

Deposition of Steve Schultz taken 11/21/14

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA
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4 File No. 13-CV-266
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7 Forest Olivier et al.,
8 Plaintiffs,
9
10 vs.
11 Karl Willers et al.,
12 Defendants.
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16 DEPOSITION OF STEVE SCHULTZ, taken pursuant
17 to Notice of Taking Deposition and taken before Debra J.
18 Mokszycke, a Notary Public in and for the County of Anoka,
19 State of Minnesota at 222 South Ninth Street, Suite 2200,
20 Minneapolis, Minnesota, on the 21st day of November, 2014,
21 commencing at approximately 10:45 a.m.
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1 APPEARANCES:
2 NATHAN M. HANSEN, Attorney at Law, HANSEN LAW
3 OFFICE, 2440 North Charles Street, Suite 242, North St. Paul,
4 Minnesota, 55109, appeared representing the Plaintiffs.
5
6 ALAN C. MILSTEIN, Attorney at Law, SHERMAN,
7 SILVERSTEIN, KOHL, ROSE & PODOLSKY, P.A., 308 Harper Drive,
8 Suite 200, Moorestown, New Jersey, 08057, appeared representing
9 the Plaintiffs.
10
11 JANINE WETZEL KIMBLE, Attorney at Law, GREENE
12 ESPEL, PLLP, 222 South Ninth Street, Suite 2200, Minneapolis,
13 Minnesota, 55402-3362, appeared representing Defendants
14 Nicholas Jacobson and the Olmsted County Sheriff's Office.
15
16 STEPHANIE A. ANGOLKAR, Attorney at Law,
17 IVERSON, REUVERS, CONDON, 9321 Ensign Avenue South,
18 Bloomington, Minnesota, 55438, appeared representing Defendants
19 Karl Willers, the Hutchinson Police Department, Kenneth
20 Willers, the Nobles County Sheriff's Office, Daniel Lewis,
21 Steve Schulz, the Kanabec County Sheriff's Office, Michael
22 Hadland and the Fillmore County Sheriff's Office.
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1 HELEN R. BROSNAHAN, Assistant County Attorney,
2 DAKOTA COUNTY JUDICIAL CENTER, 1560 Highway 55, Hastings,
3 Minnesota, 55033-2392, appeared representing Defendant Bryce
4 Schuenke and Dakota County.
5
6 ANDREW T. JACKOLA, Assistant County Attorney,
7 GOVERNMENT CENTER, 2100 Third Avenue, Suite 720, Anoka,
8 Minnesota, 55303-5025, appeared representing Defendant Chris
9 McCall and the County of Anoka.
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13 WHEREUPON, the following proceedings were duly had:
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1 STEVE SCHULTZ,
 2 After having been first duly sworn,
 3 testified under oath as follows:
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EXAMINATION

6 BY MR. MILSTEIN:
 7 Q Are you still sheriff?
 8 A I am.
 9 Q Sheriff, my name is Alan Milstein. I represent the
 10 plaintiffs in this case. I'm going to ask you some
 11 questions. If at any time you don't understand, just stop
 12 me and I'll try to rephrase it. Just make sure your
 13 answers are all verbal so the court reporter can take that
 14 down.
 15 A Sure.
 16 Q So your counsel tells me you did not attend the DRE class,
 17 correct?
 18 A Correct.
 19 Q Had never attended it?
 20 A Never.
 21 Q What county are you the sheriff of?
 22 A Kanabec, K-a-n-a-b-e-c.
 23 Q Kanabec?
 24 A Kanabec.
 25 Q Sounds like it's from Maine.

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1 A Nope, northern Minnesota.
 2 Q Did any of your officers attend the DRE?
 3 A Dan Lewis.
 4 Q And did he ask you first before he did that? In other
 5 words, did he have to get your approval?
 6 A Yes.
 7 Q And I take it you gave him the approval?
 8 A I did.
 9 Q Had prior officers in your county also gone through the DRE
 10 training?
 11 A No.
 12 Q He was the first?
 13 A Yes.
 14 Q Had you heard anything about what went on at the DRE
 15 training?
 16 A No.
 17 Q At all? I mean, you hadn't -- before you sent your Officer
 18 Lewis there, you hadn't heard anything about the DRE
 19 training --
 20 A No.
 21 Q -- or what went on there?
 22 A No.
 23 Q But it had been in existence -- did you know it had been in
 24 existence for a number of years in Minnesota?
 25 A I knew there were state troopers that were DREs.

7

1 Q And when you say that were DREs, are you saying that they
 2 were drug recognition experts or drug recognition
 3 evaluators?
 4 A I had always heard the term experts.
 5 Q Experts?
 6 A Uh-huh.
 7 Q And did you expect that when Lewis came back from class, he
 8 would be a drug recognition expert?
 9 A Yeah.
 10 Q When he did come back, did he tell you anything about what
 11 went on in the class?
 12 A No, I actually never talked to him about it.
 13 Q Never at all?
 14 A No.
 15 Q At some point in time did you hear, at least in the media,
 16 that some members of the class had given drugs to the
 17 people that they were evaluating?
 18 A Through the media?
 19 Q Or through anywhere. Did you ever hear that?
 20 A I saw a YouTube video of one of my squad cars. That's all
 21 I saw. I don't watch the news. I don't believe in it. I
 22 don't watch it. It's not -- generally not factual.
 23 Q You don't watch the television news?
 24 A Not -- no, very rare. I don't read the paper either
 25 because I don't find it to be factual.

8

1 Q Okay. So the only thing you heard about what went on at
 2 Officer Lewis's class was a YouTube video that you happened
 3 to view, correct?
 4 A He showed it to me, Dan Lewis did.
 5 Q Oh, Dan Lewis showed it to you?
 6 A Dan Lewis showed it to me, yep.
 7 Q And why did he show it to you?
 8 A Because the squad car was on it.
 9 Q And what did you see in the video?
 10 A My squad car, one of my cars.
 11 Q Doing what?
 12 A Sitting there.
 13 Q What was the purpose of his showing it to you?
 14 A I believe it had to do with -- that they had seen it, that
 15 he had seen it, and thought I should be aware of it as a
 16 supervisor, so he showed it to me.
 17 Q Was there anything else in the YouTube video that you
 18 watched?
 19 A If I recall seeing it, it was -- there was a brief glimpse
 20 of him and some other deputy, or city cop, I don't know for
 21 sure, and then another gentleman and they were back by the
 22 trunk.
 23 Q They were back by --
 24 A By the trunk, trunk of the car.
 25 Q I see.

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1 A And that's what I remember of the video.
 2 Q Did it show Occupy Minnesota?
 3 A I don't believe it did, but I believe Dan told me it was
 4 Occupy Minnesota.
 5 Q So Mr. Lewis told you that this vehicle was parked at
 6 Occupy -- did he say Peavey Plaza or did he say Occupy
 7 Minnesota?
 8 A Occupy Minnesota.
 9 Q So he said it was parked at Occupy Minnesota?
 10 A Yep.
 11 Q Did you say what in the world were you doing at Occupy
 12 Minnesota?
 13 A I didn't even know what it was.
 14 Q Do you to this day know what Occupy Minnesota was?
 15 A Not really, no.
 16 Q Did Officer Lewis tell you what he was doing at Occupy
 17 Minnesota?
 18 A DRE stuff.
 19 Q So he said, "I was doing DRE stuff at Occupy Minnesota."
 20 A Pretty much.
 21 Q Did he tell you he was doing DRE stuff at any place other
 22 than Occupy Minnesota?
 23 A We didn't get into it because the discussion revolved
 24 around that YouTube video.
 25 Q Did you have any other discussion with Officer Lewis?

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1 because of the lawsuit.
 2 Q Did they stop before the lawsuit or after the lawsuit?
 3 A I'm trying to think when I got told I was getting sued. I
 4 know they told me -- when I found out about it, it was
 5 after I was getting sued. I want to say it was about three
 6 or four months after the class, so I would say it was about
 7 the same time, real close.
 8 Q And the county is paying for your attorney, right?
 9 A Yeah.
 10 Q And if there was any settlement or judgment in this case
 11 the county would pay, right?
 12 A Yeah, I would think.
 13 Q Well, you made sure of that, right? Didn't you ask
 14 somebody --
 15 A No.
 16 Q -- for your own peace of mind, that if anything comes out
 17 of this the county is going to pay?
 18 MS. ANGOLKAR: I'm just going to make an
 19 objection to the extent that this question goes to
 20 attorney-client privileged conversations.
 21 BY MR. MILSTEIN:
 22 Q Yeah, I don't want you in any way to divulge
 23 attorney-client conversations.
 24 Did you ask anybody, other than your attorney, that
 25 you don't have to pay for any settlement or judgment, the

10

1 A About?
 2 Q About what went on at DRE?
 3 A No.
 4 Q None at all?
 5 A I had him write a report. He wrote me a report.
 6 Q What did the report say?
 7 A I don't recall. You have it.
 8 Q Was there anything in the report that suggested that
 9 anything that you would think was inappropriate occurred
 10 there?
 11 A No.
 12 Q Did you learn that DRE ceased to hold these classes in
 13 Minnesota?
 14 A I was aware that the Department of Public Safety stopped it
 15 for review, I would say shortly after that class went
 16 through.
 17 Q Shortly after Lewis' class went through?
 18 A Yeah, pending some investigation. I heard that at the
 19 Sheriff's Association.
 20 Q And were you curious as to -- I mean, you had never sent an
 21 officer to DRE, even though you knew it existed before, and
 22 finally you send one officer to DRE, and the next thing you
 23 know the whole thing is canceled. Were you curious as to
 24 what had happened there?
 25 A I knew there was a lawsuit, so I assumed they stopped

12

1 county is going to pay for that?
 2 A No, uh-uh.
 3 Q Did you talk to Officer Lewis about the lawsuit?
 4 A Briefly.
 5 Q What did you say to him and what did he say to you?
 6 A He was aware of it. He talked to me briefly about it,
 7 asked me what he should do. I told him he should get
 8 counsel. I said, I don't know, I would get counsel if I
 9 were you, which is, to the best of my knowledge, what he
 10 did.
 11 Q Did you tell him to -- I mean, he didn't have to pay for
 12 his own counsel, right? He went to the county or the
 13 union? Are you guys union?
 14 A The patrol division guys? Dan Lewis?
 15 Q Yes.
 16 A Yes.
 17 Q But you're not union?
 18 A I'm not union, no.
 19 Q Did he get counsel through his union or through the county?
 20 A I believe through the county, but I don't know. I didn't
 21 ask him.
 22 Q Did you have any other discussion with him about it?
 23 A No.
 24 Q You didn't ask him -- did you read the lawsuit?
 25 A Me?

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1 Q Yes.
 2 A No.
 3 Q You didn't even read the complaint?
 4 A No. I signed a form for a guy to go to class. That's all
 5 I've done. Plain and simple.
 6 Q No, I understand.
 7 A So it's not a -- so to me it was -- it's frivolous, at
 8 best.
 9 Q Well, you know what the allegations are, don't you? That
 10 people in the class targeted Occupy Minnesota protestors in
 11 this DRE evaluation program and in some instances actually
 12 gave them drugs or watched them take drugs before they
 13 evaluated them.
 14 A Okay.
 15 Q Is that the first you're hearing about that?
 16 MS. ANGOLKAR: I'm just going to make an
 17 objection to the extent --
 18 MR. MILSTEIN: Yeah, other than --
 19 MS. ANGOLKAR: -- it goes to attorney-client
 20 privilege. You can answer.
 21 BY MR. MILSTEIN:
 22 Q If you learned anything from your attorney, I don't want to
 23 hear about it. So other than from your attorney --
 24 A No.
 25 Q -- did you hear --

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1 STATE OF MINNESOTA)
) ss.
 2 COUNTY OF ANOKA)
 3
 4 Be it known that I took the deposition of STEVE
 5 SCHULTZ on the 21st day of November, 2014, at Minneapolis,
 6 Minnesota;
 7 That I was then and there a Notary Public in and for
 8 the County of Anoka, State of Minnesota, and that by virtue
 9 thereof, I was duly authorized to administer an oath;
 10 That the witness before testifying was by me first
 11 duly sworn to testify the truth and nothing but the truth
 12 relative to said cause;
 13 That the testimony of said witness was recorded in
 14 stenotype by myself and transcribed into typewriting by myself
 15 and that the deposition is a true record of the testimony given
 16 by the witness to the best of my ability;
 17 That I am not related to any of the parties hereto nor
 18 interested in the outcome of the action;
 19 That the reading and signing of the deposition by the
 20 witness was not waived.
 21
 22 WITNESS MY HAND AND SEAL THIS 10TH DAY OF DECEMBER, 2014.
 23 (SEAL)
 24
 25 Debra J. Mokszycke, Notary Public

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1 A No.
 2 Q -- anything about that?
 3 A No.
 4 MR. MILSTEIN: All right. That's all I've
 5 got for you then.
 6 MS. ANGOLKAR: We'll read and sign.
 7 (WHEREUPON, the deposition of STEVE SCHULTZ
 8 concluded at approximately 11:00 a.m.)
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1 Forest Olivier et al. vs. Karl Willers et al.
 2
 3 ADDITIONS, OMISSIONS AND CORRECTIONS
 4 Page Line Addition, Omission or Correction Reason
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
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 17 _____
 18 STEVE SCHULTZ
 19
 20 The above-named individual, before me, read said
 21 deposition and made the additions, omissions and corrections as
 22 indicated.
 23
 24 _____
 25 Notary Public
 My Commission Expires _____ (DJM)