Meg Crofton, the FAQ, that kind
10 of thing. That is what was sent to those different
11 organizations so they did have this information.

12 Q. There's a portion of this section that comes
13 after "From Mr. Jones" and is in quotes --

14 A. Uh-huh.

15 Q. -- the paragraph starts with, "While each
16 situation will be handled individually."

17 Do you see that?

18 A. Yes. It's cut off between the two pages but I
19 can -- I can make out what you're talking about.

20 Q. Here's one suggestion: it might be easier on
21 the third page. Either one's fine. Whatever you feel
22 comfortable with.

23 A. Which sentence are you speaking about?

24 Q. About two-thirds of the way down. It starts
25 about a third of the way down. It starts with, "While

1 each situation will be handled individually" --

2 A. Uh-huh.

3 Q. -- and then "following are two examples of
4 accommodations that could be offered base the on a
5 guest's needs," and then there are two examples there.

6 A. Uh-huh.

7 Q. Did you write that?

8 A. No.

9 Q. Of all this language that's in quotes --

10 A. Uh-huh.

11 Q. -- what parts did you write?

12 A. What do you mean "write? Did I craft this?

13 Q. Yes.

14 A. This is -- as I mentioned earlier, this is --
15 this was our -- our -- our communication around this.
16 This was our email. Text for the email was provided to
17 me by our communications team which I forwarded on. I
18 did not write this, if you will.

19 Q. I'm sorry. I apologize. That's my own density
20 there.

21 Does it accurately reflect something copied and
22 pasted from something anyone at Disney wrote?

23 A. I -- I don't wanna speculate. As I -- as I
24 said, this was provided to me to accompany information
25 that was sent out to individual organizations that were

1 spoken to or we had had conversations with.

2 Q. Okay. Do you recall speaking to Bishop
3 Rodriguez in Torrance about his experiences at the park?

4 A. I have had several conversations with that
5 gentleman, yes.

6 Q. Did you tell him that he may've acted unwisely
7 in conferring with my law firm?

8 A. No. What I told him was -- he had called me for
9 an unrelated concern that he had in our parks that had
10 nothing to do with disabilities, in my opinion, that had
11 nothing to do with the DAS case, and he, from what I
12 understood in -- in reading his email to me, had copied
13 you on it. And my comment to him was, "I'm confused why
14 you're copying an attorney on something that has nothing
15 to do with" at that point my understanding what you, as
16 Andy Dogali, was involved in. And I also instructed him,
17 through normal course within my understanding of email
18 communications, "Anytime you copy an attorney on anything
19 I can't really talk to you anymore. I can't -- I can't
20 be of a guest service to you because you have now made it
21 a legal matter, and I'm not a lawyer and I'm not a legal
22 expert, I'm in the guest service business."

23 Q. Who is -- who is Debbie Bellavia-Hart?

24 A. It's Debbie Bellavia-Hart.

25 Q. I'm sorry.

1 A. She is -- my understanding is the Director of
2 Guest Experience Services, aka Guest Communications.

3 Q. I'm going to show you a document that I am doing
4 so only as an example. I don't propose you have personal
5 knowledge of this particular communication.

6 If you'd mark that the next numbered exhibit
7 that would be great.

8 THE REPORTER: Exhibit 7.

9 (Exhibit 7 was marked for
10 identification and is annexed hereto.)

11 (Pause in proceedings.)

12 BY MR. DOGALI:

13 Q. I'm showing you that for a very basic concept.

14 A. Uh-huh.

15 Q. The -- I possess a number of communications
16 signed by persons like Ms. Bellavia-Hart --

17 A. Uh-huh.

18 Q. -- as over the term "Guest Experience Service."
19 Some bear the email address we looked at earlier,
20 wdw.guest.communications. Others bear the email address
21 disability.services@disney.com.

22 Under -- why is that?

23 A. That would be a question for that team. I don't
24 know.

25 Q. Is the email address

1 disability.services@disney.com your department?

2 A. No.

3 Q. What is it?

4 A. It's an email address. I -- I -- I don't
5 honestly know where those emails were going, but it was
6 obviously an email that was created. And I'm guessing,
7 speculating, of course, that Guest Experience Services
8 being the primary point of contact for guests with the
9 desire to communicate to us, I -- I sense that it's the
10 email address that goes to that team.

11 Q. If someone now were to send an email to
12 disability.services@disney.com, is that your team?

13 A. No.

14 Q. As far as -- and I apologize but I'm trying to
15 understand the best I can. As far as why the Guest
16 Experience Service people generate communications with
17 that email address versus the wdw.guest.communications,
18 you don't really know why they do that?

19 A. No.

20 Q. Okay. Are you aware of any complaints by guests
21 about the DAS to the United States Department of Justice?

22 A. I'm not aware of that.

23 Q. Do you even know whether such a complaint was
24 ever made by anyone?

25 A. I'm not aware of that.

1 MR. DOGALI: If you gentlemen want to stand down
2 for just a couple of minutes I'll look through my notes,
3 I might be --

4 MR. SCANLON: Sure. Do you want us to leave?

5 MR. DOGALI: Not really.

6 MR. SCANLON: Okay.

7 (Recess taken.)

8 BY MR. DOGALI:

9 Q. You can probably tell this is a dead giveaway,
10 but no more questions. Thanks for your patience.

11 MR. SCANLON: Andy, we would like to read and
12 sign the transcript.

13 MR. DOGALI: Okay.

14 MR. SCANLON: So can you send us a copy?

15 THE REPORTER: Yes. And what do I do with the
16 original?

17 MR. DOGALI: That will come to me.

18 MR. SCANLON: It will go to Andy.

19 THE REPORTER: Do either of you wish a rough
20 draft?

21 MR. DOGALI: No.

22 MR. SCANLON: No.

23 How long? Two weeks?

24 THE REPORTER: Two weeks.

25 MR. SCANLON: That's fine.

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THE REPORTER: Thank you very much, gentlemen.
(Ending time: 2:20 P.M.)

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I, the undersigned, declare under penalty of perjury that I have read the foregoing transcript, and I have made any corrections, additions or deletions that I was desirous of making; that the foregoing is a true and correct transcript of my testimony contained therein.

Executed this ____ day of _____, 2015,
at _____, _____.
(City) (State)

MARK LEE JONES

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REPORTER'S CERTIFICATE

I, LAWRENCE SCHUMACHER, CSR No. 1464, Certified
Shorthand Reporter, certify:

That the foregoing proceedings were taken before me
at the time and place therein set forth, at which time
the witness was put under oath by me;

That the testimony of the witness, the questions
propounded, and all objections and statements made at the
time of the examination were recorded stenographically by
me and were thereafter transcribed;

That the foregoing is a true and correct transcript
of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney of the parties, nor financially
interested in the action.

I declare under penalty of perjury under the laws of
California that the foregoing is true and correct.

Dated this 6th day of February, 2015.

LAWRENCE SCHUMACHER, CSR No. 1464

1 REPORTER'S CERTIFICATION OF CERTIFIED COPY

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7 I, LAWRENCE SCHUMACHER, CSR No. 1464, a Certified
8 Shorthand Reporter in the State of California, certify
9 that the foregoing pages 1 through 143, constitute a true
10 and correct copy of the original deposition of MARK LEE
11 JONES taken on January 27, 2015.

12 I declare under penalty of perjury under the laws of
13 the State of California that the foregoing is true and
14 correct.

15
16 Dated this 6th day of February, 2015.

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20 LAWRENCE SCHUMACHER, CSR No. 1464
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