

VOLUME: 1  
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## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss. SUPERIOR COURT DOCKET  
NO. 08-04641-B

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JOHNSON GOLF MANAGEMENT, INC.,

Plaintiff,

VS

TOWN OF DUXBURY, and  
North Hill ADVISORY COMMITTEE,  
CONSISTING OF MICHAEL DOOLIN, CHAIRMAN,  
SCOTT WHITCOMB, ROBERT M. MUSTARD, JR.,  
MICHAEL MARLBOROUGH, ANTHONY  
FLOREANO, MICHAEL T. RUFO, THOMAS K.  
GARRITY, RICHARD MANNING, W. JAMES FORD,  
and GORDON CUSHING (EX OFFICIO)  
and CALM GOLF, INC., and  
CHARLES LANZETTA,

Defendants

DEPOSITION OF ANTHONY FLOREANO, taken on behalf of the Plaintiff, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Jessica F. Story, Certified Shorthand Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the offices of Pollansbee & McLeod, LLP, 536 Granite Avenue, Braintree, Massachusetts, on Tuesday, July 19, 2011, commencing at 11:46 a.m.

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Michael T. Rufo, Thomas K. Garrity, Richard  
Manning, W. James Ford, and Gordon Cushing (Ex  
officio)

ALSO PRESENT:

Douglas Johnson  
Jason Laramie

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### STIPULATIONS

It was stipulated and agreed by and between counsel for the respective parties that the witness will read and sign the deposition under the penalties of perjury within 30 days of receipt of the transcript.

It was further stipulated and agreed that all objections, except as to the form of the question, including motions to strike, shall be reserved until the time of trial.

ANTHONY FLOREANO, a witness called on behalf of the Plaintiff, first having been satisfactorily identified by his Massachusetts driver's license, then duly sworn, on oath deposes and says as follows:

EXAMINATION BY MR. FOLLANSBEE:

**Q.** Could you please identify yourself and give us your residential address.

### A. Sorry?

**Q.** Could you identify yourself and give us your residential address.

- 1 **A. Anthony Floreano, 5 Indian Cove Road in Duxbury,**  
 2 **Massachusetts.**  
 3 **Q.** Have you been deposed before, sir?  
 4 **A. Yes.**  
 5 **Q.** When have you been deposed most recently?  
 6 **A. I don't recall the date exactly.**  
 7 **Q.** The year?  
 8 **A. 2007.**  
 9 **Q.** What kind of a case was it?  
 10 **A. It was a non-compete agreement.**  
 11 **Q.** So you're familiar with the process of questions  
 12 being asked and you have to answer them  
 13 verbally?  
 14 **A. Yes.**  
 15 **Q.** Could you give us your background education  
 16 beginning in high school?  
 17 **A. I completed high school successfully.**  
 18 **Q.** And where was that?  
 19 **A. In Rochester, New York.**  
 20 **Q.** Did you attend college after that?  
 21 **A. Yes.**  
 22 **Q.** Where did you go to college?  
 23 **A. Monroe Community College.**  
 24 **Q.** Where is that located?

- 1 **A. Rochester, New York.**  
 2 **Q.** Did you receive a degree?  
 3 **A. Yes, I did.**  
 4 **Q.** What was the degree?  
 5 **A. Associates in hotel technology.**  
 6 **Q.** What year did you receive that?  
 7 **A. 1994.**  
 8 **Q.** And did you receive any further degrees or  
 9 education after that?  
 10 **A. No.**  
 11 **Q.** And what is your occupation?  
 12 **A. General manager.**  
 13 **Q.** General manager of what?  
 14 **A. Freeman.**  
 15 **Q.** What is Freeman?  
 16 **A. Trade show marketing.**  
 17 **Q.** And where is your business located?  
 18 **A. Braintree.**  
 19 **MR. FOLLANSBEE: Unbelievable. We've got**  
 20 **all these guys from Braintree. This is great.**  
 21 **MR. KESTEN: It's where it's happening.**  
 22 **Q.** And at one point did you serve on the North Hill  
 23 Advisory Committee?  
 24 **A. At what point?**

- 1 **Q.** At any point in your life have you served on the  
 2 North Hill Advisory Committee?  
 3 **A. Yes.**  
 4 **Q.** Do you remember the years that you served on it?  
 5 **A. I do not recall the first year I started but I**  
 6 **am still on it present day.**  
 7 **Q.** And when was the last time you attended a  
 8 meeting at the North Hill Advisory Committee?  
 9 **A. I don't recall.**  
 10 **Q.** Did you have --  
 11 **A. It's been awhile.**  
 12 **Q.** Did you have any meetings this year, 2011?  
 13 **A. I don't recall.**  
 14 **Q.** Do you recall any meetings in 2010?  
 15 **A. Yes.**  
 16 **Q.** How many meetings did the North Hill Advisory  
 17 Committee have in 2010?  
 18 **A. I don't know.**  
 19 **Q.** More than five?  
 20 **A. I don't recall.**  
 21 **Q.** Do you have any recollection of attending any  
 22 meetings of the North Hill Advisory Committee in  
 23 2009?  
 24 **A. Yes.**

- 1 **Q.** How many meetings did you attend?  
 2 **A. I don't recall.**  
 3 **Q.** Do you know who keeps the minutes for the North  
 4 Hill Advisory Committee?  
 5 **A. I do.**  
 6 **Q.** Who keeps the minutes?  
 7 **A. Michael Marlborough.**  
 8 **Q.** And do you review the minutes at subsequent  
 9 meetings and vote on them?  
 10 **A. Yes, we do.**  
 11 **Q.** And how many years have you been on the  
 12 committee?  
 13 **A. I don't recall.**  
 14 **Q.** Is it four or five years?  
 15 **A. Four years, approximately.**  
 16 **Q.** In those four years, was Michael Marlborough  
 17 always the one who maintained the minutes?  
 18 **A. No.**  
 19 **Q.** Do you know anyone else who maintained the  
 20 minutes?  
 21 **A. No. I don't recall, no.**  
 22 **Q.** Did you ever maintain the minutes yourself?  
 23 **A. No.**  
 24 (Discussion off the record.)

- 1 Q. In your -- in the four years that you've been on  
2 the committee, did you play golf at North Hill?  
3 A. **Yes.**  
4 Q. How often did you play?  
5 A. **I don't understand the question.**  
6 Q. How frequently did you play golf there on a  
7 yearly basis?  
8 A. **Approximately eight to ten times.**  
9 Q. Did you maintain a handicap?  
10 A. **One year I did.**  
11 Q. What was the handicap when you did maintain it?  
12 A. **18.**  
13 **MR. FOLLANSBEE: That one's honest, too,**  
14 **Lenny. I will tell you right now.**  
15 MR. KESTEN: You think?  
16 MR. FOLLANSBEE: I think so.  
17 MR. KESTEN: So only one guy's lied so  
18 far, in your opinion.  
19 MR. FOLLANSBEE: In my opinion. Well,  
20 about the handicap.  
21 MR. KESTEN: Right.  
22 MR. FOLLANSBEE: Yeah.  
23 Q. (By Mr. Follansbee) Who did you -- did you have  
24 a regular foursome that you played with at North

- 1 Hill?  
2 A. **No.**  
3 Q. Are there any other members of the North Hill  
4 Advisory Committee that you have either a  
5 business or social relationship with?  
6 A. **Can you ask the question again.**  
7 Q. Yes.  
8 Are there any other members of the North  
9 Hill Advisory Committee that you have either a  
10 business or a social relationship with?  
11 A. **Not that I'm aware of.**  
12 Q. Do you remember being involved in the meetings  
13 of the North Hill Advisory Committee in the  
14 period 2007 and 2008 in which a new contract and  
15 RFP for North Hill was discussed?  
16 A. **Yes.**  
17 Q. Did you have any particular role in those  
18 discussions?  
19 A. **Yes.**  
20 Q. Let me rephrase that question.  
21 Did you have a task assigned to you as to  
22 what your role would be?  
23 A. **No.**  
24 Q. Did you have occasion to review any other

- 1 contracts with other municipalities regarding  
2 their golf courses?  
3 A. **Yes.**  
4 Q. And were you given copies of those contracts by  
5 someone else on the committee?  
6 A. **I don't recall.**  
7 Q. Did you secure yourself copies of municipal golf  
8 course contracts from other individuals?  
9 A. **No.**  
10 Q. So is it fair to say that anything you did  
11 review you got through your attendance at the  
12 committee meetings?  
13 A. **Correct.**  
14 Q. And did you meet with any other town officials  
15 other than committee members regarding the new  
16 contract that was going to be put out to bid in  
17 2008?  
18 A. **Yes.**  
19 Q. Who would that be?  
20 A. **Town manager, Richard McCarthy.**  
21 Q. Where did you meet with Mr. McCarthy?  
22 A. **Where?**  
23 Q. Yes.  
24 A. **His office.**

- 1 Q. Do you recall when that was?  
2 A. **No.**  
3 Q. Did you as a committee meet with him or did you  
4 individually meet with him?  
5 A. **Committee.**  
6 Q. Was that one of your regularly scheduled  
7 committee meetings only at a different venue?  
8 A. **I don't recall.**  
9 Q. Did you have any input in the drafting of the  
10 new Request For Proposals that was made  
11 available to the general public in the fall of  
12 2008?  
13 A. **Not that I am aware of.**  
14 Q. Did you -- in attending committee meetings, did  
15 you review any particular language in a  
16 contract?  
17 A. **Yes.**  
18 Q. A proposed contract?  
19 A. **Yes.**  
20 Q. Did you have any input into what the proposed  
21 language was?  
22 A. **Not that I recall.**  
23 Q. Was a draft of the so-called RFP circulated to  
24 committee members in the summer of 2008 for

- 1 review?
- 2 **A. Not that I'm aware of.**
- 3 **Q.** I'm showing you -- actually, I believe it was  
marked this morning. No. That's the wrong one.
- 5 I'm showing you what was marked at
- 6 Mr. Marlborough's deposition yesterday as
- 7 Exhibit No. 1, and this is the North Hill
- 8 Country Club Request For Proposals with a bid
- 9 date of Friday, October 24th. I'd ask you if
- 10 you've seen a copy of that document before.
- 11 **A. I don't recall.**
- 12 **Q.** Do you recall being asked by anyone to do
- 13 evaluations of the proposals that were submitted
- 14 pursuant to the RFP process in the fall of 2008?
- 15 **A. Can you ask me that question again.**
- 16 **Q.** Yes.
- 17 Do you recall being asked by anybody to
- 18 review proposals and come up with an evaluation
- 19 of them in the fall of 2008?
- 20 **A. I'm not understanding your question.**
- 21 **Q.** Did you review any proposals of vendors who
- 22 wanted to operate the golf course in 2008?
- 23 **A. Yes.**
- 24 **Q.** Do you remember doing it?

- 1 **A. Yes.**
- 2 **Q.** Who asked you to perform that task?
- 3 **A. Gordon Cushing.**
- 4 **Q.** Did you receive any guidance as to how to do
- 5 that?
- 6 **A. No.**
- 7 **Q.** Were you given any materials to assist you with
- 8 doing that?
- 9 **A. I don't recall.**
- 10 **Q.** Were you given copies of the proposals from the
- 11 various companies that were seeking to operate
- 12 the golf course?
- 13 **A. Yes.**
- 14 **Q.** Do you remember how many companies there were?
- 15 **A. No.**
- 16 **Q.** Do you remember the names of any of the
- 17 companies?
- 18 **A. Yes.**
- 19 **Q.** Specifically, do you remember a company named
- 20 CALM Golf, C-a-l-m?
- 21 **A. Yes.**
- 22 **Q.** Do you remember that Johnson Golf Management was
- 23 one of the bidders?
- 24 **A. Yes.**

- 1 **Q.** Do you remember that Mr. Daley and Mr. Stiles
- 2 were also bidders?
- 3 **A. No.**
- 4 **Q.** Do you remember a bid from a company called
- 5 Eagles Nest Landscaping?
- 6 **A. Yes.**
- 7 **Q.** And do you remember a bid from an individual
- 8 named Robert Gunnarson?
- 9 **A. Yes.**
- 10 **Q.** Prior to your role as an evaluator of the
- 11 various proposals, did you know Mr. Johnson --
- 12 **A. No.**
- 13 **Q.** -- of Johnson Golf? Did you know either
- 14 Mr. Stiles or Mr. Daley?
- 15 **A. No.**
- 16 **Q.** Did you know Mr. Emmett Sheehan?
- 17 **A. No.**
- 18 **Q.** Had you ever served on the North Hill Advisory
- 19 Committee with an individual named Emmett
- 20 Sheehan?
- 21 **A. No.**
- 22 **Q.** Did you know Mr. Gunnarson?
- 23 **A. No.**
- 24 **Q.** Did you know Mr. Lanzetta of CALM Golf?

- 1 **A. No.**
- 2 **Q.** The document that was Exhibit 1 in the
- 3 deposition of Mr. Marlborough yesterday that's
- 4 in front of you entitled "Request For Proposals"
- 5 on the letterhead of the Town of Duxbury, do you
- 6 remember being given a copy of that in order to
- 7 assist you with the evaluations of the
- 8 proposals?
- 9 **A. No.**
- 10 **Q.** Do you remember anything about the proposals and
- 11 your evaluations?
- 12 **A. I don't recall, no.**
- 13 **Q.** You don't remember anything?
- 14 **A. Anything? No.**
- 15 **Q.** You have no memory of it at all?
- 16 **A. Of what?**
- 17 **Q.** Of being given documents to evaluate these
- 18 proposals.
- 19 **A. Yes.**
- 20 **Q.** What do you remember?
- 21 **A. The documents.**
- 22 **Q.** What documents do you remember?
- 23 **A. I recall the documents that the companies**
- 24 **submitted as their response to the RFP.**

- 1 **Q.** Do you remember anything else?
- 2 **A.** **No.**
- 3 **Q.** Do you remember having a score sheet to fill out?
- 5 **A.** **Yes.**
- 6 **Q.** Do you remember having a document such as Exhibit 1 in front of you being the Request For Proposals that was issued by the Town of Duxbury?
- 10 **A.** **I don't recall.**
- 11 **Q.** Did you have anything to guide you as to how to fill out the score sheets that were provided to you?
- 14 **A.** **I don't recall.**
- 15 **Q.** Did you do the evaluations yourself?
- 16 **A.** **Yes.**
- 17 **Q.** Did you have any assistance from anybody else?
- 18 **A.** **No.**
- 19 **Q.** Did you discuss it with anybody else while you were doing it?
- 21 **A.** **No.**
- 22 **Q.** Did you discuss it with anybody once you completed the task?
- 23 **A.** **No.**

- 1 **Q.** What did you do with your evaluations once you completed them?
- 2 **A.** **I delivered them to Gordon Cushing.**
- 4 **Q.** I'm going to show you some documents that have been given to us by the Town of Duxbury and ask you to take a look at it and then I'll ask a few questions about it.
- 8 **A.** **Okay.**
- 9 **Q.** Do you recognize that document?
- 10 **A.** **Not all of it, no.**
- 11 **Q.** What don't you recognize?
- 12 **A.** **Page 17.**
- 13 **Q.** And the remaining pages you do recognize?
- 14 **A.** **Yes.**
- 15 **Q.** And at the top of Page 17 it says, "North Hill Country Club Non-Price Evaluations." It says "Evaluator" and it says "Anthony Floreano." Is that you?
- 19 **A.** **That is me.**
- 20 **Q.** And did you type this document yourself?
- 21 **A.** **I don't recall.**
- 22 **MR. FOLLANSBEE:** I'd like that marked as the first exhibit here today.
- 24 (Exhibit No. 1 ID marked.)

- 1 **Q.** Looking at the second page which is Page 18 at the bottom, is that your handwriting on that page?
- 3 **A.** **Yes.**
- 5 **Q.** Was that your evaluation for Mr. Gunnarson's firm?
- 6 **A.** **Yes.**
- 8 **Q.** And the following page, Page 19, is that your handwriting?
- 10 **A.** **Yes.**
- 11 **Q.** Was that your evaluation for CALM Golf, Incorporated?
- 12 **A.** **Yes.**
- 14 **Q.** And the following page, Page 20, is that your handwriting?
- 15 **A.** **Yes.**
- 17 **Q.** Was that your evaluation for Johnson Golf Management?
- 18 **A.** **Yes.**
- 20 **Q.** And Page 21, the following page, is that your handwriting?
- 21 **A.** **Yes.**
- 23 **Q.** Is that your evaluation for Steven Daley and Mark Stiles?
- 24

- 1 **A.** **Yes.**
- 2 **Q.** And the final page, is that your handwriting?
- 3 **A.** **Yes, it is.**
- 4 **Q.** Is that your evaluation for Eagles Nest?
- 5 **A.** **Yes.**
- 6 **Q.** Directing your attention to Page 6 of Exhibit 1 from the Marlborough deposition, and this is in the Town of Duxbury North Hill Country Club Request For Proposals for October of 2008, I'd ask you to review beginning on that page the criteria, and I'll ask you a couple of questions about it.
- 13 **A.** **Okay.**
- 14 **Q.** Do you recall having the score sheet that had the category of highly advantageous, advantageous, not advantageous and unacceptable?
- 16 **A.** **Yes.**
- 18 **Q.** Do you recall that there were criteria listed beginning on Page 6 of Exhibit 1 of the Marlborough deposition going through Page 8 that correlated to the scores on the score sheet?
- 21 **A.** **I don't recall, no.**
- 23 **Q.** Well, having reviewed this, does this refresh your memory as to --
- 24

1 **A. No.**

2 **Q.** So you have no idea how you came up with the  
3 rating of highly advantageous?

4 **A. I don't recall.**

5 **Q.** What's your best memory as to why you gave  
6 Robert Gunnarson, for instance, on Page 18 a  
7 rating of highly advantageous for relevant  
8 experience?

9 **A. I don't recall.**

10 **Q.** What's your best memory as to why you did that?

11 **A. I don't recall.**

12 **Q.** Looking at the --

13 MR. FOLLANSBEE: I'd ask this be marked  
14 as the next exhibit.

15 (Exhibit No. 2 ID marked.)

16 **Q.** Directing your attention to what's been marked  
17 as Exhibit 2, according to the materials that  
18 we've been given, this purported to be the  
19 non-price proposal of Mr. Robert Gunnarson.

20 Did you review the non-price proposals of  
21 the various vendors in late 2008?

22 **A. Yes.**

23 **Q.** And was this one of the proposals you reviewed?

24 **A. Yes.**

1 **Q.** And in the category of financial information,  
2 you rated this proposal as being unacceptable;  
3 is that correct?

4 **A. That's correct.**

5 **Q.** And according to Page 1 of Exhibit 1 in today's  
6 deposition, at least the typewritten material  
7 with your name on it indicates that Robert  
8 Gunnarson did not provide proper financial  
9 documentation as required and as a result,  
10 received a rating of unacceptable.

11 Is that why you graded him as  
12 unacceptable on Page 18 of the exhibit?

13 **A. I don't recall.**

14 **Q.** On the issue of relevant experience, looking at  
15 the Request For Proposals issued by the Town of  
16 Duxbury on Page 6, Exhibit 1 to the deposition  
17 of Mr. Marlborough, the indication is that the  
18 only way the proposer is going to receive a  
19 grade of highly advantageous is if the proposer  
20 is currently managing at least two municipal  
21 golf course operations.

22 Was that your understanding at the time?

23 **A. I don't recall.**

24 **Q.** Did you read the material? Did you read the

1 material in the RFP when you were grading this?

2 **A. I don't recall.**

3 **Q.** You don't recall if you read that?

4 **A. No.**

5 **Q.** What do you recall about -- other than receiving  
6 Exhibit Number 2 as a proposal from Robert  
7 Gunnarson, what else do you recall?

8 **A. Nothing.**

9 **Q.** Where did you do the evaluation?

10 **A. My office.**

11 **Q.** Where is your office located?

12 **A. Braintree.**

13 **Q.** Where in Braintree?

14 **A. 1515 Washington Street.**

15 **Q.** In looking at the evaluation pages in Exhibit  
16 No. 1, on the bottom it indicates overall  
17 rating. And for instance, on Page 20 your  
18 overall rating for Johnson Golf Management,  
19 Incorporated is qualified. Do you remember  
20 putting that down?

21 **A. I do.**

22 **Q.** If I were to suggest to you that the RFP  
23 required you as an evaluator to give an overall  
24 evaluation rating of either highly advantageous,

1 advantageous, not advantageous or unacceptable,  
2 would you agree with me based upon the four  
3 categories on Page 20 that the rating you would  
4 have given Johnson Golf Management would have  
5 been highly advantageous?

6 MR. JORDAN: Objection. You can answer.

7 MR. KESTEN: You can answer.

8 **Q.** You can answer that.

9 **A. I don't recall that.**

10 **Q.** I'm not asking if you recall. I'm asking you to  
11 look at it now.

12 **A. Okay. I'm looking at it.**

13 **Q.** No, you're not. I want you to look at it.

14 **A. I'm looking at it.**

15 **Q.** In looking at it, he has highly advantageous in  
16 every category, correct?

17 **A. Correct.**

18 **Q.** The requirement is to give an overall rating of  
19 either highly advantageous, advantageous, not  
20 advantageous or unacceptable.

21 Would you agree with me that based upon  
22 the ratings that you did give, the overall  
23 rating would be highly advantageous?

24 MR. JORDAN: Objection.

1 **A. I don't agree.**

2 **Q.** You don't agree. Could you please explain in  
3 detail why you don't agree with that?

4 **A. I don't recall the thought process at the time**  
5 **and the documents that I reviewed to come up**  
6 **with an overall rating.**

7 **Q.** What would you need to refresh your  
8 recollection?

9 **A. I don't know.**

10 **Q.** Okay. Why don't we start here. I'll give you  
11 the RFP which is Exhibit Number 1 to -- that's  
12 Studley. Wait a minute.

13 You have the RFP, Exhibit No. 1 to the  
14 Marlborough deposition, and in the category of  
15 relevant experience you gave Johnson Golf  
16 Management a rating of highly advantageous,  
17 correct?

18 **A. Repeat that.**

19 **Q.** Yes.

20 In the category of relevant experience  
21 you rated Johnson Golf Management highly  
22 advantageous, correct?

23 **A. Correct.**

24 **Q.** And in the category of organizational capability

1 you rated Johnson Golf Management highly  
2 advantageous, correct?

3 **A. Correct.**

4 **Q.** In the category of maintenance, equipment and  
5 staff you rated Johnson Golf Management, Inc.  
6 highly advantageous; is that correct?

7 **A. Correct.**

8 **Q.** And in the category of financial information you  
9 rated Johnson Golf Management, Inc. highly  
10 advantageous; is that correct?

11 **A. Correct.**

12 **Q.** Is there any reason why you would not give them  
13 a rating of highly advantageous for an overall  
14 rating?

15 MR. JORDAN: Objection.

16 **A. I don't know.**

17 **Q.** Do you have any reason as you sit here today why  
18 you would not give them a rating of highly  
19 advantageous overall?

20 **A. I don't know why I wrote qualified for overall**  
21 **rating. I don't recall.**

22 **Q.** I'm not asking you what you recall. I'm asking  
23 you, do you have any reason now why you would  
24 not give them a rating of highly advantageous

1 overall?

2 **A. I don't recall.**

3 **Q.** I'm not asking if you recall, sir. I'm asking  
4 you, do you have any reason why if you gave them  
5 highly advantageous in every category you  
6 wouldn't give them an overall rating of highly  
7 advantageous?

8 **A. I don't know.**

9 **Q.** Were you aware that after the RFP process was  
10 completed in late October of 2008 that all the  
11 proposals had been rejected by the town manager  
12 in early December of 2008?

13 **A. Can you rephrase that, please.**

14 **MR. FOLLANSBEE: Can you read it back,**  
15 **please.**

16 **(The question was read back.)**

17 **A. No.**

18 **Q.** Did you ever become aware of that?

19 **A. Yes.**

20 **Q.** When did you become aware of that?

21 **A. I don't recall.**

22 **Q.** Had you ever been given copies of the price  
23 proposals of the vendors that you evaluated?

24 **A. No.**

1 **Q.** Had anybody ever told you what their financial  
2 bids were?

3 **A. No.**

4 **Q.** To this day do you know what they were?

5 **A. I believe, yes.**

6 **Q.** How did you come by that knowledge?

7 **A. North Hill Advisory Committee.**

8 **Q.** When was that?

9 **A. I don't recall.**

10 **Q.** Was it contemporaneous with the evaluation or  
11 sometime later?

12 **A. What do you mean?**

13 **Q.** What didn't you understand about that?

14 **A. Your question. Rephrase it.**

15 **MR. FOLLANSBEE: Could you read the**  
16 **question back for him, please.**

17 **(The question was read back.)**

18 **A. Some time later.**

19 **Q.** Was it before the process was put out to bid in  
20 early 2009?

21 **A. I don't recall.**

22 **Q.** Who told you what the prices were?

23 **A. I don't remember.**

24 **Q.** It was discussed at the North Hill Advisory

- 1 Committee meeting?
- 2 **A. Yes.**
- 3 **Q.** Were minutes kept of that meeting?
- 4 **A. I don't recall.**
- 5 **Q.** Are minutes kept of every meeting?
- 6 **A. I don't know.**
- 7 **Q.** Have you ever been at a meeting of the North
- 8 Hill Advisory Committee that didn't begin by
- 9 reviewing the minutes of the previous meeting?
- 10 **A. Not that I'm aware of.**
- 11 **Q.** On Page 21 of Exhibit 1, your evaluation form
- 12 for Steven Daley and Mark Stiles, you indicate
- 13 that they were unacceptable in every category,
- 14 correct?
- 15 **A. Correct.**
- 16 **Q.** And if you were asked to provide an overall
- 17 rating of highly advantageous, advantageous, not
- 18 advantageous or unacceptable for Mr. Daley and
- 19 Mr. Stiles, what rating would you provide?
- 20 **A. I don't know.**
- 21 **Q.** What additional information would you need in
- 22 order to come up with an overall rating in one
- 23 of those four categories?
- 24 **A. I don't know.**

- 1 **Q.** What did you mean by the fact that you rated
- 2 them that they were not qualified?
- 3 **A. I don't recall.**
- 4 **Q.** With regard to CALM Golf, Incorporated, on Page
- 5 19 is your evaluation of CALM Golf.
- 6 In the classification of financial
- 7 information, was it your understanding that in
- 8 order to obtain a highly advantageous rating the
- 9 proposer needed to submit audited financial
- 10 statements?
- 11 **A. I don't recall.**
- 12 **Q.** Directing your attention to Exhibit 1 of the
- 13 Marlborough deposition, I'd ask you to take a
- 14 moment and review on Page 8 the three or four
- 15 paragraphs involving financial information.
- 16 (Witness complies.)
- 17 **A. Okay.**
- 18 **Q.** Now that you reviewed that, are you in agreement
- 19 with me that in order to receive a rating of
- 20 highly advantageous, the proposer would need to
- 21 provide audited financial statements?
- 22 **A. I don't know.**
- 23 **Q.** You don't know?
- 24 **A. I don't know.**

- 1 **Q.** Why don't you read Page 8, the financial
- 2 information section where it begins "Highly
- 3 advantageous." Why don't you read that out
- 4 loud.
- 5 MR. KESTEN: He's not going to.
- 6 MR. FOLLANSBEE: Pardon me?
- 7 MR. KESTEN: He's not going to. I never
- 8 let my witnesses be ordered to read things out
- 9 loud. He's not a child.
- 10 MR. FOLLANSBEE: So you're objecting to
- 11 the question despite the fact that all
- 12 objections are reserved until the --
- 13 MR. KESTEN: He's not going to read it.
- 14 It's not a question. It's an order.
- 15 **Q.** Do you know what an audited financial statement
- 16 looks like?
- 17 **A. Yes.**
- 18 **Q.** And you know what it means that a statement is
- 19 audited by a certified public accountant? Do
- 20 you know what that means?
- 21 **A. Yes.**
- 22 **Q.** Did you see any audited financial statements
- 23 submitted by CALM Golf?
- 24 **A. I don't recall.**

- 1 **Q.** I'm going to show you the proposal of CALM Golf
- 2 which is Exhibit Number 3 to Mr. Studley's
- 3 deposition this morning. To make it simple for
- 4 you, the financial information they provided
- 5 begins on Page 91. You can review it. It goes
- 6 in sequence after that.
- 7 Take a moment to review that, then I'll
- 8 ask you a few questions about it.
- 9 (Witness complies.)
- 10 **A. Okay.**
- 11 **Q.** Have you had a chance to take a look at those
- 12 pages?
- 13 **A. Yes.**
- 14 **Q.** Are there any audited financial statements
- 15 there?
- 16 **A. Not to my knowledge.**
- 17 **Q.** So would you agree with me that based upon the
- 18 material provided by the Town of Duxbury, that
- 19 CALM Golf would not be deserving of the rating
- 20 of highly advantageous in the area of financial
- 21 information?
- 22 MR. JORDAN: Objection.
- 23 **A. I don't know.**
- 24 **Q.** Why don't you know, sir?

1 **A. I don't recall this document.**

2 **Q.** Well, I'm suggesting to you that that is the  
3 document that was provided by the Town of  
4 Duxbury. Maybe I should pose it as a  
5 hypothetical.

6 If that is the proposal of CALM Golf,  
7 would you agree that based on that financial  
8 information CALM Golf would not deserve a rating  
9 of highly advantageous in the category of  
10 financial information?

11 **A. I don't know.**

12 **Q.** Well, in order to receive a rating of highly  
13 advantageous, the requirement was that they have  
14 three years of financial statements  
15 independently audited by a certified public  
16 accountant.

17 Based on what you have in front of you  
18 and your statement that those are not audited  
19 financial statements, would you agree that they  
20 did not deserve the rating of highly  
21 advantageous in the area of financial  
22 information?

23 MR. JORDAN: Objection.

24 **A. No.**

1 **Q.** You don't agree with me?

2 **A. No.**

3 **Q.** Why don't you agree with me?

4 **A. I'm not aware this is what CALM Golf submitted**  
5 **as their proposal.**

6 **Q.** Sir, I posed the question as a hypothetical. So  
7 let's assume that is what they submitted.

8 Assuming that fact to be true, would you  
9 agree with me that they didn't deserve a rating  
10 of highly advantageous in the area of financial  
11 information due to their failure to submit  
12 audited financial statements?

13 **A. No.**

14 **Q.** And why don't you agree with that?

15 **A. I don't recall the exact requirements in regards**  
16 **to the financials.**

17 **Q.** Sir, directing your attention to Exhibit No. 1  
18 in the Marlborough deposition, on Page 8 the  
19 financial criteria set forth there.

20 **A. Okay.**

21 **Q.** Having had a chance to review the criteria  
22 published by the Town of Duxbury, do you agree  
23 that if CALM Golf's proposal is the one that  
24 you've just reviewed that does not contain

1 audited financial statements, that they were not  
2 deserving of a rating of highly advantageous in  
3 the area of financial information?

4 MR. JORDAN: Objection.

5 **A. If then, yes.**

6 **Q.** That wasn't so hard.

7 With regard to Mr. Gunnarson, looking at  
8 Page 18 of your evaluation, in the area of  
9 relevant experience you gave him a rating of  
10 highly advantageous, correct?

11 **A. Correct.**

12 **Q.** And if you look at Page 6 of the Town of  
13 Duxbury's Request For Proposals, in the area of  
14 relevant experience it was required that the  
15 vendor be managing at least two municipal golf  
16 course operations or other comparable business  
17 enterprises. Do you see that?

18 **A. Yes.**

19 **Q.** And Mr. Gunnarson, according to information you  
20 provided to the Town of Duxbury, was not  
21 managing any courses since 2005, correct?

22 **A. I don't recall.**

23 **Q.** If you look at Page 1 of Exhibit 1 today.

24 **A. Okay.**

1 **Q.** Under -- at the top it says, "My evaluation  
2 finds only two of the five proposals attained a  
3 highly advantageous rating," and it says,  
4 "Robert Gunnarson, 33 years of experience,  
5 currently not managing any courses since 2005."

6 Is that the material you submitted to the  
7 town?

8 **A. I don't recall.**

9 **Q.** Did you review Mr. Gunnarson's proposal?

10 **A. Yes.**

11 **Q.** Here's Exhibit 2. I think you have it in front  
12 of you. That's Mr. Gunnarson's proposal. In  
13 his proposal does he suggest that he's managing  
14 any golf course currently?

15 **A. I don't know.**

16 **Q.** Why don't you take a look at it and tell me if  
17 that's his suggestion.

18 **A. Okay.**

19 **Q.** In reviewing Exhibit Number 2, is there anything  
20 indicating that Robert Gunnarson was currently  
21 managing at least two municipal golf course  
22 operations as of 2008?

23 **A. Not in Exhibit 2.**

24 **Q.** Assuming that Exhibit 2 was the proposal of

1 Mr. Gunnarson and assuming that the RFP issued  
2 by the Town of Duxbury is the one that's in  
3 front of you, would you agree with me that  
4 Mr. Gunnarson's firm did not deserve a rating of  
5 highly advantageous in the area of relevant  
6 experience?

7 MR. JORDAN: Objection.

8 **A. Correct.**

9 **Q.** And if the only material that had been provided  
10 to you in the fall of 2008 were the evaluation  
11 standards that are in Exhibit 1 of the  
12 Marlborough deposition as well as Exhibit 2 from  
13 Mr. Gunnarson, it was a mistake on your part to  
14 rate him highly advantageous in the area of  
15 relevant experience; isn't that correct?

16 MR. JORDAN: Objection.

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

18 **Q.** I'm not asking if you recall, sir. I'm asking  
19 you, based on what you have in front of you now,  
20 isn't it true that you were mistaken in giving  
21 him a rating of highly advantageous two years  
22 ago if that's all the material you had?

23 **A. I don't recall.**

24 **Q.** What don't you recall?

1 **A. The evaluation, the rating.**

2 **Q.** Well, is that the rating you gave him, the one  
3 that's in Exhibit Number 1, Page 18? Is that  
4 the rating you gave him, highly advantageous?

5 **A. Correct.**

6 **Q.** Based upon what you just said, you agree now  
7 that he would not deserve a rating of highly  
8 advantageous since he wasn't operating two golf  
9 courses, correct?

10 **A. Correct.**

11 **Q.** So it was a mistake to give him a rating of  
12 highly advantageous when you did this in 2008,  
13 correct?

14 MR. JORDAN: Objection.

15 **A. I don't recall. I don't recall why I gave that  
16 rating.**

17 **Q.** Did you have other material other than  
18 Mr. Gunnarson's proposal and the standards that  
19 the town gave you?

20 **A. Not that I recall.**

21 **Q.** Did you have some other criteria that you were  
22 evaluating these people against?

23 **A. Not that I recall.**

24 **Q.** So based upon Mr. Gunnarson's proposal and the

1 criteria that you had, it was a mistake to rate  
2 him highly advantageous, wasn't it?

3 MR. JORDAN: Objection.

4 **A. I don't recall.**

5 **Q.** You don't think that was a mistake? Were you  
6 intentionally trying to give Mr. Gunnarson a  
7 rating he didn't deserve?

8 MR. JORDAN: Objection.

9 **A. I don't recall.**

10 **Q.** So it's possible that you were trying to give  
11 him a rating he didn't deserve?

12 **A. I don't recall.**

13 MR. JORDAN: Objection.

14 **Q.** When you were doing your evaluation in your  
15 office, did you have access to a computer?

16 **A. Yes.**

17 **Q.** Do you have a computer in your office?

18 **A. Yes.**

19 **Q.** Was it your memory that you were keeping notes  
20 as you were evaluating these proposals?

21 **A. Yes.**

22 **Q.** Were you keeping them on a computer or were they  
23 handwritten notes?

24 **A. Handwritten.**

1 **Q.** Did you turn those handwritten notes in to  
2 anybody at the Town of Duxbury?

3 **A. No.**

4 **Q.** Did you turn anything in to the Town of Duxbury  
5 other than the individual score sheet for the  
6 proposals?

7 **A. I don't recall.**

8 **Q.** So it's possible that the first page that has  
9 your name on it as evaluator is something that  
10 you typed up?

11 **A. I don't recall.**

12 **Q.** It's possible that that happened, though?  
13 You're capable of typing on your computer?

14 **A. Yes.**

15 **Q.** So it's possible that you filled this sheet out  
16 and turned it in with your score sheets?

17 **A. Yes.**

18 **Q.** And if Mr. McCarthy provided these documents to  
19 us and suggested that these pages were all  
20 submitted by you, you wouldn't contradict that?

21 **A. I don't recall this document.**

22 **Q.** But if Mr. McCarthy says he got it from you, you  
23 don't have any information to contradict the  
24 fact that this came from you?

- 1 MR. JORDAN: Objection.
- 2 MR. KESTEN: It's redundant. He said it.
- 3 MR. FOLLANSBEE: I'm asking if he has any  
information to contradict.
- 5 MR. KESTEN: He says he doesn't remember.  
He's always said that. What does that mean?
- 7 Q. When Mr. Cushing gave you -- did Mr. Cushing  
give you these evaluation forms?
- 9 A. Yes.
- 10 Q. Did Mr. Cushing tell you what had to be put on  
the bottom of the page for an overall rating?
- 12 A. I don't recall.
- 13 Q. Did you have any conversation with Mr. Cushing  
about how to go about this process?
- 15 A. Yes.
- 16 Q. And to the best of your memory, what did he tell  
you?
- 18 A. I don't recall.
- 19 Q. You had a conversation but you can't recall  
anything about it?
- 21 A. Correct.
- 22 Q. Do you have memory problems other than this  
particular case?
- 23 MR. JORDAN: Objection.

- 1 A. No.
- 2 Q. You can remember birthdays, anniversaries,  
things like that? Can you?
- 4 A. For the most part, yes.
- 5 Q. You remember the Red Sox winning the World  
Series in 2010?
- 7 A. Yes, I do.
- 8 Q. Does your memory go as far back as them winning  
in 2004, as well?
- 10 MR. JORDAN: Objection.
- 11 A. Sure does.
- 12 Q. But you don't remember anything about this; is  
that correct?
- 14 A. About what?
- 15 Q. About the conversations and the meetings with  
Gordon Cushing to get ready to do this  
evaluation.
- 17 A. No.
- 19 Q. And that happened in 2008, correct?
- 21 A. Correct.
- 22 Q. Did you have any injury of any kind that  
affected your memory from the events of 2008?
- 23 MR. JORDAN: Objection.
- 24 MR. KESTEN: Knock it off. Knock it off.

- 1 MR. FOLLANSBEE: Are you kidding?
- 2 MR. KESTEN: No, I'm not.
- 3 MR. FOLLANSBEE: After listening to this  
4 for an hour.
- 5 Q. Do you have any memory problems? Did you have  
any injury?
- 7 A. I've answered that question already.
- 8 Q. Have you had any injuries --
- 9 A. No.
- 10 Q. -- that affect your memory?
- 11 A. No.
- 12 MR. FOLLANSBEE: I'm going to take five  
13 minutes.
- 14
- 15 (Recess taken.)
- 16
- 17 Q. Do you remember who appointed you to the North  
Hill Advisory Committee?
- 19 A. No.
- 20 Q. Do you have any memory -- well, did you have to  
fill out an application in order to become a  
member of the North Hill Advisory Committee?
- 22 A. Yes.
- 24 Q. And to whom did you submit the application?

- 1 A. I believe her name is Alice.
- 2 Q. Alice?
- 3 A. I think it's Alice. Or Anne, maybe.
- 4 Q. What prompted you to fill out an application to  
join the North Hill Advisory Committee?
- 6 A. I was asked.
- 7 Q. By whom were you asked?
- 8 A. I believe it was Mike Doolin.
- 9 Q. Is Mike Doolin a friend of yours?
- 10 A. No.
- 11 Q. How did -- why did Mike Doolin ask you to apply?  
Did he ever tell you?
- 13 A. There was an opening.
- 14 Q. Did you know Mr. Doolin prior to this?
- 15 A. No.
- 16 Q. Were you a little surprised that out of the blue  
Mr. Doolin contacted you and asked you to fill  
out an application?
- 18 A. Little bit, yeah.
- 20 Q. How did he do this? By telephone? Did he meet  
you?
- 22 A. No. It was actually at North Hill.
- 23 Q. Did you play golf with him at North Hill?
- 24 A. I have, yes.

- 1 Q. Did you play in the Thursday night league that  
2 he played in?  
3 A. **Yes.**  
4 Q. How often did you play in the Thursday night  
5 league?  
6 A. **Three times, four times, maybe.**  
7 Q. Did you play with Mr. Marlborough also in the  
8 Thursday night league?  
9 A. **Yes.**  
10 Q. Did you play on any weekend mornings at North  
11 Hill?  
12 A. **Yes.**  
13 Q. Are you familiar with an organization called the  
14 North Hill Men's Association?  
15 A. **No.**  
16 Q. Are you familiar with an organization called the  
17 North Hill Golf Association?  
18 A. **No.**  
19 Q. When you played on weekends, did you secure your  
20 own tee time or did one of the other folks  
21 include you in their tee times?  
22 A. **I secured my own.**  
23 Q. I may have asked you this before. If I did, I'm  
24 sorry.

- 1 Do you have any business relationships  
2 with anybody else on the North Hill Advisory  
3 Committee?  
4 A. **Yes.**  
5 Q. Who would that be?  
6 A. **Mike Doolin and Mike Marlborough.**  
7 Q. What is your relationship with them?  
8 A. **We work for the same company.**  
9 Q. All three of you work for the same company?  
10 A. **Correct.**  
11 Q. And did you discuss with either of them their  
12 testimony yesterday?  
13 A. **No.**  
14 Q. Have you discussed this lawsuit with either of  
15 them?  
16 A. **No.**  
17 Q. After you completed your evaluations in the fall  
18 of 2008, did anyone in Duxbury Town Government  
19 ask you to recalculate your overall ratings?  
20 A. **No.**  
21 Q. Did anyone from the Town of Duxbury ever tell  
22 you that the way you had rated the various  
23 proposals on the bottom of the page was not what  
24 they were looking for and they needed it done

- 1 differently?  
2 A. **No.**  
3 Q. Did they ever tell you that in their opinion you  
4 had done it incorrectly in saying qualified or  
5 unqualified?  
6 A. **No.**  
7 Q. Did anyone ever discuss your evaluations with  
8 you from 2008 up to the present other than  
9 attorneys?  
10 A. **No.**  
11 Q. Did you ever have any conversation with  
12 Mr. Geary about -- Mr. John Geary about any of  
13 the issues involved with North Hill?  
14 A. **Who?**  
15 Q. John Geary.  
16 A. **No.**  
17 Q. Do you know John Geary?  
18 A. **No.**  
19 Q. How long have you worked in the same company as  
20 Mr. Marlborough and Mr. Doolin?  
21 A. **Probably -- I've been there four years.**  
22 Q. How long have you lived in Duxbury?  
23 A. **Four and a half years.**  
24 Q. Where did you work prior to working with

- 1 Mr. Doolin and Mr. Marlborough?  
2 A. **Where?**  
3 Q. Yes.  
4 A. **Company?**  
5 Q. The location.  
6 A. **Where did I work prior to meeting them?**  
7 Q. Well, prior to you currently working for the  
8 Freeman company -- is that correct? The name of  
9 it?  
10 A. **Correct.**  
11 Q. What company did you work for prior to working  
12 for the Freeman company?  
13 A. **GES.**  
14 Q. Okay. Where is GES located?  
15 A. **Teterboro, New Jersey.**  
16 Q. And how long did you work for GES?  
17 A. **Two years.**  
18 Q. Prior to working for GES, did you have any other  
19 employment?  
20 A. **Yes.**  
21 Q. Where was that?  
22 A. **ARAMARK.**  
23 Q. Where are they located?  
24 A. **Philadelphia.**

- 1 Q. Is that where you worked for them? Were you in  
2 Philadelphia?
- 3 A. **I was in multiple cities.**
- 4 Q. Did you have any particular territory?
- 5 A. **Yes. The northeast.**
- 6 Q. Where were you living when you worked for  
7 ARAMARK?
- 8 A. **Multiple cities, primarily New Jersey.**
- 9 Q. And did you have any other jobs other than or  
10 before ARAMARK after you got out of school? Did  
11 you have any other positions?
- 12 A. **Yes.**
- 13 Q. Where was that?
- 14 A. **Rochester, New York.**
- 15 Q. Who did you work for there?
- 16 A. **Rochester Riverside Convention Center.**
- 17 Q. How long did you work for the convention center?
- 18 A. **Approximately eight years.**
- 19 Q. Was that your first job after you got your  
20 degree?
- 21 A. **Yes.**
- 22 Q. So you worked for them from approximately 1994  
23 to 2002?
- 24 A. **No.**

- 1 Q. When did you work for them?
- 2 A. **For who?**
- 3 Q. For the convention center.
- 4 A. **Well, I worked for them for eight years but it  
5 was prior to getting my education.**
- 6 Q. I see. And when did you complete your education  
7 again?
- 8 A. **1994.**
- 9 Q. After 1994 did you continue to work for the  
10 convention center?
- 11 A. **Yes.**
- 12 Q. And how long did you work for them after 1994?
- 13 A. **One year.**
- 14 Q. And after that you went to ARAMARK?
- 15 A. **Approximately, yes.**
- 16 Q. Now, you indicated that it was Mr. Doolin who  
17 requested you to apply to be on the committee?
- 18 A. **Correct.**
- 19 Q. Did he explain to you why he thought you'd be a  
20 good fit for the committee?
- 21 A. **No.**
- 22 Q. What did you understand your role to be on the  
23 North Hill Advisory Committee when you were  
24 appointed?

- 1 A. **I attended monthly meetings.**
- 2 Q. Did you have an understanding as to what the  
3 North Hill Advisory Committee was charged with  
4 doing?
- 5 A. **Yes.**
- 6 Q. What was your understanding?
- 7 A. **To meet monthly and receive updates of course  
8 conditions, financial performance and basic  
9 policy around the course.**
- 10 Q. Did you have an understanding that the North  
11 Hill Advisory Committee was to make  
12 recommendations regarding capital improvements,  
13 also?
- 14 A. **I don't recall.**
- 15 Q. Do you ever recall any consideration of capital  
16 improvement projects at the golf course during  
17 your tenure on the North Hill Advisory  
18 Committee?
- 19 A. **I don't recall, no.**
- 20 Q. Do you have any memory as to when the last  
21 meeting you attended was?
- 22 A. **No.**
- 23 Q. So it's possible that there were no meeting in  
24 2011?

- 1 A. **Correct.**
- 2 Q. Is it possible there were no meetings in 2010?
- 3 A. **No.**
- 4 Q. Do you have a memory of any meetings in 2010?
- 5 A. **I don't.**
- 6 Q. Do you have any memory of any meetings in 2009?
- 7 A. **Yes.**
- 8 Q. What do you remember about having meetings in  
9 2009?
- 10 A. **Vague memory of meeting with Eckstrom. Is that  
11 his name? I believe.**
- 12 Q. You have a vague memory of meeting with Joe  
13 Eckstrom in 2009?
- 14 A. **Yeah. Him attending the meetings.**
- 15 Q. Anything other than the fact that you have a  
16 memory of a North Hill Advisory Committee in  
17 which Joe Eckstrom attended? Is there any -- do  
18 you know anything else that happened as far as  
19 meetings were concerned of the North Hill  
20 Advisory Committee in 2009?
- 21 A. **No. I don't recall.**
- 22 Q. When there are meetings for the North Hill  
23 Advisory Committee, how are you advised that  
24 there is to be a meeting?

- 1 **A. Mike Doolin.**  
 2 **Q.** Does he tell you that in person?  
 3 **A. No. Sends an e-mail out to the committee.**  
 4 **Q.** Do they have a regularly scheduled time and  
 5 place for the North Hill Advisory Committee  
 6 meetings?  
 7 **A. Talking about now?**  
 8 **Q.** I mean, is it the policy that you meet on a  
 9 certain day of the week or a certain time of the  
 10 day?  
 11 **A. No.**  
 12 **Q.** And as far as the location of your meetings, are  
 13 they the same location?  
 14 **A. Yes.**  
 15 **Q.** And is the location known as the Girl Scout  
 16 House?  
 17 **A. Yes.**  
 18 **Q.** In your tenure on the North Hill Advisory  
 19 Committee, with the exception of the one meeting  
 20 that took place with the town manager in town  
 21 hall, was there ever an occasion where the North  
 22 Hill Advisory Committee would meet someplace  
 23 other than the Girl Scout House?  
 24 **A. I don't recall, no.**

- 1 **Q.** Did you ever have a meeting with the North Hill  
 2 Advisory Committee at the American Legion Hall?  
 3 **A. No, not that I recall.**  
 4 **Q.** Did you ever discuss your evaluations of the  
 5 various proposals with Mr. Dixon?  
 6 **A. No.**  
 7 **Q.** And did you ever discuss your evaluations with  
 8 Mr. Cushing?  
 9 **A. No.**  
 10 **Q.** Did you ever discuss your evaluations with  
 11 Mr. Richard McCarthy?  
 12 **A. No.**  
 13 **Q.** I may have asked this before, too.  
 14 Do you currently play golf?  
 15 **A. Yes.**  
 16 **Q.** Where do you play?  
 17 **A. Pinehills, Indian Pond.**  
 18 **Q.** Is there any regular place that you play more  
 19 than any other course?  
 20 **A. No.**  
 21 **Q.** You don't have any membership currently in any  
 22 golf course?  
 23 **A. No.**  
 24 **Q.** Did you have a membership ever at North Hill or

- 1 did you pay a daily fee?  
 2 **A. Yes, I did, one year.**  
 3 **Q.** Do you recall how much it cost?  
 4 **A. \$840, give or take.**  
 5 **Q.** Do you know what year that was?  
 6 **A. No.**  
 7 **Q.** But you only maintained it for one year?  
 8 **A. Correct.**  
 9 **Q.** You indicated that when you did your evaluations  
 10 you had some handwritten notes. What did you do  
 11 with the handwritten notes after you completed  
 12 your evaluations?  
 13 **A. I don't recall.**  
 14 **Q.** When was the last time Mr. Doolin sent you an  
 15 e-mail suggesting that the committee was -- the  
 16 North Hill Advisory Committee was going to have  
 17 a meeting?  
 18 **A. I don't recall.**  
 19 **Q.** Have you had any discussion with Mr. Dixon, who  
 20 is the chairman of the committee, correct?  
 21 **A. No.**  
 22 **Q.** Who is the chairman of the committee?  
 23 **A. Mike Doolin.**  
 24 **Q.** Mr. Who? Oh. Mr. Doolin. When was the last

- 1 time that you --  
 2 **A. I don't know Dixon.**  
 3 **Q.** Have you discussed with Mr. Doolin why the  
 4 committee is not having any meetings?  
 5 **A. No.**  
 6 **Q.** How often do you talk to Mr. Doolin during the  
 7 week?  
 8 **A. Rarely.**  
 9 **Q.** You work in the same business; is that correct?  
 10 **A. Correct.**  
 11 **Q.** You just don't have any contact with one  
 12 another?  
 13 **A. No.**  
 14 **Q.** Are you physically in the same building?  
 15 **A. Some days.**  
 16 **Q.** How about Mr. Marlborough; do you have any  
 17 contact with him on a daily basis?  
 18 **A. No.**  
 19 **Q.** Where is Mr. Marlborough? Is he in the same  
 20 building?  
 21 **A. No.**  
 22 **Q.** Where is he? Where's his office located?  
 23 **A. In Braintree.**  
 24 **Q.** Where is your office located?

- 1 **A. Braintree.**  
 2 **Q.** Are they two different --  
 3 **A. Buildings.**  
 4 **Q.** -- buildings? What's Mr. Doolin's position in  
 5 the company?  
 6 **A. MIS supervisor.**  
 7 **Q.** What is your position?  
 8 **A. General manager.**  
 9 **Q.** Does the name MIS supervisor suggest that he has  
 10 supervisory control over other people?  
 11 **A. He does.**  
 12 **Q.** Does that include you?  
 13 **A. No.**  
 14 **Q.** Who is your direct superior?  
 15 **A. Mike O'Neill.**  
 16 **Q.** Do you know who Mr. Doolin's supervisor is?  
 17 **A. Yes.**  
 18 **Q.** Who is that?  
 19 **A. Mark Marlborough.**  
 20 **Q.** And is he related to Michael Marlborough?  
 21 **A. He is.**  
 22 **Q.** What's his relationship?  
 23 **A. Brothers.**  
 24 **Q.** Is Mr. Michael Marlborough also a supervisor in

- 1 the company?  
 2 **A. Not that I am aware of, no.**  
 3 **MR. FOLLANSBEE: I have nothing further.**  
 4  
 5 (The deposition concluded at 1:17 p.m.)  
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CERTIFICATE

Commonwealth of Massachusetts  
 Essex, ss.

I, Jessica F. Story, Certified Shorthand  
 Reporter, Registered Professional Reporter and  
 Notary Public in and for the Commonwealth of  
 Massachusetts, do hereby certify: that ANTHONY  
 FLOREANO, the witness whose deposition is  
 hereinbefore set forth, was satisfactorily  
 identified by his Massachusetts driver's  
 license, then duly sworn by me, and that such  
 deposition is a true record of the testimony  
 given by the said witness.

I further certify that I am not a  
 relative or employee or counsel or attorney for  
 any of the parties, or a relative or employee of  
 such counsel or attorney, nor am I financially  
 or otherwise interested in the outcome of the  
 action.

IN WITNESS WHEREOF, I have hereunto set  
 my hand and notarial seal this 28th day of July,  
 2011.

\_\_\_\_\_  
 Jessica F. Story, CSR, RPR

My commission expires  
 on September 13, 2013

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DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

CERTIFICATE

I, ANTHONY FLOREANO, do hereby certify  
that I have read the foregoing transcript of my  
testimony, and further certify that said  
transcript is a true and accurate record of said  
testimony.

Signed under the pains and penalties of  
perjury this \_\_\_\_ day of \_\_\_\_\_,  
2011.

\_\_\_\_\_  
ANTHONY FLOREANO

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