

Page 1	Page 3
1 COMMONWEALTH OF MASSACHUSETTS	1 (Continuation of Appearances)
2 Hampden, ss Superior Court Department	2
3 No. HSCV2014-00239A	3 Representing Longmeadow Public Schools:
4	4 BY: NICHOLAS J. DOMINELLO, ESQ.
5 *****	5 DEUTSCH WILLIAMS
6 CONNOR SILVERNAIL p/k/a CONNOR SYMINGTON and	6 One Design Center Place
7 CHERYL SILVERNAIL,	7 Boston, MA 02210
8 Plaintiffs	8 617-951-2300 FAX: 617-951-2323
9 vs.	9 Ndominello@dwbboston.com
10	10
11 TIMOTHY SYMINGTON,	11 Also present: Connor Silvermail, Cheryl
12 Defendant	12 Silvermail, Timothy Symington
13 *****	13
14	14
15	15
16 DEPOSITION OF: MARIE DOYLE	16
17 KOTFILA & JORDAN	17
18 1414 Main Street	18
19 Springfield, Massachusetts	19
20 January 14, 2016 11:28 a.m.	20
21	21
22	22
23 LISA A. REGENSBURGER	23
24 COURT REPORTER	24

Page 2	Page 4
1 APPEARANCES:	1 INDEX
2	2
3 Representing the Plaintiffs:	3 WITNESS: MARIE DOYLE
4 BY: RICHARD T. JORDAN, ESQ.	4
5 KOTFILA & JORDAN	5 EXAMINATION BY: PAGE:
6 One Monarch Place	6 Mr. Jordan 5/32
7 Springfield, MA 01144	7 Mr. Kenefick 28/41
8 413-781-5399 FAX: 413-781-5399	8
9	9
10 Representing the Defendant:	10
11 BY: THOMAS A. KENEFICK, III, ESQ.	11
12 ELAINE M. O'DONNELL, ESQ.	12
13 LAW OFFICE OF THOMAS A. KENEFICK, III	13 EXHIBIT: PAGE:
14 73 Chestnut Street	14 Exhibit 1, list.....12
15 Springfield, MA 01103	15 Exhibit 2, questions.....18
16 413-734-7000 FAX: 413-731-1302	16
17 Takenefick@verizon.net	17 (Exhibits retained by court reporter)
18	18
19 (Appearances continued on Page 3)	19
20	20
21	21
22	22
23	23
24	24

<p style="text-align: right;">Page 5</p> <p>1 MARIE DOYLE, Deponent, having first been 2 satisfactorily identified and duly sworn, 3 deposes and states as follows: 4 5 EXAMINATION BY MR. JORDAN: 6 7 Q. Good morning, Ms. Doyle. 8 A. Good morning. 9 Q. I just want to go over a couple of 10 the ground rules with you just to make it easier 11 on all of us at this point. 12 Have you ever been deposed before? 13 A. I have. 14 Q. The only thing I would ask is that 15 when I ask you a question, wait until I finish 16 the answer [sic] before you answer it for two 17 reasons. One is, there's no confusion for the 18 court reporter or the stenographer. Because if 19 we're talking over each other, we can't — it's 20 sometimes difficult to get. 21 The other thing I would ask is that 22 if you have — if at any time you want to speak 23 to your attorney or you have some confusion 24 about a question, where you need to use the</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. Okay. What committees have you 2 worked on? 3 A. I don't remember. 4 Q. Okay. When was the last time you 5 were on a committee? 6 A. Years ago. 7 Q. Are we talking two years, five years? 8 A. Probably five years ago. 9 Q. So right after you started working? 10 A. Yes. 11 Q. Okay. 12 A. I really don't remember. 13 Q. All right. Do you know him socially 14 at all? 15 A. No. 16 Q. Now, today you brought a packet of 17 documents that I've requested by subpoena; is 18 that correct? 19 A. Yes. 20 Q. Okay. And you're here today based on 21 the subpoena from the plaintiffs in this case, 22 right? 23 A. Yes. 24 Q. In terms of these documents that you</p>
<p style="text-align: right;">Page 6</p> <p>1 bathroom or anything like that, just ask and we 2 can stop. That's pretty much it. 3 Could you state your name for the 4 record, please, and spell it. 5 A. Marie Doyle, M-A-R-I-E, D-O-Y-L-E. 6 Q. And where do you work, Ms. Doyle? 7 A. Longmeadow Public Schools. 8 Q. And how long have you worked for 9 them? 10 A. Five and a half years. 11 Q. In what capacity? 12 A. I am superintendent of schools. 13 Q. And do you know Timothy Symington? 14 A. Yes, I do. 15 Q. And how do you know him? 16 A. He's a teacher at Glenbrook Middle 17 School. 18 Q. Do you work directly with him? 19 A. Indirectly with him. 20 Q. Indirectly. And could you explain 21 what you mean by indirectly? 22 A. His principal supervises him. I have 23 worked on committees where Tim has served on the 24 committee and I see him when I visit buildings.</p>	<p style="text-align: right;">Page 8</p> <p>1 brought today, are these all the documents that 2 you used in determining — strike that. 3 How were you involved in terms of 4 investigating allegations against Mr. Symington? 5 A. I was the primary investigator in the 6 case in terms of checking out the allegations 7 that were made from the packet. So I was in 8 touch with DCF and the Attorney General's office 9 to follow up on what the findings were of the 10 charges that had been brought against 11 Mr. Symington. 12 Q. Now, you said "primary." Were there 13 other investigators assigned from the school? 14 A. No. 15 Q. So you were the only investigator? 16 A. Yes. 17 Q. Okay. And how did it come about that 18 you became aware of these allegations against 19 Mr. Symington? 20 A. A parent reported it to the principal 21 and the principal reported it to me. 22 Q. Was it one parent or multiple 23 parents? 24 A. We had several parents over the</p>

<p style="text-align: right;">Page 9</p> <p>1 course of two weeks that came forward with 2 packets of information. 3 Q. And when you say "came forward with 4 packets," is that the packet — is that what's 5 comprised of what you brought as a result of the 6 subpoena that was issued, today? 7 A. Yes, it is. 8 Q. Are those all those documents that 9 you received? 10 A. Yes, it is. 11 Q. And with regard to the other parents 12 that brought documents, were they all identical 13 packets? 14 A. Yes, they were. 15 Q. In terms of the packets, was there 16 any identifying, I guess, information on them 17 with respect to either an envelope or folder or 18 anything that would identify where these packets 19 came from? 20 A. The packets were all sent in white 21 manila envelopes that went through the Hartford 22 Post Office. They had no return address on 23 them. 24 Q. Okay. And they were all identical?</p>	<p style="text-align: right;">Page 11</p> <p>1 to my attention. 2 Q. Okay. Now, when you got the packets, 3 what did you do? 4 A. I had a list of things that I did. 5 THE WITNESS: Could we refer to 6 that? 7 MR. DOMINELLO: Sure. There's a 8 list of what we went through if you can 9 show her the packet. 10 MR. JORDAN: Sure. 11 THE WITNESS: Yeah. In terms of 12 what I did, I went through the folder 13 and read it so that I could see what was 14 in there; I sought legal advice; I put 15 Tim on administrative leave so that we 16 could conduct an investigation; I 17 confiscated his computer and his Ipad to 18 check for child pornography or anything 19 inappropriate that we may find. There 20 was nothing on there. 21 I called DCF and the Attorney 22 General's office to find out what had 23 happened in these cases. We filed with 24 DSS to let them know that we had</p>
<p style="text-align: right;">Page 10</p> <p>1 A. I did not see all of them. 2 Q. Okay. Which ones did you see? 3 A. I had one brought to me so that I 4 could investigate to see if we could find out 5 where the packets were coming from. 6 Q. Okay. And so is it an assumption 7 that the other packets were the same? 8 A. Yes. The principal had seen a couple 9 of other envelopes. So I'm basing my assumption 10 on the fact that she described the white 11 envelopes she saw as the same one that was 12 brought to my attention. 13 Q. Okay. And when you spoke with the 14 principal of — what's her name? 15 A. Nikcole Allen. 16 Q. Okay. And did she tell you how many 17 packets she had received? 18 A. We kept a list of names and that's in 19 your packet. 20 Q. Okay. So your understanding is those 21 — that list that was provided me is all the 22 families that were in receipt of a packet 23 through the mail? 24 A. Those were the ones that were brought</p>	<p style="text-align: right;">Page 12</p> <p>1 received this information. I mentioned 2 Tim was put on administrative leave. I 3 contacted the union president to let her 4 know that Tim was being put on 5 administrative leave, and sought legal 6 advice. 7 Q. Okay. And if you could, I just want 8 to see what document you were — 9 MR. DOMINELLO: Middle page, 45. 10 THE WITNESS: I just have notes 11 on the end of the packet. 12 Q. (By Mr. Jordan) All right. And in 13 terms of Page 45, is that pretty much the 14 summary of what you did in terms of 15 investigating? 16 A. That's a summary of what I did. 17 MR. JORDAN: Okay. Could I have 18 that marked as Exhibit 1. 19 20 (Exhibit 1, list, marked) 21 22 Q. (By Mr. Jordan) Did you review the 23 packet? 24 A. Yes, I did.</p>

<p style="text-align: right;">Page 13</p> <p>1 Q. And —</p> <p>2 A. I also contacted his prior employer</p> <p>3 to see if there was anything in his file there</p> <p>4 and checked our own file to see if there were</p> <p>5 any allegations about sexual abuse in our files.</p> <p>6 Q. Who was his prior employer?</p> <p>7 A. Holyoke Public Schools.</p> <p>8 Q. Do you know when he worked there?</p> <p>9 A. I don't remember.</p> <p>10 Q. And as a result of checking with</p> <p>11 Holyoke Public Schools, was —</p> <p>12 A. There was nothing in his file.</p> <p>13 Q. — there was nothing in his file?</p> <p>14 Now, prior to — strike that.</p> <p>15 So in terms of the investigation that</p> <p>16 was done, would it be a fair statement to say</p> <p>17 that you were the sole and primary investigator</p> <p>18 and no one else was involved in, I guess,</p> <p>19 investigating any of the information that you</p> <p>20 received in this packet?</p> <p>21 A. The principal is involved on some</p> <p>22 levels.</p> <p>23 Q. Okay.</p> <p>24 A. She had conversations with parents</p>	<p style="text-align: right;">Page 15</p> <p>1 student. One of the parents was</p> <p>2 concerned when she got the packet that</p> <p>3 had a concern. So I wanted to make sure</p> <p>4 that the student felt safe and I wanted</p> <p>5 to make sure that Mr. Symington had not</p> <p>6 been inappropriate with the student and</p> <p>7 he had not been.</p> <p>8 Q. (By Mr. Jordan) And when you say,</p> <p>9 "he had not been," that was based on your</p> <p>10 questioning of the student?</p> <p>11 A. Correct.</p> <p>12 Q. And you questioned two students?</p> <p>13 A. I questioned one and Nikcole</p> <p>14 questioned one.</p> <p>15 Q. Based on those conversations?</p> <p>16 A. One student that the parent said she</p> <p>17 was — the parent brought a concern, I</p> <p>18 interviewed that student. And there was another</p> <p>19 student as a witness so we called in that other</p> <p>20 student to verify that what we were told was</p> <p>21 true and accurate.</p> <p>22 So the second student corroborated</p> <p>23 the first student's story. So nothing</p> <p>24 inappropriate had happened.</p>
<p style="text-align: right;">Page 14</p> <p>1 and two students.</p> <p>2 Q. Okay.</p> <p>3 A. She also had communication with Tim.</p> <p>4 Q. Could you identify, I guess, the</p> <p>5 families of the two students?</p> <p>6 MR. DOMINELLO: No. It would be</p> <p>7 protected.</p> <p>8 Q. (By Mr. Jordan) Aren't they</p> <p>9 contained in here?</p> <p>10 MR. DOMINELLO: You have the</p> <p>11 family names, but not the names of</p> <p>12 students.</p> <p>13 MR. JORDAN: All right.</p> <p>14 Q. (By Mr. Jordan) I guess I'm asking</p> <p>15 can we identify the family? I don't need the</p> <p>16 student's name.</p> <p>17 MR. DOMINELLO: No.</p> <p>18 MR. JORDAN: No. Okay.</p> <p>19 Q. (By Mr. Jordan) Why did you speak</p> <p>20 with two students?</p> <p>21 MR. DOMINELLO: You can speak</p> <p>22 generally.</p> <p>23 THE WITNESS: One of the parents</p> <p>24 had a concern so I wanted to talk to the</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. When you said that the parent of the</p> <p>2 student had brought something of concern, what</p> <p>3 was the concern?</p> <p>4 MR. DOMINELLO: You can speak</p> <p>5 just generally.</p> <p>6 THE WITNESS: I don't know how to</p> <p>7 do that generally.</p> <p>8 MR. DOMINELLO: Can we take a</p> <p>9 minute; is that all right?</p> <p>10 MR. JORDAN: Sure.</p> <p>11</p> <p>12 (Recess taken)</p> <p>13</p> <p>14 THE WITNESS: So a parent had</p> <p>15 brought to my attention that</p> <p>16 Mr. Symington had gone into the boys</p> <p>17 room and that her son has mentioned that</p> <p>18 to her. So I wanted to know what had</p> <p>19 transpired with Mr. Symington going in.</p> <p>20 It's not uncommon for teachers to pop</p> <p>21 into restrooms in middle school to make</p> <p>22 sure the students are behaving.</p> <p>23 So I interviewed the student to</p> <p>24 find out exactly what happened when</p>

<p style="text-align: right;">Page 17</p> <p>1 Mr. Symington went into the bathroom. 2 You have list of questions that the 3 student was asked. And then I also 4 asked the student who else was in the 5 bathroom so that I could verify nothing 6 inappropriate happened. So we called in 7 the second student to interview that 8 young man as well. 9 Q. (By Mr. Jordan) And you said you 10 wouldn't know the page number? 11 MR. DOMINELLO: I believe it's 46. 12 MS. O'DONNELL: 46. 13 Q. (By Mr. Jordan) So Page 46 is the -- 14 those are the questions that were asked the 15 student? 16 A. Right. And there were other 17 questions. But these are the questions that 18 were asked when the principal interviewed the 19 second student. 20 Q. Okay. 21 A. And I don't have my questions written 22 down. 23 Q. All right. And they were all 24 redacted --</p>	<p style="text-align: right;">Page 19</p> <p>1 (Off-record discussion) 2 3 MR. JORDAN: Let's go back. 4 THE WITNESS: And I'd like to 5 clarify, I'm not sure whether or not you 6 could identify the student from that. I 7 haven't read that recently. 8 Q. (By Mr. Jordan) Without giving me 9 any information with regard to identification, 10 what's your memory of answers to the first 11 question: Have any adults come into the 12 bathroom? 13 A. The answer was, yes. 14 Q. Okay. Were the adults that came into 15 the bathroom identified? 16 A. Yes. 17 Q. And who was identified? 18 A. Tim Symington. 19 Q. And in answer to the second question: 20 Why do you think they came in, what did the 21 student say? 22 A. The student said, I don't know. He 23 fixed his hair in the mirror, is what the 24 student also said.</p>
<p style="text-align: right;">Page 18</p> <p>1 A. They were. 2 Q. -- for purposes of this? 3 Did you use the answers to these 4 questions in coming to a conclusion with respect 5 to your investigation of Mr. Symington? 6 A. I did. 7 MR. JORDAN: Just mark this 8 Exhibit 2. 9 10 (Exhibit 2, questions, marked) 11 12 Q. (By Mr. Jordan) And in terms of the 13 answers to those questions, did you draft them 14 or is that a composite or a summary by someone 15 else? 16 A. Those were done by Principal Allen. 17 Q. And -- 18 A. Or her assistant principal. I'm not 19 sure which. You would have to ask her. 20 Q. Okay. In terms of the content of the 21 answers, does the content of the answers 22 identify who the student is in those? 23 A. I don't think so. 24 MR. JORDAN: Could we go off.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Just to clarify, Mr. Symington fixed 2 his hair or the student? 3 A. Mr. Symington fixed his hair in the 4 mirror and left. 5 Q. From what you know, did Mr. Symington 6 speak to the student? 7 A. Not from what I know. 8 Q. One of the questions: How long ago 9 did that happen by Mr. Symington? 10 A. I don't remember. 11 Q. And: Was anyone else in there with 12 you? 13 A. They gave a name of another student. 14 Q. Okay. 15 A. He gave the name of another student. 16 Q. Now, if you know, was this 17 information reported by this student to his 18 parents? 19 A. The parent quizzed the student after 20 she received the packet. 21 Q. Okay. 22 A. So when she received the packet, she 23 wanted -- she probed and was asking a lot of 24 questions and this came out of that</p>

<p style="text-align: right;">Page 21</p> <p>1 conversation. But it had happened quite a while 2 before the packets arrived and the student had 3 not reported it. Nether student had reported it 4 to their parent on the day it happened. Both 5 students reported that they were not 6 uncomfortable when it happened. They were fine 7 with it. 8 Q. What grade does Mr. Symington teach? 9 A. I believe eighth grade. 10 Q. And has he taught that grade since 11 working for the Longmeadow School System? 12 A. I don't know. 13 Q. Do you know when he was hired? 14 A. I don't know. 15 Q. Now, it says here you spoke -- or you 16 at least have a document here from DCF? 17 A. Uh-huh. 18 Q. And you also filed a 51A? 19 A. [Witness nodding] 20 Q. Did you file it or did someone else 21 file it? 22 A. Principal Allen filed it on advice of 23 legal counsel. 24 Q. And as a result of that, did someone</p>	<p style="text-align: right;">Page 23</p> <p>1 packet to yours? 2 MR. JORDAN: That's fine. 3 THE WITNESS: I spoke with Kevin 4 Barboza from Boston DCF. And he said 5 that report had been filed in 2004 that 6 was unsupported. 7 Q. (By Mr. Jordan) Okay. Do you know 8 what "unsupported" means from DCF? 9 A. Yes. 10 Q. What does that mean? 11 A. It means they did not have evidence 12 to support the claim. 13 Q. That's your understanding? 14 A. Yes. 15 Q. At any time did you attempt to 16 contact Cheryl Silvernail? 17 A. I do not believe so. 18 Q. Did you ever make any attempts to 19 talk with Connor Silvernail? 20 A. With whom? 21 Q. Connor Silvernail. 22 A. No. Who are they? 23 Q. They're the plaintiffs in this 24 action.</p>
<p style="text-align: right;">Page 22</p> <p>1 come out from DCF to investigate the 51A 2 allegation? 3 A. No one spoke to me. You'd have to 4 ask principal Allen that. 5 Q. Okay. So you never spoke to a DCF 6 social worker or investigator at any time? 7 A. I did. I did. 8 Q. Who did you speak to? 9 A. It's in the packet. 10 MR. DOMINELLO: If I can point 11 you to the general area. 12 MR. JORDAN: Okay. 13 MR. DOMINELLO: So Pages 46 14 forward are the superintendent's notes. 15 I think you might be looking at, you 16 know, around Page 48. 17 THE WITNESS: I called several 18 people at DCF and finally got a call 19 back from one of supervisors. 20 Q. (By Mr. Jordan) If you could just 21 wait for a second for my question here for a 22 minute. 23 MR. DOMINELLO: Do you mind if I 24 show the superintendent an identical</p>	<p style="text-align: right;">Page 24</p> <p>1 A. No. 2 Q. Did you read through the packet? 3 A. I did. 4 Q. Okay. So you were aware there was a 5 divorce proceeding? 6 A. I was. 7 Q. Okay. And the allegations against 8 Mr. Symington were based on alleged actions that 9 happened between him and his son? 10 A. Uh-huh. 11 Q. Okay. Now, in terms of process, did 12 you read through this packet before you 13 contacted anybody or did you read it later? 14 A. I read the packet as soon as I got 15 it, before I began investigation and before I 16 put Tim on administrative leave. 17 Q. Okay. And after reading through this 18 packet, it sounds like, would it be a fair 19 statement you talked to the attorney general's 20 office, you talked to DCF in Boston. Did you 21 talk to anyone locally? 22 A. Yes, I did. 23 Q. Okay. And that's -- 24 A. Alice McCall. And she said all</p>

<p style="text-align: right;">Page 25</p> <p>1 charges were vetted out.</p> <p>2 Q. Did you ask Ms. McCall if she had had</p> <p>3 access to the same documents you had access to?</p> <p>4 A. No, I didn't.</p> <p>5 Q. In this packet it looks like included</p> <p>6 were therapist notes concerning Mr. Symington's</p> <p>7 son Connor and their interaction or interactions</p> <p>8 with him. Do you remember reading those?</p> <p>9 A. Yes, I do.</p> <p>10 Q. Okay. And would it be a fair</p> <p>11 statement, after reading through this packet,</p> <p>12 you were very concerned about Mr. Symington?</p> <p>13 A. I was concerned enough to put him on</p> <p>14 administrative leave to investigate.</p> <p>15 Q. Would it be a fair statement that in</p> <p>16 terms of the eventual — strike that.</p> <p>17 What was the eventual, I guess,</p> <p>18 determination made as a result of your</p> <p>19 investigation?</p> <p>20 A. That the charges were unsubstantiated</p> <p>21 and he was to return to work.</p> <p>22 Q. Okay. And was the unsubstantiated</p> <p>23 charges, was that based on the fact that DCF had</p> <p>24 unsupported the allegations and that he had not</p>	<p style="text-align: right;">Page 27</p> <p>1 sent that packet to you?</p> <p>2 A. I do not.</p> <p>3 Q. Have you spoken with any of these</p> <p>4 families that were able to inform you that they</p> <p>5 knew who this packet was sent by?</p> <p>6 A. I spoke to every parent that received</p> <p>7 a packet to let them know that I was</p> <p>8 investigating and to listen to what their</p> <p>9 concerns, if they had them, and to just let them</p> <p>10 know that we were doing a thorough</p> <p>11 investigation.</p> <p>12 Q. Did you — you said you spoke to</p> <p>13 every parent?</p> <p>14 A. Uh-huh.</p> <p>15 Q. Did — were any of the parents that</p> <p>16 you spoke to able to identify the source of</p> <p>17 these packets?</p> <p>18 A. No.</p> <p>19 Q. And today you have no idea who sent</p> <p>20 those packets to the Longmeadow School System?</p> <p>21 A. No. I have no concrete evidence, no.</p> <p>22 Q. Well, do you have any evidence?</p> <p>23 A. No.</p> <p>24 MR. JORDAN: I have no further</p>
<p style="text-align: right;">Page 26</p> <p>1 been criminally charged with the allegations?</p> <p>2 A. Correct.</p> <p>3 Q. Now, Ms. Allen, the principal of</p> <p>4 Glenbrook, did she do any investigative work at</p> <p>5 your direction concerning these allegations?</p> <p>6 A. She met with the students. One she</p> <p>7 met with me and one she met with herself and the</p> <p>8 student.</p> <p>9 Q. Okay. And reported that information</p> <p>10 to you?</p> <p>11 A. Yes.</p> <p>12 Q. If you're aware, did she do anything</p> <p>13 else?</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. Okay. Was she working —</p> <p>16 A. She met with Tim.</p> <p>17 Q. She met with Tim?</p> <p>18 A. Uh-huh.</p> <p>19 Q. All right. Now, have you had any</p> <p>20 contact of any kind with either Connor or Cheryl</p> <p>21 Slivernail since you became aware of this packet</p> <p>22 that was sent to the Longmeadow School System?</p> <p>23 A. No, I have not.</p> <p>24 Q. Do you have any knowledge as to who</p>	<p style="text-align: right;">Page 28</p> <p>1 questions.</p> <p>2 MR. KENEFICK: I have just a</p> <p>3 couple.</p> <p>4</p> <p>5</p> <p>6 EXAMINATION BY MR. KENEFICK:</p> <p>7</p> <p>8 Q. So at some point, I guess before</p> <p>9 March 16, 2015, 11 parents of kids that were</p> <p>10 going to school at Glenbrook received a</p> <p>11 complaint anonymously that was filed in the</p> <p>12 Hampshire County Superior Court against Timothy</p> <p>13 Symington, right?</p> <p>14 A. Uh-huh. Yes.</p> <p>15 Q. Okay. And I was going through the</p> <p>16 packet that you produced and there was, I guess,</p> <p>17 at one point in here there was a request to, I</p> <p>18 guess, get a — Bates stamped No. 49, it says,</p> <p>19 call Hampshire District Court and ask for an</p> <p>20 unredacted copy.</p> <p>21 And I guess this is part of — I'm</p> <p>22 not sure whose handwriting this is.</p> <p>23 A. It's my handwriting.</p> <p>24 Q. It's your handwriting. Okay.</p>

<p style="text-align: right;">Page 29</p> <p>1 A. That was advice. I had an assistant 2 district attorney whose parents received a 3 packet call me. And he was giving me advice on 4 steps I might take should I need to do so. 5 Q. Did you ever have an opportunity to 6 compare the unredacted complaint – 7 A. I never got a copy of an unredacted 8 copy. 9 Q. All right. But the redacted copy 10 clearly makes Timothy Symington the centerpiece 11 of this investigation? 12 A. Uh-huh. 13 Q. And, obviously, from your 14 understanding, that the sender of this packet 15 wanted to harm Timothy Symington, didn't they? 16 A. Yes. 17 Q. Okay. And so you placed him, as I 18 think you prudently did, on administrative leave 19 and you conducted an investigation, correct? 20 A. Yes, I did. 21 Q. And that investigation consisted, in 22 part, of your referring this matter to DSS, 23 right? 24 A. Yes.</p>	<p style="text-align: right;">Page 31</p> <p>1 investigation was thorough, correct? 2 A. Yes. 3 Q. And you confirm that the charges that 4 were filed with DCF ten years ago, that are set 5 forth in this complaint, none of those 6 allegations were supported, right? 7 A. Correct. 8 Q. And the case was closed, right. And 9 then to be, you know, to doing what your 10 obligations require you to do in terms of 11 protecting the kids in that school district, you 12 contacted the DA's office, right? 13 A. Yes, I did. 14 Q. And the prosecutors reviewed that 15 case and they found no reason to bring the case 16 to trial, right? 17 A. That's correct. Two prosecutors. 18 Q. And you go on to say, there are no 19 findings of any guilty from the allegations 20 brought forward, correct? 21 A. Correct. 22 Q. Allegations against Mr. Symington are 23 unsupported, the case was closed, right? 24 A. Correct.</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. Or now known as DCF. And the 2 district attorney's office, right? 3 A. Yes. 4 Q. And the information that came back to 5 you was that all charges that were brought 6 against him whenever, ten years ago or so, were 7 all unsupported, right? 8 A. Or dismissed. 9 Q. Or dismissed. Yet ten years later 10 you get these ten parents get something in the 11 mail that just says these awful things about 12 Timothy Symington, correct? 13 A. Correct. 14 Q. And your letter to him or letter to 15 these parents of the eighth graders at Glenbrook 16 on March 16, 2015, that's Bates stamped I guess 17 1, you said, that you placed him on 18 administrative leave while you investigated the 19 case, correct? 20 A. Yes. 21 Q. And then you completed a thorough 22 investigation, correct? 23 A. Yes. 24 Q. And you are satisfied that that</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. You go on to say that he served 2 Longmeadow well for the past 14 years as a 3 teacher, right? 4 A. Yes. 5 Q. And you feel that way today, don't 6 you? 7 A. Yes, I do. 8 MR. KENEFICK: Thanks. Thank 9 you. 10 MR. JORDAN: I have a follow-up. 11 12 13 EXAMINATION BY MR. JORDAN: 14 15 Q. Now, you said that it was obvious 16 that whoever sent the packet wanted to harm 17 Mr. Symington, and you said, yes. 18 What is that based on? 19 A. It's my opinion that somebody was 20 trying to harm him by sending this to parents 21 throughout the community. 22 Q. Well, would you agree, ma'am, if the 23 facts were true, that it could have been sent to 24 warn the school system and to warn that</p>

<p style="text-align: right;">Page 33</p> <p>1 Mr. Symington might be a danger to the children?</p> <p>2 MR. KENEFICK: Objection to form.</p> <p>3 But go ahead.</p> <p>4 THE WITNESS: Based on the</p> <p>5 thorough research done by DCF and the</p> <p>6 Attorney General's office, I believe</p> <p>7 this was an intent to harm him.</p> <p>8 Q. (By Mr. Jordan) That's your belief?</p> <p>9 A. It's my belief.</p> <p>10 Q. Only?</p> <p>11 A. (Witness nodding)</p> <p>12 Q. Is it your belief also that because</p> <p>13 criminal charges aren't brought, that the person</p> <p>14 is innocent of alleged acts?</p> <p>15 A. Could you rephrase that, please?</p> <p>16 Q. Is it your understanding that because</p> <p>17 criminal charges aren't brought against a</p> <p>18 person, that the person did not do the</p> <p>19 alleged —</p> <p>20 A. Yes. That is my belief. They're</p> <p>21 innocent if criminal charges are not brought</p> <p>22 against them.</p> <p>23 Q. They're innocent and it didn't</p> <p>24 happen?</p>	<p style="text-align: right;">Page 35</p> <p>1 going with this, but I relied on DCF as</p> <p>2 well.</p> <p>3 Q. (By Mr. Jordan) My question was</p> <p>4 about criminal, not DCF. So my question is —</p> <p>5 A. But my decision was based on both DCF</p> <p>6 and the attorney general's office.</p> <p>7 Q. Okay. So would DCF — you said they</p> <p>8 made a thorough investigation. What's your</p> <p>9 understanding of what they did?</p> <p>10 A. I'm not in a position to judge DCF.</p> <p>11 I know that they go out, I know they</p> <p>12 interviewed, I know that they spoke to his son</p> <p>13 as well as his ex-wife and her new husband. So</p> <p>14 I know that they interviewed and did a pretty</p> <p>15 thorough investigation is what I was told.</p> <p>16 Q. Okay. You are saying "thorough." So</p> <p>17 tell me what you base that statement on.</p> <p>18 A. My experience with DCF.</p> <p>19 Q. Okay. So you said that it's your</p> <p>20 understanding that they spoke with Connor, they</p> <p>21 spoke with Cheryl, they spoke with Paul</p> <p>22 Silvernall.</p> <p>23 Who else did they speak with?</p> <p>24 A. I don't know.</p>
<p style="text-align: right;">Page 34</p> <p>1 A. Correct.</p> <p>2 Q. So do you know what a plea bargain</p> <p>3 is, ma'am?</p> <p>4 A. Yes.</p> <p>5 Q. What's your understanding of a plea</p> <p>6 bargain?</p> <p>7 A. You make a deal.</p> <p>8 Q. And the deal is to what?</p> <p>9 A. That you will do something in turn</p> <p>10 for dropping the charges.</p> <p>11 Q. And they're not charged with those</p> <p>12 charges?</p> <p>13 A. Uh-huh.</p> <p>14 Q. Is it your understanding that person</p> <p>15 is innocent — or is it your understanding that</p> <p>16 the person didn't do the acts alleged in the</p> <p>17 criminal complaint?</p> <p>18 MR. KENEFICK: Objection to form.</p> <p>19 MR. DOMINELLO: Just on the</p> <p>20 record, she's a superintendent, not an</p> <p>21 attorney. So let's just — you can</p> <p>22 answer to the best of your ability.</p> <p>23 THE WITNESS: DCF doesn't plea</p> <p>24 bargain. So I understand where you are</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Did they speak with Connor's</p> <p>2 therapist?</p> <p>3 A. I believe that they did.</p> <p>4 Q. Okay. Did you read the statements of</p> <p>5 Connor's therapist that basically stated that</p> <p>6 they believed the statements made by the child?</p> <p>7 MR. KENEFICK: Objection to form.</p> <p>8 THE WITNESS: I read the documents.</p> <p>9 Q. (By Mr. Jordan) Okay. But my</p> <p>10 question is: Did you read the statements by</p> <p>11 Connor's therapist that validated the statements</p> <p>12 he made concerning being inappropriately touched</p> <p>13 by his father?</p> <p>14 MR. KENEFICK: Objection to form.</p> <p>15 Q. (By Mr. Jordan) That's a yes or no,</p> <p>16 ma'am.</p> <p>17 A. I read the statements.</p> <p>18 Q. Okay. You read them.</p> <p>19 A. Yes.</p> <p>20 Q. And you said that you spoke — that</p> <p>21 the two prosecutors — you spoke to two</p> <p>22 prosecutors?</p> <p>23 A. I spoke with an assistant district</p> <p>24 attorney who called me and then I spoke —</p>

<p style="text-align: right;">Page 37</p> <p>1 Q. Is that Mr. Russo?</p> <p>2 A. Yes. And then I spoke with</p> <p>3 Ms. Mulqueen.</p> <p>4 Q. Okay.</p> <p>5 A. I don't know what page that is.</p> <p>6 MR. DOMINELLO: Probably in the</p> <p>7 50s.</p> <p>8 THE WITNESS: Head of the abuse</p> <p>9 unit.</p> <p>10 MR. DOMINELLO: If you turn to</p> <p>11 Page 55.</p> <p>12 THE WITNESS: Hampden County DA's</p> <p>13 office.</p> <p>14 Q. (By Mr. Jordan) And what did they</p> <p>15 discuss with you?</p> <p>16 A. They went back and pulled up the</p> <p>17 file.</p> <p>18 Q. Okay. And did they -- how long was</p> <p>19 the conversation you had with Mr. Russo?</p> <p>20 A. With Mr. Russo?</p> <p>21 Q. Yes.</p> <p>22 A. Probably 15 minutes.</p> <p>23 Q. Okay. Did he pull the file when he</p> <p>24 spoke to you?</p>	<p style="text-align: right;">Page 39</p> <p>1 Mr. Russo?</p> <p>2 MR. JORDAN: I think it's 46.</p> <p>3 THE WITNESS: Page 50. Page 49,</p> <p>4 50, and 51. And he told me I was on the</p> <p>5 right track, keep digging. Because I</p> <p>6 informed him on the steps that I was</p> <p>7 taking.</p> <p>8 Q. (By Mr. Jordan) Okay. And then you</p> <p>9 spoke with ADA Mulqueen?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Did she pull the file when she</p> <p>12 spoke to you?</p> <p>13 A. Yes, she did. It took several days</p> <p>14 for her to get back to me because she had to</p> <p>15 pull the file.</p> <p>16 Q. Okay. And as a result of that, what</p> <p>17 did she tell you?</p> <p>18 A. She -- there are notes somewhere</p> <p>19 else. She told me there were two attorneys --</p> <p>20 two prosecutors that had dropped the charges.</p> <p>21 Q. Are you reading from a certain page?</p> <p>22 A. I just know that. I don't see it</p> <p>23 here in the notes. But she said the two</p> <p>24 prosecutors had looked at it and they dropped</p>
<p style="text-align: right;">Page 38</p> <p>1 A. He had read the file.</p> <p>2 Q. Okay. So he didn't pull it, he had</p> <p>3 read the file?</p> <p>4 A. I don't know.</p> <p>5 Q. Okay. And did you state that he was</p> <p>6 also a parent of one of the children?</p> <p>7 A. No. His parents live in town and</p> <p>8 received a packet. He's a prior student at</p> <p>9 Longmeadow Public Schools.</p> <p>10 Q. I see. Okay. And what did Mr. Russo</p> <p>11 discuss with you?</p> <p>12 A. What steps would be appropriate to</p> <p>13 take to investigate this and who the good</p> <p>14 contacts were. He's the one that gave me Jane</p> <p>15 Mulqueen's name and pointed out the head of the</p> <p>16 abuse unit would be a good person to talk to in</p> <p>17 the DA's office.</p> <p>18 Q. Okay. Anything else?</p> <p>19 A. He gave advice like that.</p> <p>20 Q. Everything you discussed is in your</p> <p>21 notes?</p> <p>22 A. Uh-huh. Yes.</p> <p>23 MR. DOMINELLO: Do you want to</p> <p>24 point him to the conversation with</p>	<p style="text-align: right;">Page 40</p> <p>1 the charges.</p> <p>2 Q. And did she identify who those</p> <p>3 prosecutors were?</p> <p>4 A. No.</p> <p>5 Q. Were they prosecutors or police</p> <p>6 officers?</p> <p>7 A. She said prosecutors.</p> <p>8 Q. And is it your understanding charges</p> <p>9 were brought?</p> <p>10 A. It is my understanding -- no. My</p> <p>11 understanding is they didn't. I don't know. I</p> <p>12 don't know.</p> <p>13 Q. Page 47, would that help refresh your</p> <p>14 memory of what your conversations were?</p> <p>15 A. Yes. That's where two prosecutors</p> <p>16 reviewed it separately. No criminal charges</p> <p>17 were filed.</p> <p>18 Q. Okay. Did you ask Jane Mulqueen if</p> <p>19 she had reviewed the documents that you had</p> <p>20 reviewed?</p> <p>21 A. I asked her to go back and pull up</p> <p>22 the file. So my assumption was that they had</p> <p>23 all the records that we had, because she had to</p> <p>24 spend days going back into the files to get all</p>

<p style="text-align: right;">Page 41</p> <p>1 the information that she needed to review 2 everything for me. 3 Q. But you didn't ask her what she was 4 reviewing? 5 A. No. 6 Q. Did you talk about any concerns you 7 had with regard to the reports by Connor's 8 therapist? 9 A. No. My assumption is they would have 10 done that on their own investigation. 11 Q. So when you say they did a thorough 12 investigation, it's based partially on your 13 assumptions? 14 A. Correct. 15 MR. JORDAN: I have no further 16 questions. Thank you. 17 18 19 EXAMINATION BY MR. KENEFICK: 20 21 Q. Attorney Jordan asked you whether you 22 were familiar with plea bargains, right? 23 A. Yes. 24 Q. Do you have any understanding that</p>	<p style="text-align: right;">Page 43</p> <p>1 I, LISA A. REGENSBURGER, a Notary Public in 2 and for the Commonwealth of Massachusetts, do 3 hereby certify that MARIE DOYLE, whom was 4 satisfactorily identified, came before me on 5 January 14, 2016, at KOTFILA & JORDAN, 1414 Main 6 Street, Springfield, Massachusetts and was by me 7 duly sworn to testify to the truth and nothing 8 but the truth as to her knowledge touching and 9 concerning the matters in controversy in this 10 case; that she was thereupon examined upon her 11 oath and said examination reduced to writing by 12 me; and that the statement is a true record of 13 the testimony given by the witness, to the best 14 of my knowledge and ability. 15 I further certify that I am not a relative or 16 employee of counsel/attorney for any of the 17 parties, nor a relative or employee of such 18 parties, nor am I financially interested in the 19 outcome of the action. 20 WITNESS MY HAND this 25th day of January, 2016. 21 Lisa A. Regensburger My Commission expires: 22 Notary Public April 15, 2016 23 24</p>
<p style="text-align: right;">Page 42</p> <p>1 Mr. Symington ever participated in any plea 2 bargain? 3 A. No. 4 Q. Because it would be hard to stay in a 5 plea bargain if no criminal charges were filed 6 against him, wouldn't it? 7 A. I would think so. 8 MR. KENEFICK: Thanks. Nothing 9 further. 10 MR. JORDAN: I have nothing. 11 Thank you, ma'am. 12 13 (Deposition concluded at 12:15 p.m.) 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 44</p> <p>1 Today's date: January 25, 2016 2 To: Nicholas J. Dominello, Esq. 3 Copied to: Richard T. Jordan, Esq. 4 Thomas A. Kenefick, III, Esq. 5 From: Lisa A. Regensburger 6 Deposition of: MARIE DOYLE 7 Taken: January 14, 2016 8 Action: Silvermail v Symington 9 10 Enclosed is a copy of the deposition of Marie 11 Doyle. Pursuant to the Rules of Civil 12 Procedure, Ms. Doyle has thirty days to sign the 13 deposition from today's date. 14 Please have Ms. Doyle sign the enclosed 15 signature page. If there are any errors, please 16 have her mark the page, line, and error on the 17 enclosed correction sheet. She should not mark 18 the transcript itself. This addendum should be 19 forwarded to all interested parties. 20 Thank you for your cooperation in this 21 matter. 22 23 24</p>

Page 45

1 COMMONWEALTH OF MASSACHUSETTS
2 Hampden, ss Superior Court Department
3 No. HSCV2014-00239A
4
5
6 *****
7 CONNOR SILVERNAIL p/k/a CONNOR SYMINGTON and
8 CHERYL SILVERNAIL,
9 Plaintiffs
10 vs.
11
12 TIMOTHY SYMINGTON,
13 Defendant
14 *****
15
16 I, MARIE DOYLE, do hereby certify, under the
17 pains and penalties of perjury, that the
18 foregoing testimony is true and accurate, to the
19 best of my knowledge and belief.
20 WITNESS MY HAND, this day of , 2016.
21
22 _____
23 MARIE DOYLE
24 las

Page 46

1 CORRECTION SHEET
2 DEPONENT: MARIE DOYLE
3 CASE: Silvernail v Symington
4 DATE TAKEN: January 14, 2016
5 *****
6 PAGE /LINE /CHANGE OR CORRECTION AND REASON
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