IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
Philadelphia Division

QUINTON BURNS, et al.

Plaintiffs,

vs.

SEAWORLD PARKS & ENTERTAINMENT, INC., et al.,

Defendants.

Case No. 2:22-cv-02941

PLAINTIFFS' MOTION FOR CERTIFICATION OF THE CLASS

Plaintiffs, by and through their undersigned attorneys, and, pursuant to Federal Rule of Civil Procedure 23, request this Court certify the following Class:

(a) All minority persons who, since July 27, 2018, either directly or as third-party beneficiaries, entered into contracts with SeaWorld[1] by purchasing admission tickets into Sesame Place Philadelphia.

In support of this Motion, Plaintiffs rely upon the attached Memorandum of Law with Exhibits.

Respectfully submitted,

MURPHY, FALCON & MURPHY

/s/ Ronald E. Richardson
William H. Murphy, Jr. (07985)
Andrew K. O'Connell (28168)
Malcolm P. Ruff (21595)
Ronald E. Richardson (04673)

[1] Defendants SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment, LLC are collectively referred to as "SeaWorld".

1 South Street, 30th Floor
Baltimore, Maryland 21202
Telephone: (410) 539-6500
Facsimile: (410) 539-6599
billy.murphy@murphyfalcon.com
andrew.oconnell@murphyfalcon.com
malcolm.ruff@murphyfalcon.com
ronald.richardson@murphyfalcon.com

THE TRIAL LAW FIRM, LLC

/s/
Mart Harris (319504)
Fort Pitt Commons
445 Fort Pitt Boulevard, Suite 220
Pittsburgh, Pennsylvania 15219
Telephone: (412) 588-0030
Facsimile: (412) 265-6505
mh@tlawf.com

DUNCAN LEGAL GROUP

/s/
Jason Duncan (87946)
2001 N. Front Street
Harrisburg, PA 17102
Telephone: (717) 232-1886
Facsimile: (717) 232-4189
jaybdunc@gmail.com

Attorneys for Plaintiffs

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PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION FOR CERTIFICATION OF CLASS

Plaintiffs, by and through their undersigned attorneys, hereby submit their Memorandum in Support of their Motion for Certification of the Class and state as follows:

I. INTRODUCTION

The named Plaintiffs respectfully move this Court, pursuant to Fed. R. Civ. P. 23(a), 23(b)(2), and 23(c)(4), for an Order permitting them to maintain a class action seeking injunctive relief and resolution of the specific liability issue as to whether SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment, LLC (collectively "SeaWorld") intentionally refused to identify and address biases among its workforce to prevent continued racial discrimination against their park guests in violation of 42 U.S.C.A §1981. Should this Court grant Plaintiffs' Motion for Class certification, Plaintiffs further seek the bifurcation of their compensatory and punitive damages claims for future determination subsequent to the resolution of their class claims.

II. FACTUAL BACKGROUND

A. SeaWorld's Knowledge of Allegations of Race Discrimination against Park Guests

George Taylor, SeaWorld's corporate fact witness, has been their general counsel, chief legal officer, and corporate secretary since 2010. Mr. Taylor testified he never saw nor was ever made aware of the 25 or so written complaints from park guests sent to Sesame Place alleging race

discrimination against them by park staff between 2018 and 2022. According to Mr. Taylor, there were six officers of SeaWorld Parks & Entertainment, Inc who were also officers of SeaWorld Parks & Entertainment, LLC between 2018 and 2022. Therefore, knowledge about complaints concerning race discrimination by park staff was known by both entities. *See*, *Deposition of SeaWorld*, dated November 14, 2023, pp. 13, 49-184, attached as Ex 1. The written complaints of racial discrimination to Sesame Place are attached as Exs. 2-25.

Sara Tsivikis, Vice President of Human Relations at Sesame Place Philadelphia, stated she was aware of three alleged racist incidents occurring at the park. *See*, *Deposition of Sara Tsivikis*, dated July 14, 2023, pp. 22-23, 35-38, attached as Ex 26.

Kaylah Connelly is a former employee of Sesame Place Philadelphia's Entertainment Department who, between 2017 and 2020, worked seasonally while attending the Arts Academy of Benjamin Rush. Ms. Connelly observed minority park guests complaining about being ignored by costumed characters during the seasonal radio shows almost daily. She also stated she observed instances where minority park guests were ignored by costume character performers during meet and greets. Ms. Connelly further testified minority park guests complained they were ignored by costume character performers during the Sesame Place parades "everyday". Some of these complaints, Ms. Connelly personally observed. *See*, *Deposition of Kaylah Connelly*, dated September 11, 2023, pp. 10-13, 59-60, 64-70, 118, attached as Ex 27.

B. SeaWorld's Knowledge of Potential Biases and Prejudices Among its Employees

Sesame Place Philadelphia is located in Langhorne, a subdivision of Bucks County, Pennsylvania. Between 2018 and the filing of Plaintiffs' Amended Complaint in September 2022, SeaWorld employed teenage high school students primarily from Bucks County.

Paul Schweizer, an Events and Production Manager in Sesame Place Philadelphia's Entertainment Department, testified the majority of the Department's employees were teenagers

who came from various Bucks County high schools including Neshaminy High School. *See*, *Deposition of Paul Schweizer*, dated May 18, 2023, pp. 68-71, attached as Ex 28.

Ms. Tsivikis used an existing list of high schools and colleges to recruit employees. Ms. Tsivikis further testified Sesame Place would call and set up recruitment sessions at Bucks County high schools at the beginning of every season. According to Ms. Tsivikis, more than 50% of the park employees were between the ages of 15 and 23. Ex 26, pp. 25-28, 60-62.

Nicholas Manna has been the Director of Entertainment at Sesame Place Philadelphia since 2021. Mr. Manna also testified that, prior to 2020, there existed a connection between Sesame Place Philadelphia and Bucks County high schools. *See*, *Deposition of Nicholas Manna*, dated May 19, 2023, p. 107, attached as Ex 29.

Ms. Connelly stated it is her belief Bucks County has a reputation of being a racist county. She specifically discussed why she believes her high school, which is located down the street from Bensalem in Bucks County, is racist. Ex 27, pp. 65-70.

Barbara Simmons started at The Peace Center, located in Langhorne, Pennsylvania, in 1987 and became Executive Director in 1991. She retired in 2019. The mission of The Peace Center is to address conflict and violence in Bucks County schools. Ms. Simmons has personally worked with every school in the 13 school districts in Bucks County. *See*, *Deposition of Barbara Simmons*, dated October 19, 2023, pp. 12-13, 20-23, 27, 30-31, 40-42, 60-61, attached as Ex 30.

Ms. Simmons produced a spreadsheet that documents her investigation of approximately 142 instances of discrimination in Bucks County between 2016 and early 2020 over half of which involved high schools. *Id* pp. 55-60, 81-84. A copy of the spreadsheet is attached as Ex 31.

Ms. Simmons described the culture of racism in Bucks County as one of intolerance, discrimination, and hatred. She stated this culture is among the administrators in the Bucks County high schools. *Id* pp. 63-66, 146, 188.

Ms. Simmons discussed an occasion when Black and White Bucks County high school students were harassed because they went to D.C. to discuss racial incidents in public schools. Ms. Simmons also testified she has seen incidents where a Latino person has acted in a discriminatory manner against a Black person. *Id* p. 103, 112-115.

Ms. Simmons testified that people of color came to The Peace Center once per month over her entire tenure because of physical threats made against them. Ms. Simmons noted the spreadsheet does not reflect the true number of complaints about racial discrimination in Bucks County because complaints were coming to other organizations as well. She stated the Black community in Bucks County feel fear. *Id* pp. 159-206.

Ms. Simmons further testified KKK flyers were found all over Bucks County. *Id* pp. 148-152, 196-198. Copies of the flyers are attached as Ex 32. Ms. Simmons stated the KKK and the White Aryan Nation are White nationalist organizations that have been present in Bucks County for the past 25 years. *Simmons Deposition*, p. 198.

Ms. Simmons agreed that a teenager, who discriminatorily decides who gets in a line and who does not, is an example of prejudice plus power. She added students will believe racist conduct is okay if it is not addressed by people in control. She added that, if Sesame Place ignored racists acts by its employees, it keeps the culture of racism alive and people of color will not feel safe or welcome. *Id*. pp. 209-211, 222-224. Ms. Simmons stated it is her belief students copy the behavior of their parents and the community in which they live. *Id* pp. 212-213.

C. SeaWorld's Intentional Indifference to Complaints of Racial Discrimination

According to Mr. Schweizer, the costumed character performers were given wide

discretion as to who they chose to interact with. Ex 28, p. 96. Ms. Tsivikis testified employee training on diversity, equity and inclusion did not begin until the Fall of 2022. Ex 26, pp. 54-56.

Ms. Connelly testified minority employees at Sesame Place were treated differently than White employees. She described the work environment at Sesame Place as "very toxic". She stated the job caused almost every Black employee to cry. Ex 27, pp. 24-57, 72, 119-124.

James LeGette, an African American, worked at Sesame Place between 2012 and 2022 in its Entertainment Department as a supervisor and costumed character performer. Mr. Legette testified that, during his orientation as a new employee, he was not trained in how to deal with potential racial situations that may occur during theater shows, dining with costume characters, character "meet and greets" and the parades. Mr. LeGette's testimony proves that Sesame Place provided no such training to any of its other employees. Mr. LeGette noted that his termination from Sesame Place was due, in part, to the color of his skin. *See*, *Deposition of James Legette*, dated December 14, 2022, pp. 30-34, 63-64, 69-70, 122, 124-127, 139, attached hereto as Ex 33.

Ms. Connelly stated she did not recall any guidance from her supervisor on how to address racial incidents should they have occurred at the park. Ex 27, pp. 118-120. Nor did she believe it was difficult to see through the costumes. *Id* pp. 109-110.

Plaintiffs submit that SeaWorld's intentional indifference may be due, in part, to their willingness to ignore race discrimination complaints from park guests due to their need for teenagers who possessed the unique acting and performance skills necessary for the job.

III. THE AMENDED COMPLAINT

A. The Representative Plaintiffs

1. Quinton Burns and K.B., a minor ("The Burns family")

The Burns family lives in Baltimore, Maryland. They visited Sesame Place Philadelphia on June 18-19, 2022 upon his purchase of two-day tickets on June 17, 2022 from the Sesame Place

website using his credit card and stayed at a hotel for two days. *See*, *Deposition of Quinton Burns*, dated February 28, 2023, pp. 7-8, 21-23, 30-32, attached as Ex 34. *See also*, the receipt documenting Mr. Burns' payment of $159.97 for the two-day tickets attached as Ex 35. Mr. Burns did not read any terms and conditions when purchasing the tickets. *Burns Deposition* p. 35. A copy of Mr. Burns and his daughter, K.B.'s, tickets are attached as Ex. 36.

Mr. Burns testified he entered into a contract with SeaWorld upon purchasing the ticket that entitled him to everything in the park. He relies upon the promotion on the SeaWorld website that listed all the park amenities available to anyone who purchases a ticket. *Id* pp. 45-46. Mr. Burns testified that SeaWorld did not deliver on its promises because everyone was not treated the same because of racism by the costume characters. *Burns Deposition* pp. 46-47.

In his deposition, Mr. Burns described the discrimination he and his daughter had to endure when attempting to meet and greet a costumed character and when attending the parade. *Id* pp. 53-56, 78-80, 94-95, 100. He noted it would be impossible for the costume character who ignored his daughter to not see her because of where she was positioned next to the person the character did interact with. *Id* pp. 59-60, 66. Mr. Burns testified his daughter cried after her discriminatory experience and asked why the characters would not shake her hand. According to Mr. Burns, the look on his daughter's face told him she was crying for help that he could not provide. Mr. Burns testified his daughter continues to be adversely affected by her discriminatory experience at Sesame Place. *Id* pp. 67-68, 98-99, 173-174. Mr. Burns noted the characters interacted with White children but not Black children. *Id* p. 69, 82-83, 164-165. Mr. Burns' daughter told him she did not want to go to the parade the second day because of how she was treated on the first day. She only wanted to get on the rides. *Id* p. 95-96. Mr. Burns testified it is his belief the costume character "Ernie" intentionally ignored his daughter. *Id* pp. 121-122.

Mr. Burns stated he was discriminated against twice during this visit to Sesame Place. The second incident was when Mr. Burns attempted to get in a line to meet a costumed character, escorted by a White female, but was told by the woman the line was closed only to subsequently find out a that a White family was allowed to get in the line. *Id* pp. 69-74, 159, 168-170. Mr. Burns testified that, should his daughter want to return to Sesame Place, he would take her. *Id* p. 167.

2. Nathan Fleming and O.F., a minor ("The Fleming family")

The Fleming family resides in York, Pennsylvania. On July 4, 2022, the family visited Sesame Place Philadelphia after purchasing three single-day admission tickets from the Sesame Place website. *See*, *Deposition of Nathan Fleming*, dated February 27, 2023, pp. 8-9, 58-70, attached as Ex 37. The receipt for the ticket purchases and the admission tickets are attached as Ex 38 and Ex 39, respectively. Mr. Fleming testified he entered into a contract with SeaWorld when he purchased the tickets that entitled him and his family to a fun, family-oriented happy time at the park. *Fleming Deposition*, pp. 75-81.

Mr. Fleming stated his daughter was ignored over a period of at least 15 minutes by parade costumed characters as far as waves, gestures and high fives. He stated it got to the point where he began signaling, recording, gesturing and yelling to the characters to get their attention. He noted Telly Monster approached O.F. only to ignore her and high-five an Asian child. *Id* pp. 81-95, 108.

Mr. Fleming testified he identifies his family as Black. He stated the look on O.F.'s face after being ignored by Telly Monster was one of sadness which made him feel helpless. Mr. Fleming noted the expression on O.F.'s face was more than a look of disappointment. She was looking for him to do something in a sense of panic. He said the only thing he could do was try to signal and flag down other costumed characters, but his daughter continued to be ignored. He further testified he felt frustration and felt he was disappointing his daughter. *Id* pp. 96-103.

Mr. Fleming said he and his family felt discriminated against. He stated there were hundreds of kids, who did not look like O.F., who received touches and waves but O.F. did not get the same experience. *Id* p. 104. He testified his family was the only Black family in his proximity other than another Black family across from them who appeared to also be discriminated against.

Mr. Fleming believes Telly Monster, in ignoring O.F., was intentional because he saw the character walk towards O.F. with his hand out looking directly at O.F. while O.F. was motioning to get the character's attention but, when he noticed the Asian child, he veered to give the Asian child acknowledgement ignoring O.F. Mr. Fleming believes O.F. was discriminated against while at Sesame Place. *Id* pp. 117, 124. He made several unsuccessful attempts to contact Sesame Place through telephone calls, Instagram posts and emails. *See*, Ex 40 and Ex 41, respectively.

Mr. Fleming stated his belief that he was entitled to equal treatment but was denied because of his race. *Id* p. 267. Mr. Fleming gave a graphic description of how O.F. was adversely affected by the discrimination at Sesame Place she was forced to experience which includes O.F. being hyper-focused on the difference between White and Black people. O.F. now prefers her hair to be relaxed or braided as opposed to more Afrocentric looks. *Id* pp. 229, 272.

3. Lashonda Miles and M.C., a minor ("The Miles family")

The Miles family lives in Philadelphia, Pennsylvania. They visited Sesame Place Philadelphia on June 24, 2022. Ms. Miles believes her admission tickets created a contract between her, M.C. and SeaWorld that entitled them to enjoy the park and everything that comes with it. Ms. Miles stated her expectations were based on Sesame Place Philadelphia's advertising commercials on TV and Instagram. The tickets were provided by her cousin, Ms. Hughes, who was an employee of SeaWorld at the time. *See*, *Deposition of Lashonda Miles*, dated March 30, 2023, pp. 34, 41-43, 57-61, 65, attached as Ex 42. The ticket is attached as Ex 43.

Ms. Miles testified she and M.C. were discriminatorily ignored by the costumed character "Rosita" while at the parade even though M.C.'s clearly visible hand was extended trying to get a hug. She witnessed the character shoo her son off like a fly while hugging a little White girl. She noted M.C.'s reaction as one of sadness. *Miles Deposition*, pp. 66-73, 79-80, 85-88.

When asked if she is representing the interests of Hispanics, Ms. Miles stated she is representing whoever was discriminated against. *Id* p. 90.

Ms. Miles stated that M.C. and his sister identify as Black. She further stated that M.C.'s sister was also discriminated against. *Id* p. 97. Ms. Miles testified she would still consider the actions toward M. C. as discriminatory even if the person in the costume was Black. *Id* p. 98.

Ms. Miles testified she felt sick, hurt, humiliated, angry and embarrassed because of the discriminatory traumatic event she experienced, and she has a fear it would happen again. She noted M.C. was confused, sad and upset because of his visit to Sesame Place Philadelphia. Ms. Miles stated her son has suffered racial trauma. *Id* pp. 117-118, 121-126.

Ms. Miles believes what her family experienced at the Sesame Place Philadelphia Park was in the category of discrimination or racism. *Id* pp. 136-137. Nonetheless, Ms. Miles testified she would return to Sesame Place Philadelphia if there is a change. *Id* p. 77.

4. Ingrid Morales and N.M., a minor ("The Morales family")

The Morales family lives in Philadelphia, Pennsylvania. They visited Sesame Place Philadelphia on July 11, 2022. They purchased four single-day tickets on the Sesame Place website. *See*, *Deposition of Ingrid Morales*, dated February 14, 2023, pp. 6, 23-26, 34, attached as Ex 44. The tickets and receipt are attached as Ex 45 and Ex 46, respectively. Ms. Morales testified the purchase of admission tickets entitled them to a good time and to enjoy everything the park has to offer. Ms. Morales stated Sesame Place breached its contract with her family by discriminatorily denying her daughter the opportunity to interact with the costumed characters.

Morales Deposition, p. 47-49. Ms. Morales purchased parking and food during their visit to Sesame Place. *Id* pp. 34-35.

Ms. Morales stated that she and her daughter went to the 7:00 PM parade. Her daughter was excited because they were in the front. Ms. Morales described the discrimination she and her daughter suffered. She said the first costume character that came by was Big Bird who came extremely close to her daughter. Ms. Morales testified she picked her daughter up so that she could high-five the character but Big Bird ignored them and proceeded to high-five the families before and after them. The characters, Grover and Baby Bear, also high-fived the families on both sides of them while ignoring them. *Id* p. 50. Ms. Morales noted they were the only family of color in the area. *Id* p. 52. Ms. Morales identifies herself and her daughter as Afro-Latino. *Id*

According to Ms. Morales, her daughter asked "Why they're not shaking my hand? Why they not giving a high five?" Ms. Morales stated her daughter was sad and upset. Ms. Morales further testified she and her daughter continued their efforts to get the characters' attention but to no avail. She expressed her belief the discrimination they suffered was intentional because the characters came to the families to the left and right and directly skipped them over. *Id* pp. 53-63.

Ms. Morales further stated they experienced racial trauma because of the discrimination they suffered during their visit to Sesame Place Philadelphia. *Id* pp. 144-145. Ms. Morales complained to the Pennsylvania Office of Attorney General Civil Rights Enforcement Section and left a message on the Sesame Place website. *See*, Ex 47 and Ex 48, respectively. Ms. Morales stated she would consider returning to the park if things changed and the characters were more interactive and received training to be more inclusive. Nonetheless, Ms. Morales testified the discriminatory experience had her feeling less than worthy and she stated she will have this feeling for years.

5. Yoselis Romero and E.C., a minor ("The Romero family")

The Romero family resides in Stamford, Connecticut. On June 25, 2022, the family visited Sesame Place Philadelphia. Their receipt and tickets are attached as Ex 49 and Ex 50, respectively. Ms. Romero testified she perceived an overall lack of patience with children, not only by the costumed characters but also the employees. She noted that should not be the case in a place whose customers are primarily children who are there to see the characters. Ms. Romero also said the employees of the park demonstrated a lack of communication and enthusiasm. *See*, *Deposition of Yoselis Romero*, dated March 3, 2023, pp. 18-20, 33, attached as Ex 51. Ms. Romero stated children come to the park because they are excited to meet the characters they admire and see on TV. She described the staff at Sesame Place as overwhelmed, annoyed and upset. *Id* pp. 21-23. Ms. Romero stated she, and the other class members, are seeking justice. She notes rules and training need to be implemented to address racial discrimination against children. *Id* p. 32-33.

Ms. Romero stated what happened to her family was discrimination. She said she paid for the services, parking, merchandise, and food but received discrimination when the staff neglected her child while interacting with other children and when the staff yelled at her child for passing the parade line of demarcation while letting other White children pass the line. *Id* pp. 23, 85.

Ms. Romero believes she made a contract with SeaWorld when she purchased two single-day admission tickets to be entertained at the park. *Id* pp. 40-42, 47-54, 83. Ms. Romero testified she would be open to returning to the park only if changes are implemented. *Id* p. 59.

Ms. Romero stated there is something wrong when two children of different races both extend their arms for a hug and one gets a hug but the other one doesn't. She added that, when children are involved, the staff should be aware how such conduct could affect children; especially when discrimination is involved. She said unfairness, along with discrimination, can build future trauma.

After being ignored three times when the person right next to them received attention, Ms. Romero said it was evident the actions were discriminatory. The characters discriminatorily picked and chose who they wanted to interact with instead of interacting with all who sought interaction which should be done when children are involved. Ms. Romero testified she is suing over racial discrimination because minority children were neglected while White children were not. Ms. Romero specifically identified Zoey, the Vampire and Cookie Monster as those characters who discriminated against her daughter. She did not appreciate driving three hours only to have her daughter discriminated against and be disappointed and unhappy. *Id* pp. 59-68, 85-94, 115-117, 155, 171-172, 190. According to Ms. Romero, Latinos can also be racist. *Id* p. 125. She stated any form of discrimination is severe. *Id* pp. 174-175. Ms. Romero stated that, while the tickets do not have language promising interaction, there is also no language stating the park staff can discriminatorily pick and choose who to interact with. *Id* pp. 77-79.

Ms. Romero wanted to lodge a complaint to guest relations but it was close to 6:00 PM and the park was closing. *Id* p. 98. She felt very humiliated, embarrassed and disappointed. Ms. Romero believes her daughter has also suffered racial trauma because of her experience at Sesame Place. Her daughter expressed that she was hurt, frustrated, disappointed and sad. *Id* pp. 176-177.

6. Katie Valdez and M.L., a minor ("The Valdez family")

The Valdez family lives in New York City. They visited the Sesame Place Philadelphia on December 29, 2021. Ms. Valdez testified she purchased a season pass to the Sesame Place Philadelphia Park from the Sesame Place website. She produced a copy of her credit card statement which evidences the purchase of her season pass over a period of approximately six months between March 2021 and August 2021. Ex 52. According to Ms. Valdez, she does not recall agreeing to any terms when on the Sesame Place website. Nor did she review anything on the

website. She simply purchased the ticket. The only document Ms. Valdez printed out from the website was the bar code she used to enter the park. Ms. Valdez stated the season pass was terminated when she stopped paying under the plan in August 2021. *See*, *Deposition of Katie Valdez*, dated February 19, 2023, pp. 13, 18-19, 36-43, 53, attached as Ex 53.

Ms. Valdez testifies she entered into a contract with Sesame Place Philadelphia when she purchased the season pass that entitled her family to an amazing experience seeing and interacting with the characters they love. Ms. Valdez explained this doesn't mean every character had to interact with a child but a simple acknowledgement of the child by whatever means available is all that is expected. *Id* pp. 43-49. Ms. Valdez noted she expended a lot of time and money to purchase the season pass, gas and tolls to get the benefits of her season pass. *Id* pp. 49-50, 135-136.

Ms. Valdez described what happened on the day her family was discriminated against at Sesame Place Philadelphia. The family positioned themselves in the front for the parade. The character Abby Cadabby interacted with White children but ignored M.L. even though he was right there with the White children. She stated this experience infuriated her. She felt heartbroken. Ms. Valdez stated this is why she believes they were discriminated against. *Id* pp. 53-57.

According to Ms. Valdez, it was evident that the Abby Cadabby character saw her son and intentionally ignored him because he was positioned right next to the little White boy on the stroller and the little White boy next to the stroller both of whom the character interacted with. Ms. Valdez does not believe there is any way the character did not see her son as he was taller than the two little boys. *Id*. pp. 90-92, 96-99,106-109. Ms. Valdez believes her family was discriminated against because they look Black. If one of the children who received interaction was Asian, that fact would not change Ms. Valdez's opinion. *Id* p. 110-112.

According to Ms. Valdez, M.L. wants to return to the park and try again for interaction. She stated she notices her son is stressed by the fact she has not committed to trying again for character interaction at Sesame Place Philadelphia. The experience left M.L. sad, hurt and suffering from racial trauma. *Id* pp. 59-61, 65-66, 146-147, 150-151.

The experience had caused Ms. Valdez humiliation, embarrassment, mental anguish, psychological stress, depression, anxiety, loss of self-respect, post-traumatic stress, emotional trauma, frustration, anger and has made her upset and outraged. Ms. Valdez stated the discriminatory experience has caused her stomach to turn; put a knot in her throat and in her stomach and caused her heart to palpitate.

The Valdez family visited the Park after their discriminatory experience, but she avoided the parades and any other spots where the characters would be because she remains outraged, upset and emotionally traumatized by the family's discriminatory experience. *Id* pp. 62-64, 107, 120-128, 136-138, 148-150. Ms. Valdez testified the family would return if Sesame Place changed their behavior by training or screening their employees to prevent future discrimination. *Id* pp. 68-69.

Ms. Valdez stated she spoke to the mother of a child who was with them on December 29, 2021 who told her no one should experience discrimination no matter where in the world you are but, in Pennsylvania where the park is located, they can be "pretty racist". *Id* pp. 70-72.

7. Ashley Valette and D.V., a minor ("The Valette family")

The Valette family resides in West Hampton, New York. The Valette family visited Sesame Place Philadelphia on June 20, 2022, using Sunny Day tickets. The family previously visited the Park on June 22, 2021, but that visit was rained out and the family was provided Sunny Day tickets which were valid for a future visit. The original tickets were purchased with a credit card through either the Sesame Place website or the phone app. *See*, *Deposition of Ashley Valette*, dated

February 20, 2023, pp. 6, 19-20, 27-30, attached as Ex 54. Copies of Ms. Valette's credit card statement and the admission tickets are attached as Ex 55 and Ex 56, respectively.

Ms. Valette testified that, by purchasing the admission tickets, her family was entitled to go into the park and experience everything that was there. She further testified that the failure to interact with her child because of race was a breach of that contract. Ms. Valette noted the purchase of the admission tickets did not entitle her family to be discriminated against. *Id* pp. 32-33, 69-71.

Ms. Valette, her husband, their two children, her sister and her sister's boyfriend and her two sisters-in-law comprised the group that visited the park on June 20, 2022. The family arrived one hour early for the parade and positioned themselves in the front to have the best opportunity to interact with the costumed characters. *Id* pp. 34-36.

Grover was the first character to approach her four-year-old daughter who was jumping up and down with excitement. He ignored her and interacted with the White children right next to her. Ms. Valette regards this as an act of discrimination. Ms. Valette stated this made her upset. According to Ms. Valette, D.V. was also upset and stomped in the video. Ms. Valette added D.V. was upset for the rest of the 3:00 PM parade, especially when she was unable to get any character's attention during the parade, which ruined the family's visit to the park. *Id* pp. 36-41, 44, 70.

Ms. Valette stated it is her belief the Grover character, based on the fact her daughter was a Black citizen of the United States, deliberately ignored her daughter because he was right in front of her while hugging the White children right next to her. *Id* pp. 50-53.

Ms. Valette is seeking the costs of the tickets, the stroller rental, parking, and other incidental payments. *Id* pp. 58-59. Ms. Valette stated she has experienced racial trauma because of the sadness she felt and being upset about what happened to her daughter. *Id* pp. 59-60. Specifically, Ms. Valette testified she suffered embarrassment, mental anguish, psychological

stress, sadness, anxiety and post-traumatic stress. She stated her daughter experienced racial trauma and was also embarrassed, humiliated, depressed, sad, and depressed. *Id* pp. 60-64.

Ms. Valette testified she would visit Sesame Place Philadelphia again if they fixed the problem such that her family would not be subjected to racism anymore. *Id* p. 71.

8. Lauren Willie and L.W., a minor ("The Willie family")

The Willie family lives in Brooklyn, New York. They visited Sesame Place Philadelphia on July 10, 2022. Ms. Willie testified she and her daughter are Plaintiffs in this lawsuit and are Black citizens of the United States. *See*, *Deposition of Lauren Willie*, dated April 6, 2023, pp. 7, 13, 18, attached as Ex 57. She stated that she and her husband purchased season passes from the website using a credit card making a one-time payment on June 20, 2022. *Id* pp. 23-29. A copy of the purchase summary and golden season passes are attached as Ex 58.

Ms. Willie, her husband, their daughter, L.W., her brother-in-law, her sister-in-law, her other brother-in-law and his son, and her brother, his wife, and their twin children, all visited the park. Ms. Willie stated all went well until her daughter spotted the Rosita character and tried to get the character's attention, but the character, and the character's escort, ignored her and proceed about 20-30 feet further to jump into a photo of a White child taken by the child's parents. Ms. Willie believes the character ignored her daughter because of the color of her daughter's skin and because her daughter is Black. A video, produced by the Willie family has her brother-in-law saying the incident "was racial". Ms. Willie stated the Rosita character deliberately ignored her daughter because the character was looking directly at her daughter through the mesh screen of the costume. *Id* pp. 32-37, 46, 59-60, 77-78, 80-82, 84, 115-116.

Ms. Willie stated this experience has caused her posttraumatic stress, humiliation, embarrassment, mental anguish, psychological stress, depression, sadness, to be heartbroken, to be upset, to be enraged, and to feel a loss of self-respect, helpless, anxious and like she is having

trouble breathing; especially since she has undergone heart surgery in May 2021. *Id* pp. 38-41, 122-125, 137. According to Ms. Willie, L.W. experienced racial trauma because the look on her daughter's face after being ignored was as one of shock and sadness. *Id* pp. 120-122, 136.

When asked whether there was another incident of discrimination against her family on that day, Ms. Willie testified that, an hour or so later, the family decided to get in line for a photo opportunity with the Rosita character at one of the stations where the characters make themselves available for photos with park guests. She stated they were the last to get in line for the photo. Ms. Willie stated the family immediately in front of them in line was a White family. Ms. Willie said they made their way to the front of the line when the same White girl in her late teens or early 20's, who earlier escorted the Rosita character and who, along with the character, ignored her daughter, stepped in front of her family and said Rosita would not be taking any more family photos because the character had to get ready for the parade that was scheduled to take place 1 ½ hours later. Ms. Willie believes the girl recognized the family because of their size and her daughter from the time she and the character passed by her. She further believes that there was no reason for the staff person to deny them the photo opportunity as they were the last in line. Ms. Willie believes this was another act of racial discrimination. *Id* pp. 46-51, 62-64, 131-132.

Ms. Willie testified there was yet another discriminatory incident that occurred around noonish before the two previously described incidents of racial discrimination. The family ordered food at the Rosita Cabana or Casita. Ms. Willie noticed it took between 30-45 minutes for the food to come out whereas White families got their food a lot sooner. She noted that, when these separate incidents were put together, there appeared to be a pattern of behavior. *Id* pp. 52-54, 71.

Ms. Willie testified that, on July 25, 2023, she attempted to contact Sesame Place's customer service by phone but was put on hold for an hour. After eventually speaking with a

representative, Ms. Willie was told she would hear back from them, but never did. Ms. Willie also testified she reached out to Sesame Place on its Twitter direct message about the poor service at the Rosita restaurant and was given $10 in Sesame Place bucks. *Id* pp. 66-72.

Ms. Willie testified that the contract her family entered into with Sesame Place entitled them to fair and equal treatment as White families, but her family did not receive that. *Id* p. 82. She stated the park needs to better train its staff and customer service to be more responsive to reports of racist behavior when they come in. *Id* p. 108. Ms. Willie testified she would return to the park if they trained their employees to better understand, recognize and deliver an inclusive equitable and entertaining experience to their guests. *Id* pp. 132-133.

B. The Proposed Class

All minority persons who, since July 27, 2018, either directly or as third-party beneficiaries, entered into contracts with SeaWorld by purchasing admission tickets into Sesame Place Philadelphia.

C. Plaintiffs' Claims

1. Race Discrimination in Violation of 42 U.S.C.A. § 1981

42 U.S.C.A § 1981 states, in part:

> **(a) STATEMENT OF EQUAL RIGHTS**
>
> All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.
>
> **(b) "MAKE AND ENFORCE CONTRACTS" DEFINED**
>
> For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

The Plaintiffs and Class Members are minorities and, therefore, are members of a federally protected class of citizens against racial discrimination in contract pursuant to §1981. The Plaintiffs and Class Members entered into binding contracts with SeaWorld either by directly purchasing admission tickets into Sesame Place Philadelphia, or as third-party beneficiaries to admission ticket contracts entered into on their behalf.

SeaWorld, through its agents and/or employees, discriminatorily refused to perform their contracts with Plaintiffs and Class members by intentionally refusing to address its employees' discrimination against their minority park guests. SeaWorld is vicariously liable under the theory of *respondeat superior* for its employees' violations of § 1981 committed within the scope of their employment against the Plaintiffs and Class Members. *See*, *Williams v. Cloverland Farms Dairy, Inc.*, 78 F.Supp.2d 479 (D.Md. 1999), Case 2:22-cv-02941-WB Document 25 Filed 09/28/22 Page 21 of 30 22 485 (1999) (quoting *Fitzgerald v. Mountain States Telephone & Telegraph Co.*, 68 F.3d 1257, 1262-63 (10th Cir. 1995)). *See also*, Restatement (Second) of Agency § 219 (1957).

SeaWorld, by the racially motivated discriminatory conduct of its agents and/or employees, who at all times relevant acted with the scope of their employment, substantially and unreasonably impaired and infringed upon the Plaintiffs' and Class Members' enumerated right to make and enforce their contracts with SeaWorld as is enjoyed by white citizens by unilaterally changing the terms of their contract with the Plaintiffs and Class Members during the performance of the contracts, solely because of their race or color.

2. Negligence Per Se

Plaintiffs and Class Members, as minorities, are members of a protected group of individuals under 42 U.S.C.A §1981 which is designed to protect said individuals from specific types of harm. Discrimination is one form of conduct §1981 was designed to prevent. It establishes

a standard of care that can serve as the underlying basis for the tort of negligence per se. *See*, *Hassett v. Dafoe*, 74 A.3d 202, 216 (Pa. Super. 2013).

Plaintiffs will prove SeaWorld's discriminatory conduct against Plaintiffs and Class members violated this statute when their agents and/or employees treated Plaintiffs and Class Members discriminatorily different than they treated their white park guests.

3. Injunctive Relief

Plaintiffs and Class Members seek class certification as to their injunctive relief claim. Plaintiffs seek to certify this proposed class, under Rule 23(b)(2), which applies when the defendant "has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole." Fed. R. Civ. P. 23(b)(2).

In this case, Plaintiffs' class is certifiable under Rule 23(b)(2) because the Named Plaintiffs have alleged numerous civil rights violations committed by SeaWorld employees and a systemic failure with deliberate indifference by SeaWorld to address said violations.

Specifically, Plaintiffs and Class Members allege SeaWorld knew they were employing individuals from Bucks County high schools; that there exists in Bucks County a culture of racism, especially in its high schools; and that SeaWorld made no effort to identify and address overt and/or implicit biases exhibited in these teenage individuals so that they would not intentionally act out said biases upon SeaWorld's park guests, including Plaintiffs. The injunctive relief sought by Plaintiffs would resolve SeaWorld's intentional indifference to complaints of racial discrimination at Sesame Place Philadelphia.

Plaintiffs seek injunctive relief from SeaWorld's policies and practices (or lack thereof) that place class members at a substantial risk of harm should they return to Sesame Place

Philadelphia. SeaWorld has acted on grounds generally applicable to the Plaintiffs and the class as a whole. Their systemic deficiencies in failing to ensure that their employees do not discriminate against Sesame Place customers on the basis of race have subjected Named Plaintiffs and the class to past harms and continue to place them at a substantial risk of future harm. If this Court finds that, due to their failures to act, SeaWorld has violated their legal duty, it can order SeaWorld to remedy their systemic deficiencies through injunctive relief.

The specific injunctive relief sought by Plaintiffs is as follows:

Plaintiffs request that this Court issue an Order requiring SeaWorld:

1. Employ an Injunctive Relief Manager who will review, revise, and post anti-discrimination policies on bulletin boards throughout the workspaces of SeaWorld's employees.
2. Maintain a confidential, toll-free employee hotline number for reporting concerns about racial discrimination, harassment, or retaliation that occurs at Sesame Place Philadelphia.
3. Require SeaWorld to provide continuing mandatory anti-discrimination and race equity training for all employees, which is to be monitored by the Injunctive Relief Manager or third-party entity experienced in conducting such trainings such as Race Forward[1] and/or The National Conference for Community and Justice.[2] This course of training must be strategically customized to provide instruction on the history of race discrimination, the effect of systems of oppression and privilege in the United States, racial justice values, tools for combating structural racism in the workplace, and recognition of racial biases and racial equity. This course of training must also include practical application and concrete action items for SeaWorld employees to practice applying the race equity and non-discrimination concepts to their work duties.
4. Require the Injunctive Relief Manager to submit quarterly reports for a period of five years to the Court relating to SeaWorld's compliance with the Court's Judgment for Injunctive Relief.

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[1] Race Forward is a non-profit racial justice organization that helps organizations take effective action toward racial equity through systematic analysis and development of racially equitable policies and practices. https://www.raceforward.org/.

[2] The National Conference for Community and Justice ("NCCJ")is a non-profit social justice organization that designs and implements diversity, equity, and inclusion programs and consulting services including developing customized professional development curriculum and assessment tools for corporations to build cultural competences and create more inclusive work environments. NCCJ also provides trainings on bias, discrimination, oppression, and privilege. https://nccj.org/.

IV. THE COURT SHOULD CERTIFY THIS ACTION AS A CLASS

A. Rule 23(a)

In *Russell v. Educ. Comm'n for Foreign Med. Graduates*,15 F.4th 259, 265-266 (3d Cir. 2021), the Third Circuit Court of Appeals states:

> The requirements of Rule 23 are these. The party seeking class certification must demonstrate, first, that the requirements of Rule 23(a) are met. *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 345, 131 S. Ct. 2541, 180 L. Ed. 2d 374 (2011). To satisfy Rule 23(a), a plaintiff must "prove that there are in fact sufficiently numerous parties, common questions of law or fact, typicality of claims or defenses, and adequacy of representation." *Comcast Corp. v. Behrend*, 569 U.S. 27, 33, 133 S. Ct. 1426, 185 L. Ed. 2d 515 (2013) (internal quotation marks omitted).

1. Numerosity

Rule 23(a)(1) requires that a class be "so numerous that joinder of all members is impracticable[.]" There is "[n]o minimum number of plaintiffs required to maintain a suit as a class action[.]" *Stewart v. Abraham*, 275 F.3d 220, 226 (3d Cir. 2001). Generally, however, when "the potential number of plaintiffs exceeds 40," the numerosity requirement has been satisfied. *Id.* at 226-27. Here, there are currently approximately 100 class member families involving over 130 children, including the families of the Representative Plaintiffs. With over 1 million guests visiting Sesame Place Philadelphia each year, this "number is likely to increase such that joinder is impracticable." Am. Compl., ECF 25 ¶ 110. Accordingly, Plaintiffs readily meet the numerosity requirement of Rule 23(a)(1).

2. Commonality

Rule 23(a)(2) requires that "there are questions of law or fact common to the class." In the Third Circuit, it is well established that "commonality does not require all claims and facts among class members be identical, rather a single common issue of law or fact shared by the named plaintiffs and the prospective class will suffice." *Clarke v. Lane*, 267 F.R.D. 180, 196 (E.D. Pa. 2010) (citing *Chiang v. Veneman*, 385 F.3d 256, 265 (3d Cir. 2004), *abrog. on other grounds by*

In re Hydrogen Peroxide Antitrust Litig., 552 F.3d 305, 318 n.18 (3d Cir. 2008), *as amended* (Jan. 16, 2009); *Johnston v. HBO Film Mgmt., Inc.*, 265 F.3d 178, 184 (3d Cir. 2001); and *Baby Neal v. Casey*, 43 F.3d 48, 56 (3d Cir.1994)).

In *Baby Neal*, the court stated "the commonality standard requires only that a putative class share either the injury or the immediate threat of being subject to the injury. *Id.* at 60. The court further stated "class members can assert such a single common complaint even if they have not all suffered actual injury, demonstrating that all class members are *subject* to the same harm will suffice. *Id.* at 56. Finally, the *Baby Neal* court noted

> Even where individual facts and circumstances do become important to the resolution, class treatment is not precluded. Classes can be certified for certain particularized issues, and, under well-established principles of modern case management, actions are frequently bifurcated.

Id. at 57.

Here, Plaintiffs' claims are common of the proposed class. Plaintiffs and the proposed class members share legal and factual issues related to the following: (1) whether Defendants knew of the systemic racism that exists in Bucks County, Pennsylvania, particularly in its high schools where many of their park employees were enrolled; (2) whether, despite this knowledge, Defendants hired teenagers from this racist culture and gave them wide discretion on how to interact with guests of Defendants' Sesame Place Philadelphia theme park; (3) whether these teenagers were allowed by Defendants to intentionally act out their racial biases and prejudices upon park guests; (4) whether Defendants' employees acted within the scope of apparent authority in their racially discriminatory behavior; (5) whether Defendants' employees' racial discrimination is based on a pattern and practice of discrimination against minority citizens; (6) whether Defendants failed to identify and address potential biases among their park employees; and (7) whether Defendants ratified the behavior of their employees.

In addition to the testimony of the Named Plaintiffs set forth, *supra*, Kienna Childs Alexander is a putative class member who was deposed on August 15, 2023. Ms. Alexander and her son visited Sesame Place Philadelphia on September 11, 2021. She testified her family was racially profiled by the teenage White person administering the line to a ride called the Two Tube Rider. The person told the family an adult had to ride with her son and his cousin even though they met the height requirements that were placed directly behind the line attendant and even though White children who did not meet the height requirement were allowed on the ride without an adult. On her second visit to the park in 2022, Ms. Alexander described the park as one of chaos with a lack of decorum. She stated it appeared as if a lot of teenagers were overseeing the park in many ways causing her to register a complaint with guest relations. *See*, *Deposition of Kienna Childs Alexander*, dated August 15, 2023, pp. 38-69, attached as Ex 59.

Schameese Britton is another putative class member who was deposed in this case on August 28, 2023. Ms. Britton and her family visited the Park on June 16, 2022. She testified about alleged racial discrimination against her family by a costumed character during a park parade. Their complaint to a White person administering the parade was met with indifference. *See*, *Deposition of Schameese Britton*, dated August 28, 2023, pp. 13-23, attached as Ex 60.

Curtis Bronson is a putative class member who was deposed on August 29, 2023. Mr. Bronson and his two sons visited the Park in the Spring of 2022. He testified about alleged racial discrimination against his son by a costumed character during a park parade. *See*, *Deposition of Curtis Bronson*, dated August 29, 2023, pp. 18-26, attached as Ex 61.

Makeda Bryan is a putative class member who was deposed on August 21, 2023. Ms. Bryan and her three children visited the park on July 8, 2022. Ms. Bryan testified about alleged racial

discrimination against her family by a costumed character during a park parade. *See*, *Deposition of Makeda Bryan*, dated August 21, 2023, pp. 19-26, attached as Ex 62.

Yolanda Billups is another putative class member who was deposed on August 18, 2023. Ms. Billups and her two children visited the park on July 4, 2022. Ms. Billups testified about alleged racial discrimination against her family by a costumed character during a park parade. Ms. Billups also described the discrimination she and her family suffered at the pool when they were directed to an area of the pool for Blacks by a white pool lifeguard. Finally, Ms. Billups went to the ticket booth at the park to complain about being overcharged for the tickets. Ms. Billups was told there was nothing that could be done. In response, Ms. Billups told the ticket booth attendant "obviously, this place is not for us" and the white young lady in the booth responded "Clearly, it's not". Ms. Billups stated she took that comment to mean the park is not for Blacks. *See*, *Deposition of Yolanda Billups*, dated August 18, 2023, pp.26-30, 40, 47-53, 62-67, attached as Ex 63.

The above deposition testimonies clearly demonstrate the commonality of liability claims between the named Plaintiffs and the class members. Accordingly, Plaintiffs readily meet the commonality requirement of Rule 23(a)(2).

3. Typicality

Rule 23(a)(3) requires that "the claims or defenses for the representative parties are typical of the claims or defenses of the class[.]" Typicality is evaluated "in common-sense terms" to determine whether "the incentives of the plaintiffs are aligned with those of the class." *Beck v. Maximus, Inc.*, 457 F.3d 291, 295–96 (3d Cir. 2006) (citations omitted). A claim is not "rendered atypical … if the claim arises from the same event or practice or course of conduct that gives rise to the claims of the class members, and if it is based on the same legal theory." *Id.* "[E]ven relatively pronounced factual differences will generally not preclude a finding of typicality where there is a strong similarity of legal theories." *Baby Neal*, 43 F.3d at 58. Further, though "[t]he

concepts of commonality and typicality are broadly defined and tend to merge," they "are distinct requirements under Rule 23." *Id.* at 56.

Here, Plaintiffs' claims are typical of the proposed class such that their claims arise from the same practice and course of conduct centering on employing teenagers from high schools located in Bucks County, Pennsylvania, where Sesame Place Philadelphia is located which is known to have a deep-rooted history of systemic racism and allowing these teenagers to have wide discretion when interacting with minorities without identifying and addressing overt or implicit biases so that said biases are not acted out upon park guests. The legal theories that form the basis for Defendants' liability are the same for Plaintiffs and the proposed class.

In *Baby Neal*, the court stated:

> Commentators have noted that cases challenging the same unlawful conduct which affects both the named plaintiffs and the putative class usually satisfy the typicality requirement irrespective of the varying fact patterns underlying the individual claims. Actions requesting declaratory and injunctive relief to remedy conduct directed at the class clearly fit this mold.
>
> ***
>
> Indeed, even relatively pronounced factual differences will generally not preclude a finding of typicality where there is a strong similarity of legal theories.

Id. at 58 (citations omitted).

Plaintiffs entered into contracts with SeaWorld through purchase of their Sesame Place Philadelphia admission tickets and allege discrimination ECF 25 ¶ 111. Though there may be "relatively pronounced factual differences" in the class members' claims—particularly related to the exact manner of alleged disparate treatment—their claims arise from the "same practice or course of conduct" exhibited by SeaWorld. Accordingly, Plaintiffs readily meet the typicality requirement of Rule 23(a)(3).

4. Adequacy of Representation

Rule 23(a)(4) requires the Named plaintiffs "fairly and adequately protect the interests of the class." The Third Circuit has a two-prong test to determine adequacy of representation: "(1) whether the proposed class counsel is sufficiently qualified to represent the class; and (2) whether there are 'conflicts of interest between the named parties and the class they seek to represent.'" *Clarke*, 267 F.R.D. at 197-98 (quoting *In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*, 148 F.3d 283, 312 (3d Cir.1998)). Courts "must confirm that the proposed attorneys can handle the representation." *Clarke*, 267 F.R.D. at 198 (internal quotations omitted).

Here, Plaintiffs have retained attorneys who are able to "handle" representation of the class with the intent to vigorously prosecute the case against Defendants. ECF 25 ¶ 113. Further, no conflicts of interest exist between the Named Plaintiffs and the parties whom they represent, as their interests are consistent with the interests of the proposed class. *Id.* Accordingly, Plaintiffs readily meet the adequate representation requirement of Rule 23(a)(4).

Because Plaintiffs have met all four prongs of Rule 23(a), this Court must determine whether Plaintiffs meet at least one of Rule 23(b)'s subdivisions and/or Rule 23(c)(4).

B. Rule 23(b)(2)

Rule 23(b)(2) states:

> [T}he party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole;

Under Rule 23(b)(2), there are no predominance or superiority requirements as there are for Rule 23(b)(3). *Agostino v. Quest Diagnostics, Inc.*, 256 F.R.D. 437, 450 (D. N.J. 2009).

In *Russell v. Educ. Comm'n for Foreign Med. Graduates*, the Third Circuit Court of Appeals states:

> Once beyond Rule 23(a)'s four prerequisites, plaintiffs then must seek to certify a class of one of three "types," each with additional requirements. See Fed. R. Civ. P. 23(b).

15 F.4th 259, 265-66 (3d Cir. 2021) (footnotes omitted).

Plaintiffs seek, in their prayer, injunctive relief as a remedy to their §1981 race discrimination claim. The evidence is clear SeaWorld, despite having actual knowledge through written and oral complaints by their minority park guests, between 2018 and 2022, alleging they were victims of race discrimination. The testimony is that these verbal complaints were made daily. In addition, SeaWorld either knew or had reason to know, through its relations with high schools in Bucks County, Pennsylvania, that the teenagers they employed may bring overt and/or implicit biases to the job that must be addressed so that such biases are not acted out upon minority park guests. Despite this knowledge, the evidence is also clear SeaWorld never took steps to protect their park guests from discrimination by their employees and intentionally ignored the numerous complaints alleging race discrimination at their park. Injunctive relief is the only remedy that could cure this problem and its resolution is common to all class members. As a result, Plaintiffs' request for injunctive relief is appropriate under Rule 23(b)(2).

C. Rule 23(c)(4)

The *Russell* court notes Rule 23(c)(4) obviates the need for a predominance analysis that would be required even if the elements of Rule 23(b)(2) are met. Pursuant to that Rule, a court may certify for class treatment specific issues that would, upon their resolution, determine a defendant's course of conduct. *Id.* at 266.

Plaintiffs seek this Court, pursuant to Rule 23(c)(4), to certify the following common issue of liability in this case: "Whether SeaWorld intentionally refused to identify and address overt and/or implicit biases in its park employees, between 2018 and 2022, to ensure said biases would not be acted out upon the minority guests of the amusement park".

The *Russell* court, citing *Gates v. Rohm & Haas*, 655 F.3d 255 (3d Cir. 2011), lists nine non-exclusive factors to guide courts who are faced with motions to certify particular issues under Rule 23(c)(4). [3]

The type of claim and issue favors certification. The complexity of the case does not prohibit certification. Certification of the issue of liability for purposes of injunctive relief would be far more efficient than litigating the issue of liability in potentially hundreds of individual cases. There would be no choice-of-law questions involved in this certified class. The partial certification will have no constitutional or statutory impact on the Defendants or Plaintiffs. Absent this class action, the intent of Rule 23 will be negated because the large number of individuals who were wronged by SeaWorld will never get legal relief as their individual monetary losses are too small. Resolving the certified issue class will not adversely affect the effectiveness and fairness of resolution of remaining issues. Resolution of the proposed liability issue would negate the possibility of inconsistent results in individual proceedings and the injunctive relief sought as a remedy would benefit the claims of every class member. There would be no need to relitigate the liability issue once resolved. There would be no need to reexamine the evidence and findings from the resolution of the common issue.

Given the above, Plaintiffs do not believe there is any legitimate reason why this class cannot be certified under Rule 23(c)(4) for the common liability issue as set forth, *supra*.

[3] This Court has discretion, under Rule 23(c)(4), to certify a Rule 23(b)(2) class issue while excising non-certifiable portions such as money damages if it concludes, after a rigorous analysis of the *Gates* factors, that such certification is appropriate. *Jackson v. Southeastern Pennsylvania Trans. Authority*, 260 F.R.D. 168, 195-196 (E.D. Pa. 2009).

V. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Court grant Plaintiffs' Motion for Certification of the Class Rule 23(b)(2), injunctive relief, and Rule 23(c)(4), liability issue.

Respectfully submitted,

MURPHY, FALCON & MURPHY

/s/ *Ronald E. Richardson*
William H. Murphy, Jr. (07985)
Andrew K. O'Connell (28168)
Malcolm P. Ruff (21595)
Ronald E. Richardson (04673)
1 South Street, 30th Floor
Baltimore, Maryland 21202
Telephone: (410) 539-6500
Facsimile: (410) 539-6599
billy.murphy@murphyfalcon.com
andrew.oconnell@murphyfalcon.com
malcolm.ruff@murphyfalcon.com
ronald.richardson@murphyfalcon.com

THE TRIAL LAW FIRM, LLC

/s/
Mart Harris (319504)
Fort Pitt Commons
445 Fort Pitt Boulevard, Suite 220
Pittsburgh, Pennsylvania 15219
Telephone: (412) 588-0030
Facsimile: (412) 265-6505
mh@tlawf.com

DUNCAN LEGAL GROUP

/s/
Jason Duncan (87946)
2001 N. Front Street
Harrisburg, PA 17102
Telephone: (717) 232-1886
Facsimile: (717) 232-4189
jaybdunc@gmail.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, on this 27th day of November 2023, that a true and correct copy of the foregoing Plaintiffs' Motion and Memorandum of Law in Support of Their Motion for Certification of Class were served via the Court's CM/ECF system, which will send notification of such filing to counsel and parties of record electronically.

/s/ Ronald E. Richardson
Ronald E. Richardson

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Ex. 28 *Deposition of Paul Schweizer*, dated May 18, 2023

Ex. 29 *Deposition of Nicholas Manna*, dated May 19, 2023

Ex. 30 *Deposition of Barbara Simmons*, dated October 19, 2023

Ex. 31 Barbara Simmons Spreadsheet

Ex. 32 Racist Flyers

Ex. 33 *Deposition of James Legette*, dated December 14, 2022

Ex. 34 *Deposition of Quinton Burns*, dated February 28, 2023

Ex. 35 Burns receipt

Ex. 36 Burns tickets

Ex. 37 *Deposition of Nathan Fleming*, dated February 27, 2023

Ex. 38 Fleming receipt

Ex. 39 Fleming tickets

Ex. 40 Fleming Attempt to contact Sesame Place

Ex. 41 Fleming Attempt to contact Sesame Place

Ex. 42 *Deposition of Lashonda Miles*, dated March 30, 2023

Ex. 43 Miles ticket

Ex. 44 *Deposition of Ingrid Morales*, dated February 14, 2023

Ex. 45 Morales ticket

Ex. 46 Morales purchase summary

Ex. 47 Ms. Morales complaint to the Pennsylvania Office of Attorney general Civil Rights Enforcement Section

Ex. 48 Morales message on Sesame Place Website

Ex. 49 Romero family receipt

Ex. 50 Romero family tickets

Ex. 51 *Deposition of Yoselis Romero*, dated March 3, 2023

Ex. 52 Valdez credit card statement

Ex. 53 *Deposition of Katie Valdez*, dated February 19, 2023

Ex 54 *Deposition of Ashley Valette*, dated February 20, 2023

Ex. 55 Valette credit card statement

Ex. 56 Valette admission tickets

Ex. 57 *Deposition of Lauren Willie*, dated April 6, 2023

Ex. 58 Willie purchase summary

Ex. 59 Willie golden season passes

Ex. 60 *Deposition of Schameese Britton*, dated August 28, 2023

Ex. 61 *Deposition of Curtis Bronson*, dated August 29, 2023

Ex. 62 *Deposition of Makeda Bryan*, dated August 21, 2023

Ex. 63 *Deposition of Yolanda Billups*, dated August 18, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
Philadelphia Division

QUINTON BURNS, et al.

Plaintiffs,

vs.

SEAWORLD PARKS & ENTERTAINMENT, INC., et al.,

Defendants.

Case No. 2:22-cv-02941

ORDER

Upon consideration of Plaintiffs' Motion and Memorandum of Law in Support of Their Motion for Certification of Class, Defendants' Response in Opposition, and any Reply thereof, it is this _____ day of _____, 2023, hereby

ORDERED that Plaintiffs' Motion for _____ is **GRANTED**.

BY THE COURT:

_____
WENDY BEETLESTONE, J

EXHIBIT 1

FILED UNDER SEAL

EXHIBIT 2

FILED UNDER SEAL

EXHBIT 3

FILED UNDER SEAL

EXHIBIT 4

FILED UNDER SEAL

EXHIBIT 5

FILED UNDER SEAL

EXHIBIT 6

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EXHIBIT 23

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EXHIBIT 24

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EXHIBIT 25

FILED UNDER SEAL

EXHIBIT 1

EXHIBIT 26

Planet Depos
We Make It Happen™

Transcript of Sara Tsivikis

Date: July 14, 2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.

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Q And what is her role?
A Park president of Sesame Place.
Q And was she park president when you arrived in 2020?
A Yes.
Q Is she still park president, as far as you know?
A Yes.
Q And you said that she may have informed you before you saw it on the news. What news did you see it on?
A When it first came about, I think honestly I saw it on Facebook or one of the social media outlets, like the initial video. I don't recall if someone sent me the link, if I saw the link, but I was made aware that it was circulating.
Q Did you ever participate in any meetings at Sesame Place about the lawsuit?
A I did.
Q And which meetings would that have been?
A We met a few times more so to discuss kind of what steps would be taken. It wasn't necessarily about the lawsuit itself as much as, you know, we had some protests that were announced that they would be taking place, so figuring out

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how we were going to handle that and a lot of the discussion was around statements. So when there were incidents in the parks or things going on, that wasn't really my world. I kind of waited for direction of what are we going to communicate to employees.
Q Okay. So let me take that piece by piece.
A Mm-hmm.
Q You said we met. Who would have participated in the meetings?
A Typically our -- our executive team, which would be myself, the other vice presidents, and Kathy typically would be in the room.
Q Okay. So this is the first time I've heard of an executive team. I just want to know who apprised the executive team.
A I used executive. You probably could refer to as senior leadership team, C-suite, anything along those lines, but there's the vice president of each of our divisions. So, Nick, who you mentioned, is the vice president of entertainment; there's operations, maintenance, finance.
Q Okay. I see. What was your role?
A I was the vice president of human

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resources.
Q Okay. Now, is there a person that is above you in human resources?
A No.
Q Okay. So you report directly to Kathy?
A Yes.
Q And you said that there were meetings concerning the lawsuit by the -- I'm going to call it the executive team?
A We were made aware of the lawsuit, but it wasn't meetings necessarily around the lawsuit. It was more so about what was taking place locally, how to respond to phone calls, how to respond to guest concerns, how to make our -- you know, what to inform our team about as far as the protests go and how to answer any questions that they might have.
Q And who at Sesame Place would be responsible for answering media questions about --
A Typically marketing.
Q Marketing?
A Yes.
Q And who was the VP of marketing?
A Pam Nuzzo.
Q Well, let me go back to your first coming

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onboard in 2020. What was your title at that time?
A Originally, it was titled human resources director.
Q Did that title change?
A It did.
Q Did the responsibilities change with the changing of the title?
A They did not.
Q Okay. It was just a change in title?
A It was just a mirror to other properties. And we're a smaller property so there's not huge tiers, so they dropped it to director but then they found out we were left off a lot of communications since they thought there was a VP so we just switched them.
Q Got it. And what was your role at Sesame Place as VP, vice president?
A My core responsibility was to oversee the human resources operation and with that comes overseeing the different specialties within our division, and then the administrative work would be your budgeting and executing on any corporate initiatives and things like that.
Q Was the HR department at Sesame Place

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involved in orientation?
A We were.
Q And you mentioned some of the things at Six Flags that you were involved in employee relations there. Were you also involved in employee relations at Sesame Place?
A Yes.
Q And were you also involved at Sesame Place with recruitment and hiring and posting job offers, et cetera?
A Yes.
Q And did you make an attempt to reach out to high schools and colleges and career services groups at Sesame Place like you did at Six Flags?
A Yes.
Q I apologize, but I never asked you your date of birth.
A [redacted] 1987.
Q So upon starting your job at Sesame Place -- that's located in Langhorne?
A Correct.
Q Okay. Did you make any effort to learn a little bit about the area where the park is located so that you could perhaps begin identifying recruitment places and what have you?

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A I wouldn't say that I did a lot of local outreach. There was already a list kind of compiled on who historically was, you know, our -- where we got the majority of our applicants from in the areas. Our largest high schools and colleges, things like that, so that was kind of our starting point. And then really social media at this point is a big driver as well, so we would just set a radius around the park and boost ads and that was a big driver of our recruitment efforts.
Q There has been previous testimony that some of the employees of Sesame Place, specifically for the entertainment department, were recruited from area high schools.
A Mm-hmm.
Q Is that your understanding?
A Yes.
Q And how long did you work -- I think -- strike that. Let me ask you.
How long did you work at Sesame Place?
A A little over two years.
Q Take us to 2022?
A 2023.
Q Okay. So 2020 to 2023?

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A Yes. It was the end of 2020, so September to February of 2023.
Q Okay. I got you. And that's when you went to your new job?
A Yes.
Q As an employee in the human resource department at Sesame Place, did you ever get involved in any Bucks County organizations?
A I was with the Bucks County Work -- Bucks County Development Workforce.
Q Workforce and Development?
A Yes. Thank you. It's been awhile.
Q You were on that board?
A Yes, I was.
Q Kathy was on that board too, wasn't she?
A Not that I'm aware of.
Q You resigned in February of this year from that board?
A Yes.
Q And what -- what did that board do?
A They had a lot of representatives from local companies, organizations. The whole goal was to really connect individuals in Bucks County who were looking for jobs with different employment opportunities.

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Q And did the board have, like, committees that the members can serve on?
A Yes. There was a few subcommittees.
Q Did you serve on any of those subcommittees?
A I did. I was a part of the youth council committee, but to be fair there wasn't many initiatives. I was involved on a lot of calls, but there was no direct initiatives projects that I partnered on I'd say with the youth council committee.
Q Did the Bucks County Workforce & Development group, did they try to focus on insuring that the people of all races could find employment in Bucks County?
MR. SIMPSON: Object to form, but you can answer the question.
THE WITNESS: That wasn't specifically mentioned.
Q Okay. What was your understanding of the mission of that particular board?
A I don't know what the mission was verbatim.
Q Fair enough. What is your understanding of the mission? I don't need you to quote it to

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all trades. They do whatever the company needs them to do in that specific role. The way that it was used when I started, they were partnering with their respective business partner and kind of executing on anything that they needed.

Q Who did they report to, the generalist?

A The HR business partner.

Q And who did the business partner report to?

A Myself.

Q So the generalist was a couple levels below you?

A Yes. And the -- one of the more recent HR business partners, he was also a black male. I didn't mention that in the titles. So there was four different titles that I'm aware of.

Q What was his last title?

A HR business partner.

Q Okay.

A Or I believe it was HR business partner senior was the title.

Q As a member of the human resources department at Sesame Place, did you ever have an occasion to venture out into the park?

A Almost daily.

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Q So you would have seen the parades?

A Correct.

Q And you would have seen various activities, the Dine with Elmo, or you would have walked by the rides. Would you have purviewed the whole park?

A Yes.

Q And during your tenure at Sesame Place in the human resources department, were you ever made aware of any potential racial incidents at the park?

MR. SIMPSON: Object to the form, but you can answer.

THE WITNESS: Yes, I was made aware of incidents in the park.

Q And as part of your role in the HR department, were you responsible in either developing a statement related to that particular -- each particular incident or did you do some other function?

A I would not craft a public statement.

Q Okay. So what, if any, role -- because you may not have played a role. But what, if any, role did you play when you became aware that there was a racial incident at the park?

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A If it was involving a guest, my involvement would have been if somebody was escalating and wanted to speak to someone above the manager level. And if I were -- if I was the only VP on duty, I would assist. Or sometimes I would just stumble upon the guest and they found me and they would possibly vent their concerns to me first, but anything with guests I would direct to the operations team.

Q Okay. So you would not personally do anything with respect to that particular incident. Is that my understanding?

A Yeah. My role would have been connecting them with the people that would help with the guest's recovery.

Q Did you interact with any of the guests who were complaining of alleged racism?

A Yes.

Q And what would be your role in that interaction?

A My biggest role was information collecting, figuring out what happened, when it happened, empathizing with the guest, and getting their contact information so that I could get them to the right people who could resolve their issue.

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Q Okay. And between 2020 and 2022, are you able to give us any idea of how many incidents at the park allegedly involved racial incidents?

A There's only, I would say, three that come to mind that I was directly involved with.

Q Okay. And were -- well, were they resolved, to your knowledge?

A To my knowledge, yes.

Q Okay. Fair enough. I need to go back to orientation.

A Sure.

Q Or hiring. In Bucks County, what role, if any, did the human resources department play in establishing contacts with the area high schools?

MR. SIMPSON: I'm just going to object for the record to your questions about hiring, orientation, training, supervision, retention on the ground that the Court's granted our motion to dismiss and those counts are out. But I just want a standing objection.

MR. RICHARDSON: You can have a continuing objection as to all those questions.

MR. SIMPSON: As long as we understand where I'm at.

MR. RICHARDSON: No worries, because I

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think she did allow without prejudice the supervision.
MR. SIMPSON: But it's not in. It's out.
MR. RICHARDSON: I understand. Your objection can stand.
MR. SIMPSON: As long as we understand each other on the objection.
MR. RICHARDSON: Absolutely, you can have a continuing objection.
MR. SIMPSON: All right.
BY MR. RICHARDSON:
Q So with respect to recruiting and hiring employees from the high schools, did the human resources department at Sesame Place have any relationships with the high schools in Bucks County?
A Yes.
Q Can you give us a little bit of a description of what type of relationship Sesame Place had with the high schools in Bucks County?
A Sure. At the beginning of the season, we would call and E-mail to schedule recruitment sessions, whether it's in the lunchroom or meetings, things like that.
Q Did anyone from the human resources

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department ever visit the high schools to meet with the career developers or various people in the high schools to nurture the relationships that either were in existence at the time that you came there or that you created?
MR. SIMPSON: Object to the form.
THE WITNESS: Occasionally they would ask for a meeting prior to us coming or would invite us to meet them before we established anything. Most of them would just coordinate because they have other employers and other partners and vendors doing the same thing, so it's pretty standard protocol for them to schedule that and allow us to come in.
Q Okay. Have you visited any of the high schools, you personally, in Bucks County?
A I did. I went to Castle Rock last year and did presentations on human resources.
Q Council Rock?
A I think it's -- yeah, Council Rock. Okay.
Q Any other high schools?
A I think that was the only trip I went on personally.
Q Okay. Did Sesame Place have any relationship with the school boards? Not

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necessarily the individual high schools, but the actual school boards for the various school districts in Bucks County?
A Not that I'm aware of.
Q Have you ever met with any of the principals of any of the high schools?
A I have not.
Q Did you have any social media communications with any of the high schools in Bucks County?
A Don't believe we did.
Q Did you post any job offerings on social media?
A We did.
Q And did you make the schools aware of the passwords of those social media so that the schools would have access to those recruitment offers?
A We did not.
Q So what, if anything, did the human resources do to see -- to ensure that the high school students out there in Bucks County were aware of particular job offerings?
A Some years we'd send packages to the schools with fliers for them to post themselves in

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their designated areas that would have QR codes that would drive them to the website.
Q Okay. And when you got a response from a potential employee from a recruitment effort, was there a need for the particular individual to fill out an application?
A Yes.
Q And did you have anything to do with designing that application?
A The application itself is pretty standard, it's just collecting their basic information. These are entry level jobs so there's not a lot of criteria for that initial application as much as their personal information.
Q Okay. Is there anything on the application that asks for a particular individual's race?
A No.
Q Is there anything on the application that asks for a particular individual's gender?
A I don't recall.
Q Is there anything in the application that asks for any history of racial incidents?
MR. SIMPSON: Object to the form, but you can answer.

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Q Did you ever become aware that employees were engaging -- managers in the entertainment department were engaging in racist conduct against their -- those under their supervision?
A No.
Q Okay. Had you ever heard of any employee -- strike that.
Upon arriving at Sesame Place, did you ever become aware that a previous manager of the entertainment department was terminated because of his racist behavior?
A No.
Q Have you ever observed anyone using the N word?
A No.
Q Never in your life?
A Oh, in my life? Yes.
Q And have you ever been in the company of people who use racial slurs?
A Not company that I chose to be with. Just in public, if I overheard.
Q Okay. Got you. At the Sesame Place park while you were in the park, did you ever have an occasion to observe or hear someone use the N word?

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A I don't think I ever heard it directly. I received statements that employees heard it or was directed at them, but I never -- I don't recall ever hearing it myself.
Q Or any other type of slur, racial slur while you were in the park?
MR. SIMPSON: Object to the form, but you can answer.
THE WITNESS: Again, nothing that I heard directly. More so just receiving statements of what was said to other ambassadors.
Q Have you ever become aware of any racist graffiti ever being placed anywhere on park premises?
A Not that I'm aware of.
Q Okay. Were you ever made aware that Bucks County is a racist county?
A No.
Q In the orientation, was there ever any component of that orientation that specifically addressed diversity, equity, and inclusion?
A Yes.
Q What part?
A It was at or towards the end, there is a whole section on DE&I, I believe.

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Q When you say added towards the end, are we talking end of time or --
A Towards my -- in the last year, there was additional slides added. We always had sections on discrimination, harassment, common scenarios that our employees would see, and then I do recall additional content being added by corporate in my last year.
Q That would be 2022?
A Yes.
Q And do you happen to know if that was before or after the lawsuit was issued?
A I don't know the timing of the lawsuit versus the incident. I imagine it was after the Rosita incident.
Q Okay. Was there any attempt to assist the employee in orientation to learn how to identify social groups?
A No --
MR. SIMPSON: Object to the form.
Q Okay. Was there any effort in the orientation to help an employee identify or to -- strike that.
Have you ever heard of the phrase unconscious biases?

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A I have.
Q Was there any effort to help an employee identify unconscious biases in orientation?
A Not in orientation. Not initially. That was the content I believe we discussed later that we added. I don't know if it was unconscious or implicit bias was the terminology we were using.
Q Okay. And did Sesame Place ever seek to train their employees about debiasing techniques?
MR. SIMPSON: Object to the form.
Q To reduce the impact of unconscious bias?
A There was additional training from an outside company around implicit bias that took place.
Q When did that take place?
A I think it launched in the fall of 2022.
Q By the way, what was your hours? What shift -- did you work hours?
A All shifts. Night shifts, morning shifts, weekends, holidays.
Q How did you pull that off? Was it like you rotated like a certain shift for like a week or so and then you went to a different shift?
A We were pretty flexible. I actually like working night shift and weekends and alternative

factor or would -- or would Sesame Place still consider hiring such an individual?

MR. SIMPSON: Object to the form.

THE WITNESS: I think it's important to get all details of the case. What we're saying is a very broad term. I think it depends what took place, how it took place. All these details are really important. I can't say for sure with that broad term that that would be a terminable or something that would remove their eligibility for hire.

Q And in the supervision of an employee who was hired from a local high school in Bucks County, would part of that supervision be to look for whether or not there's any unconscious biases within that individual so that if so they could be identified and addressed?

A When we are observing our employees, interacting with our employees, I think we are always trying to identify, correct, and address any behaviors that we feel like don't align with our policies and creating a safe and comfortable and welcoming environment for our guests and our employees.

Q And during your tenure at Sesame Place,

was it ever brought to your attention or the human resources department's attention of any employee where there has been an identification of unconscious bias?

MR. SIMPSON: Object to the form.

THE WITNESS: No, that was never -- that term wouldn't have been -- or wasn't brought to my attention of implicit bias, unconscious bias. No one made a report that felt that that was occurring.

MR. RICHARDSON: Okay. I have no further questions. Your counsel may have some questions.

MR. SIMPSON: I have no further questions. The witness will read and sign her transcript.

THE REPORTER: Mr. Simpson, would you like a copy of the transcript?

MR. SIMPSON: Yes.

THE REPORTER: Mr. Richardson, is regular turnaround okay?

MR. RICHARDSON: Regular is fine.

(Witness excused.)

(The deposition concluded at 12:05 p.m.)

CERTIFICATION

I, JENNIFER D'ANGELO, Registered Professional Reporter, do hereby certify:

That prior to being examined, the witness in the foregoing proceedings was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That said proceedings were taken before me at the time and places therein set forth and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

I further certify that I am neither counsel for, nor related to, any party to said proceedings, not in anywise interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my name.

- - -

DATE: 7/31/2023

Jennifer D'Angelo, RPR, CCR-NJ

EXHIBIT 27

Planet Depos
We Make It Happen

Transcript of Kaylah Connelly

Date: September 11, 2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.

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Q. Okay. Do you expect to graduate next spring?
A. Yes.
Q. And what is your major?
A. Business administration with a concentration in marketing.
Q. Forgive me while I just take notes as we talk. Ms. Connelly, you aware that you are -- you have been subpoenaed to give a deposition in this particular case involving the class action lawsuit filed against Sesame Place Philadelphia?
A. Yes.
Q. And are you aware that that class action lawsuit alleges racial discrimination that occurred at the amusement park in Langhorne, Pennsylvania?
A. Yes.
MS. PARDO: Objection to the form.
Q. Okay. Oh, and another, I don't know if I would call it a ground rule, but another thing that will occur, is that there may be objections by myself or other counsel, that has nothing to do with your testimony. It is an opportunity for counsel to preserve the record for us to go to the court later on and

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discuss the question and answer that took place. Again, it has nothing to do with what you are about to say, okay?
A. Okay.
Q. Did you speak with anybody to prepare for today's deposition?
A. No.
Q. Okay. Ms. Connelly, what is your date of birth?
A. March 21st, 2002.
Q. Did there ever come a point in time when you worked at the Sesame Place Philadelphia amusement park?
A. Yes.
Q. When did you first start working there?
A. 2017.
Q. Okay. And how old were you at the time that you first started working at the Sesame Place Philadelphia amusement park?
A. I was 15 or 16.
Q. Were you attending high school at the time?
A. Yes.
Q. And what high school were you attending?
A. Arts Academy at Benjamin Rush.
Q. Where is that high school located?

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A. In Philadelphia. Do you want the full address? I don't --
Q. No. No. No. That's okay. It's in Philadelphia?
A. Yes.
Q. Okay. Have you ever had an opportunity to visit the Sesame Place Philadelphia amusement park prior to working there?
A. No.
Q. Okay. And during what years did you work at Sesame Place Philadelphia?
A. 2017 through 2020.
Q. And were there occasions when you would work at the Sesame Place Philadelphia amusement park leave and then come back because it was either the summer or holiday season?
A. Yes. Yes. Because when I first start -- wait do you want me to explain?
Q. Go ahead.
A. Okay. When I first started working there, Covid wasn't a thing. So they were open only until Christmas or like New Year's. And then they would be closed for January, February and then start back up in March. So I was unemployed for January, February and then the

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beginning of March, and then would start around the time of my birthday.
Q. I see.
A. But after Covid, they stayed open year long. Like year round.
Q. So please tell us between 2017 and 2020 to the best that you can recall the months that you worked at Sesame Place Philadelphia per year? Let's start with 2017. Would you tell us what months during that year you worked at the amusement park.
A. Yeah, 2017 I started like the end of August to like the beginning of January, like the first week of January. And do you want 20 -- 2018 I worked from March until the end of the year, all the way until January again, and then Covid hit, and we weren't working almost the entire 2019.
Q. Okay. What about 2020?
A. 2020 I worked -- I worked up until August until I left for school.
Q. So when did you start in 2020?
A. I started in January.
Q. January of 2020?
A. Or it ran -- it ran through. Like it just

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ran through from -- from 2019, the end of 2019. I'm not sure exactly what month we started. I think we started during Christmas season, so it would be like around November until 2020 of August.

Q. Got you. What about 2021?

A. I didn't work there in 2021.

Q. Okay. And was the last time you worked at Sesame Place Philadelphia August of 2020?

A. Yes.

Q. Okay. When you first came on board in 2017, what was your job position?

A. Entertainer 1.

Q. And as an entertainer 1 what were -- what were you allowed to do?

A. You can do everything but you couldn't do shows. So you can do character meet and greets. You can do photo shoots. You can barely -- like you can barely be in the parade, but you just couldn't do shows. Like you couldn't perform shows.

Q. Did there come a point in time when your job title had changed from an entertainer 1?

A. Yes.

Q. And what was the next position that you held?

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A. Entertainer 3.

Q. And is there a difference between what an entertainer 3 does as opposed to an entertainer 1?

A. Yes, you do shows. As an entertainer 3 you do shows. That's the highest position you can be, other than a supervisor.

Q. I understand. And did you attain another title other than entertainer 3 and entertainer 1?

A. No.

Q. Okay. Do you recall the different types of costume characters that you performed during the time that you worked at Sesame Place Philadelphia?

A. Yes.

Q. What were they?

A. Elmo, Abby, Prairie Dawn -- you want me to name all of them that I've been?

Q. Well, yeah. But if you could do it a little slower because I'm trying to take down the notes.

A. Okay. Sorry.

Q. Elmo?

A. Elmo, Abby. Those were my main two. When I

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was an entertainer 1, they would make me Prairie Dawn, which is like the worst. And then I've been Gonger.

Q. I'm sorry, you said what?

A. Gonger.

Q. Okay. Any others?

A. No, that's all I've been.

Q. Okay. When you were hired, first hired at Sesame Place Philadelphia, did you have to do an audition?

A. Yes.

Q. And what did that involve?

A. You had to bring a headshot, a resume, and they would teach you choreography, see how fast you could pick up.

Q. Okay. And do you remember who it was that ran your audition?

A. It's always the same people at the auditions. It'll be the hiring manager, which is Julia Hall. Shavonne Strange, P.J. -- I don't know his last name. I know his last name but I don't know how to pronounce it.

Q. Is it Schweizer?

A. Yeah. P.J. That was before we got new management. Then after we got new

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management, we had a guy come in named Nick. Nick Menna. Nick -- yeah. He was only there -- well, I was only there for like the first couple months he was there and then I left. But, yeah, we had to audition. And it's almost all of -- even supervisors have to audition. But it's the higher ups that are really picking and choosing.

Q. Okay. Ms. Connelly, was there ever a period of time when you had made a request to play the character Zoe?

MS. PARDO: Objection to the form leading.

Q. You can answer, madame.

A. Yes.

Q. And do you recall when during your tenure at Sesame Place Philadelphia you made the request to play the character Zoe?

A. That was on my last day.

Q. And were you initially granted that request?

MS. PARDO: Objection to form.

A. No.

MS. PARDO: Leading.

A. No.

Q. Tell us what happened.

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supervisors, the supervisors will put their friends over the person that they're closest to in, let's say, like a -- a top position in the parade, and they'll put an actual good dancer who may turn out to be black, may turn out to be white, they'll put an actual good person in the back where it's like, okay, you know that this person's abilities are greater than your friends. So you would rather put your friend because that's your friend's favorite costume or something. Do you understand what I'm saying? Am I explaining it right?

Q. You are.

A. Okay. Yes. So they would -- they would basically put their friends in higher positions than what their qualities are. Or what their like dancing capabilities is, dancing-wise, yes, there's always someone stronger than the other. So they would put the weaker dancer in the front. Say your friend just turned out to be a weaker dancer, they'll put their friend in the front because their friend likes that costume. And they'll put a strong dancer in the back. Like it

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just never -- I never understood it.

Q. Okay. When did you first become aware that there was this favoritism in the entertainment department of Sesame Place Philadelphia, what year would you say you first noticed it?

A. I noticed it my first year. My first couple of weeks working there, because, as I said in the beginning, I was an entertainer 1. I wasn't even doing shows. So I just felt if weird because of my shifts. The type of shifts that I were having were like, okay -- it's like E 1's are honestly bottom of the barrel. Like if you're an E 1 you don't -- you don't really get acknowledged in the entertainment department.

Q. And what do you mean by that?

A. It's so hard to explain. People who haven't been through it. So we have this shift called smile. Smile is basically you are across the entire park. You're isolated from everyone and you basically just stand outside for 30 minutes, and then you get like a 15 minute break, and then you go back outside, and just imagine that in 100 degree heat. So

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you got a big Elmo costume outside, and you're just standing in and sometimes there's no leadership over there. Like they -- they would just leave people over there by themselves. And so when I first started working, that's all the shifts I had was smile. And I was so confused. There was no -- there was no training me for costume. There was no nothing. When you became an entertain -- when you become an entertainer 3, you get training for costume. You get training for being in the specific costume that you're going to be in. You have to try it on. You have to go through a whole entire process. But when you're entertainer 1, you don't get training. Because they know that you're not going to be in any shows. They don't really care about you.

Q. I see. And what costume did you have to put on as an employee who worked on the smile shift?

A. It depends. If I was a walk host, I would be wearing -- I don't remember what the shirts were when I first started but -- no. No. No. They were yellow. We would wear just a

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general yellow Sesame Place shirt and then some black shorts. And then if you were the actual character, you would -- I would be Elmo or Abby.

Q. Okay. Ms. Connelly, during your tenure at Sesame Place Philadelphia, did you ever become aware that members of a minority race were treated differently employees that were members of a minority race who were treated differently than white employees at Sesame Place Philadelphia?

A. Yes.

MS. PARDO: Objection to form.

A. Yes.

Q. Can you tell me the first reason why you believe that minority employees at Sesame Place Philadelphia were treated differently than white employees?

MS. PARDO: Objection to the form.

Q. You can answer.

A. Okay. When I first started, I made some friends but I was always isolated, so I never really knew everybody. I didn't get a chance to know everyone. So when I started to, you know, make friends with the people in -- when

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I became an E 3, I seen that it was just very divided. It's like the -- all the black people hung together and then all the white people over here. And then I started to really notice how during parades we would be in the back. We would be in costumes that are just -- that just have us -- basically not seen in the parade. And a situation happened with two of my friends and they're African American. Two of my friends two different times. So one of my friends he came to work on time and he had a bottle in his bag. Yes, it was an alcohol bottle but the bottle was empty. So -- and, no, he was not drinking in the park. He did not do -- he didn't do anything of that sort in the park. He just had an empty alcohol bottle. It was just a small bottle. He said it was from a party that he was at the day before and he just brung the bottle with him straight to work. But, yeah, so one of the supervisors took it upon herself to go in his bag -- go in his bag and saw the bottle. But that's violation of privacy. So they -- so she went through his bag and she took it to

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management, and they ended up firing him, the day of. They fired him the day of, sent him home, canceled his entire shift. And they didn't even give him a chance to speak. But the thing is, they made it seem like he was okay. They made it seem like, oh, like you're not in trouble. It's -- you're okay. We're just going to throw the bottle in the trash basically. And, no, he got fired the same day. And then another situation happened with my friend, probably a year later. He came in to the shift, again, another shift on time, not late, come into work, and then they said that -- they tried to -- mind you, it's like 9 in the morning. They tried to say that he smelt like weed. They ended up doing a search on him, checked him, didn't find any weed on him, and still fired him. So it wasn't even him that smelled like weed. They said his bag smelled like weed. The book bag that he usually bring with him, they said it smelled like weed but they ended up checking it and they did not find anything, and they still fired him. Same -- same process. Sent him home,

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canceled his entire shift, made it seem like he was okay, he was cool. No, they sent him home and they fired him so --

Q. Okay. Let me just take these one at a time, Ms. Connelly.

A. Mm-hmm.

Q. First of all, you said that you felt isolated as a new employee and that --

A. Yes.

Q. -- the race was divided.

A. Yes.

Q. Can you be specific about that?

A. So just like I said in the beginning, all the smile shifts are across the park. So you basically get your costume and you go across, the park and you're there the entire day. And then your break is literally when everyone else is on parade, is like in parade. Because remember, as an E 1 you cannot be parade. So that's the only time that your break is, and basically you're on break by yourself because everybody else is in the parade doing the parade. So -- and then by the time parade is done, it's time for you to go back to your regular shift,

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regular daily shift, and just be across the park. Sometimes, yes, I would be with some people. It would be like two or three people over there, but we're all in the same -- we're all under the same title, E 1 and we're all isolated. So it's like, I never really got to meet that many people because I always had the same shift.

Q. Ms. Connelly, do you believe that minorities -- that members of minority races were given the smile shift because, in part, based on their race?

MS. PARDO: Objection to the form. Leading.

Q. You can answer.

A. No, I believe it went based on position.

Q. Okay. And what do you mean when you say the races, like the blacks would hang together and the whites would hang together, what do -- what do you mean by that?

A. Just the regular, all the blacks when -- when it's time to go on break, this is after I became an E 3 so I was no longer at smile anymore. But just on break, I just noticed all the black people would hang together and

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then the white people would just be with -- be with their friends. Basically it was just divided. But one of my friends, he would be -- he was kind of like in the middle. So he would hang with some of the white people, hang with some of the black people. But he would only hang with the white people because, I don't know, he just -- he wanted people to like, like him in a way. I don't know. I don't know. I guess he just wanted the supervisors to like him because he was a supervisor, but he was also treated unfairly, so it was just a lot.

Q. Who are we talking about?

A. James Legette.

Q. Mr. Legette -- Mr. Legette testified in his deposition that he was terminated from employment at Sesame Place Philadelphia, is that your understanding?

A. Yes.

Q. And Mr. Legette testified in his deposition that he believes that his termination was based in part because of the color of his skin. Do you agree with that?

MS. PARDO: Objection --

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A. Yes.

MS. PARDO: -- to the form.

A. Yes.

Q. And why do you believe that?

A. I believe that because when James first became a supervisor, we were so happy for him, and like -- like after another supervisor -- so he applied to go on a higher position, which is the person that makes the parade list. Because there's supervisor -- there's two -- there's two positions for supervisors. You can be a supervisor and then you're like the superior supervisor which is the one that makes the parade list. He was just the regular supervisor. So he became -- he applied, time came around to apply to be like a superior supervisor. He didn't get it. And someone who first applied -- like their first application, they were not a supervisor before, ended up getting superior supervisor. And I just felt it funny because I feel like James has put in his time. He's put in his work. He's been there for almost all of us. He's been there for years. And you guys know how he works.

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And now he applies for a superior supervisor and you all give it to a white super -- a white entertainer at first over a regular -- like a supervisor -- a person who's been working his way up so I'm not exactly sure. I think they fired him based on -- I'm not exactly sure what they fired him on. I think it was some comments he was making. I don't know. I don't really remember. But I know it definitely caused a really big like disagreement between the entertainers and the supervisors.

Q. Did you ever have any conversations with Mr. Legette about his termination?

A. Yes, we all talked about it after he got fired.

Q. And what was that?

A. He just was telling us that he's sad and he kind of didn't really know how to take it because he probably never thought that he would get fired based on how long he's been there. And he was just saying that the super -- the other supervises like they'll smile in your face and be ha, ha, hee, hee and then like once you get fired it's like

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they don't even know you anymore, so, yeah. He said they weren't really communicating with him. After he got fired, they weren't really communicating with him.

Q. Do -- well, do you have any personal knowledge as to whether or not Mr. Legette was trying to be reemployed at Sesame Place Philadelphia after his termination?

A. No.

Q. Okay. You also testified earlier that blacks were stuck in the back. What do you mean by that?

A. So the parade is like a long line, if you really look at it. It's -- it's one long line. You have the sunny day kids in the front. You'll have the scary kids in the back -- in like -- they're like not in the back. They're like in the -- it's just a really long line. I really don't know how to explain it. And most of the blacks -- most of the blacks would be in the back, like which is like the end of the parade route.

Q. Okay. And who made the decision to position employees in the parade?

A. Whoever the superior supervisor is that day.

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Q. And on those occasions when you noticed blacks were positioned in the rear of the parade, were the supervisor who made those decisions on those occasions white?
A. Yes. We only had one black supervisor. Yeah, we only had one -- and I believe there's one black supervisor there currently. But, yeah, we had one black supervisor when I was there but she a supervisor when I was an E 1, so it didn't really matter -- it didn't really do anything for me because I couldn't be in the parade so --
Q. Do you remember the name of that one black supervisor?
A. Yeah, it was Tyra Roberts.
Q. I believe you also testified earlier that blacks were not allowed to be in the parade?
MS. PARDO: Objection to the form.
Q. Or something to that effect. Can you clarify what --
A. No.
Q. Okay.
A. I never said blacks weren't allowed to be in a parade.
Q. Okay. So what was it that you said? I may

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have taken the notes down incorrectly.
A. So if you were an entertainer 1 you couldn't be in the parade, regardless, because that's just your position. You don't -- you don't dance in parade. You don't dance in shows. Black people would be at the back of the parade. So it's like the last -- basically the last people you see. When the parade route is coming down, they're the last people you see.
Q. I see. You remember the name of the black employee who got fired for having an empty alcohol bottle?
A. Yes, his name was Jason Kolk.
Q. How do you say his last name?
A. Kolk. K-O-L-K.
Q. Okay. Thank you. Are you still in touch with Mr. Kolk?
A. Yes, we're still friends.
Q. Have you ever had any discussions with Mr. Kolk about whether or not he believed that his termination was based in part because of the color of his skin?
A. Yes.
MS. PARDO: Objection to the form.

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A. Yes. In the same -- I'm sorry.
Q. I was just going to ask you what was the nature of the conversation?
A. Okay. He was so sad, one. He was sad in the beginning. And then afterwards he tried to come back to Sesame Place and work after because Sesame tells you if you get fired, they give you like a six month period on like -- I guess, you have like a six month probation. So he tried to come back after his six months and they still did not hire him. And it's like he's been there -- he's, obviously, knows he's been in costume. He knows how to work there. Like he knows how to work. And he knows almost all of leadership, and they still did not hire him so that's when he really felt like it was based on his race because they fired multiple white people. What is it? Mexican people. Like they -- like Puerto Rican people, like they fired many people. But it wasn't in their entertainment department. But, yes, someone was -- it was a white person fired in the entertainment department. I don't know their name. I know it happened like before I

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came. But they definitely got fired and they were definitely hired again. So we were just confused as to why my friend wasn't able to be hired again. And the same supervisor who got my -- who got Justin fired was the same supervisor who got my friend fired a year later for the weed smelling bag. Yeah, she was the same supervisor. So that's when I just knew she's like -- she targets like black men. Like every -- almost every black person, black male in the department, she targets them every single time. She almost got my friend, my friend CJ, she almost got him fired, as well.
Q. And what is this woman's name?
A. Her name is Taylor. Taylor Marie.
Q. Can you spell the best you can her first name?
A. Taylor, T-A -- T-A-Y-L-O-R.R.
Q. Okay. And how do you spell her last name?
A. Marie. M-A-R-I-E.
Q. And what was the name of the gentleman who was terminated by Ms. Marie about a year later for smelling like weed?
A. His name was Hyniece Law.

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Q. And I apologize, I'll need you to spell his first name, too.
A. Hy, H-Y, N-I-E-C-E. And then Law, like the regular law.
Q. Okay. Thank you. Have you ever held any conversations with Mr. Law about his termination?
A. Yes. We always talk about it every single time, like every -- like almost every time we speak we talk about it. Because he also tried to come back and they did not -- they didn't want to hire him.
Q. During any of your conversations with Mr. Law, did Mr. Law ever express to you whether he thought that his termination was based in part because of the color of his skin?
A. Yes.
MS. PARDO: Objection to form.
A. Yes.
Q. You can answer. And what did Mr. Law tell you?
A. He said that he felt like Taylor used to always kind of watch him already before she said that he smells like weed. He just felt

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like she was real sneaky, like she would, again, smell -- a lot of the people in the entertainment department are smile in your face and then go talk to HR about you or something. So he just feel like she always was watching him. And Hyniece and Justin were friends. So Justin kind of warned Hyniece about Taylor and she still got him fired.
Q. To your knowledge has Ms. Marie targeted any other black employees of Sesame Place Philadelphia for termination?
MS. PARDO: Objection to the form.
A. Yes, my friend CJ. But CJ ended up -- he just ended up quitting before like he got fired, so he didn't -- so he couldn't say that he got terminated, so he just ended up quitting. But I remember we would make jokes, not in a like bad way but we would just make jokes like, oh, my, gosh like this is the third person in a row. She's on a roll. She's constantly getting -- she's getting us out of here. So we would always make jokes in the entertainment department. The black people, of course.

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Q. Yes. What was CJ's last name?
A. Mitchell. M-I -- M-I-T-C-H-E-L-L. Two L's.
Q. Thank you. Is the fact that the black male employees of Sesame Place Philadelphia was being targeted by Ms. Marie how was that taken by the black female employees? How did they perceive that?
MS. PARDO: Objection --
A. We were --
MS. PARDO: -- to form.
A. We were definitely in their defense but it kind of wasn't really much we can do because I real -- I really don't know. It wasn't really much we could do. We could just tell her that she was wrong and have conversations with her. That's why we kind of like stayed away from Taylor. Taylor she wasn't really much liked supervisor anyway so we didn't really talk to her as much. I avoided her as much as I could.
Q. And when you say Ms. Marie was not much liked, by whom?
A. By the entertainment. Like the entertainment of department.
Q. Okay.

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A. But by the black -- like the black people that were in the entertainment department.
Q. Okay. Did you ever have any situations with Ms. Marie that you can tell us about today?
A. No. I've never had a situation with Taylor. Like I said, I just tried to avoid her. She'll try to talk to me and have a conversation and I'll kind of give her minimum answers and just go on about my day.
Q. As an employee of Sesame Place Philadelphia, were you ever required to clean up?
A. Yes.
Q. And during your tenure at Sesame Place Philadelphia did you -- were -- are you able to tell us whether or not you observed minority employees of Sesame Place Philadelphia's entertainment department being made to clean up more than white employees of Sesame Place Philadelphia?
MS. PARDO: Objection to the form. Leading.
Q. You can answer.
A. No, I can't really remember.
Q. Okay. Were you told to clean up?
A. Yes.

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Q. And what was that involving? What type of clean up did you have to do?
A. Basically you just -- you have to spread out your costume, spread out with alcohol. And then you have to hang the costume back up the way that you found it in the beginning of the day. And if you have -- we had like little cubbies so if you had stuff in your cubby, clean it out and then what was it? Oh, our clip shoes. So we shoes that goes inside of the costume. We jut have to hang our clip shoes up and then our supervisor that day would come and check and then we can leave.
Q. And did everybody have to do that clean up or was there any situations where one race was not equally required to clean up and another was?
A. No, everyone cleaned up.
Q. Okay. And were there ever occasions where you actually had to clean up debris or anything that may have been placed in the park?
A. No.
Q. Okay. Are there any costumes that you would classify as being distasteful?

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A. Yes.
Q. Which costumes would they be?
A. It was a Gonger costume. I had expressed to them that I couldn't get in the costume because it was too tight for me. Like it just made me feel kind of suffocated. But they were always -- not always because Gonger wasn't always around. But when they started to bring Gonger around -- I think Gonger comes around like Halloween time I think. But they would still give me a shift and I'm like I cannot be in this costume. It's too tight for me like. This is probably for someone who is smaller. I don't know if I was gaining weight. I really don't know. But the costume was just tight. And they still was putting me in the costume.
Q. Do you believe that you were being required to put on that Gonger costume based in part because of the color of your skin?
MS. PARDO: Objection to the form. Leading.
A. No, I believe that it was based on availability. Because around Halloween time a lot of people be at school or sometimes there's no one to really put in the costume, but someone who is the smallest. And I was probably the smallest at the time. But I don't know. I really have no idea. It could have been but I'm not really sure. I'm not certain.

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Q. Fair enough. Do you believe that the minority employees at Sesame Place Philadelphia were made to wear the most uncomfortable costumes?
MS. PARDO: Objection to the form. Leading.
Q. You can answer.
A. Yes. There was -- it was like that in the beginning. But it's starting to get better. In the parade -- in certain costumes that is just like just don't put a black person in there because it makes it -- it makes us feel like we're a worker or something. But like it's like when you're constantly getting in that costume and you're constantly just in the same exact costume, especially in sometimes costume that small like during the parade, too, there's costumes that's smaller, they will always put my friend in a -- it was a specific costume where he just felt uncomfortable in it. And they still put him in the costume. So it was like, why do you all keep doing that when you all have other people that are the same height as him. Where you can put someone different in that costume. And it was after we already expressed it, so it's like, I don't understand.
Q. Thank you. During your tenure at Sesame Place Philadelphia, did you ever notice the minority employees being placed where they could not be seen?
MS. PARDO: Objection to the form.
A. Yes, in parade.
Q. Is that what you were talking about when you were referencing the parade earlier?
A. Yeah. It's like you're the last person to be seen.
Q. The -- who was responsible for making the decision as to what costumes an employee was to wear on a particular occasion?
A. The scheduling manager, Julia Hall.
Q. I'm sorry say that again?
A. The scheduling manager. When I first came,

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it was -- ooh, I forgot her name. It wasn't Julia at first. It was someone else. But she ended up leaving and then it became Julia, and it's been her ever since.

Q. Do you know a person by the name of Diane Benedict?

A. Yes.

Q. And who do you remember her to be?

A. She was like -- she was like the -- like the manager of that day. Like she would go around the park making sure that everybody was doing what they were supposed to be doing. She was higher than the supervisors. So she would go making sure that everything is ran correctly. But I think -- I'm not -- I don't know what happened with Diane. I think she got fired. I don't know.

Q. Okay. Fair enough. So even though you cannot remember the name of the supervisor who made the decision as to what particular costume an employee was to wear, do you have any personal knowledge as to whether or not that particular person was white?

A. Yes, they were both white. And I actually -- the first person when I was an E -- when I

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was an entertainer 1, is not -- like it's not the same person. So the first person her name was Courtney. I don't remember her last name. And then when Courtney left, it become Julia Hall.

Q. I see.

A. And she was in charge of everyone's shift, and what costume they were going to be, in what character they were going to be that day. If they were performing a show, she was in charge of what show they were.

Q. And with respect to the individual or individuals who made the decision as to where to place the minority employees in parade, was -- do you know the names of any of those supervisors?

A. It was a lot. I know Tyra was one of them. Tyra made parade. There was somebody there, her name was Michelle. Michelle's not there anymore. I don't remember -- Michelle Dempsey. She ended up becoming a supervisor who made parade. And then Liam -- these are all their first names. I don't know their last names. Liam made parade. Taylor made parade. Julia made parade. Tyra made

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parade. Why can't I remember a guy name? I forgot his name. I'm sorry.

Q. Other than Ms. --

A. But he had just became a supervisor. I can't remember his name.

Q. That's okay. So other than Ms. Tyra Roberts do you have any knowledge as to what was the race of the other individuals who made the decisions about where to place people in the parades?

A. Everybody else was white. Tyra was the only black supervisor.

Q. You mentioned earlier about Mr. Legette seeking to be promoted and that promotion request was denied. Do you have any personal knowledge as to whether or not there were other instances in which minority employees were seeking promotions but were denied?

A. No.

Q. Do you have any belief as to whether or not minority employees were not promoted at Sesame Place Philadelphia because of the color of their skin?

MS. PARDO: Objection to the form.

A. No.

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Q. Ms. Connelly, do you believe that white employees at Sesame Place Philadelphia's entertainment department were preferred over black employees?

MS. PARDO: Objection to the form.

Q. You can answer.

A. Yes.

Q. And why do you say that?

A. Just based on my experience and what I've seen my friends go through. And just when I became an entertainer 3, it seemed like all the white people had the good positions which were the character -- positions -- like the dancing positions in the shows. All -- all the like even during practices like we were definitely outnumbered. And it would just be white people all over the place. And then when we practiced for parade, practice for our shows, the white people would go first, like to practice -- like to run their show. Basically we have to like run the show through before we even perform it, so all the white people would go first, and then the black people would go together. Like it was just so divided.

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Q. And was it that way throughout your time working at Sesame Place Philadelphia?
A. I'm sorry, can you repeat the question?
Q. Yes. Was it like that, the place being divided throughout your entire time working at Sesame Place Philadelphia?
A. Yes.
Q. Excuse me. Ms. Connelly, during the time that you worked at Sesame Place Philadelphia did you ever come to know a white supervisor who expressed open racism against the black employees?
A. A white supervisor?
Q. Yes. Let me be a little bit more specific. Do you remember a white manager who worked in the entertainment department at Sesame Place Philadelphia, who didn't want black employees out of costume so no one would know they were black?
MS. PARDO: Objection to the form.
A. No. I think that happened around the time where I wasn't -- like where I was isolated. So I think that happened around the time where I wasn't really in the building all the time. You know how I said in the beginning

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how I would always be at smile which is across the park. I think it was around that time. But I definitely heard about that before I even started coming around. I don't know that manager's name, though.
Q. Okay. And did you hear also that this particular individual would make fun of the black employees stating that they couldn't memorize their lines?
A. Yes.
Q. And this particular individual also referred to blacks as, you people?
MS. PARDO: Objection to the form.
A. Yes.
Q. And do you also recall that this particular employee would mock black employees for messing up?
MS. PARDO: Objection to --
A. No.
MS. PARDO: -- the form. Leading.
A. No.
Q. Okay. And how was it that you heard about this individual?
A. I heard about it through my friends. Because all of my friends, they were entertainer 3

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while I was entertainer 1. So when I became E 3, obviously, I gravitated towards them. And they would just tell me stories like before I came around, they would tell me a whole bunch of stories of managers who used to work at Sesame Place and supervisors who used to work there got fired so, yeah, I definitely heard that story before.
Q. And if you would be so kind to tell me the name of your friends who informed you about this individual?
A. It was James. James Legette told me. Tiara Floyd. Tiara Lloyd. It was Tiara -- Ahmad. Ahmad Wells.
Q. I'm sorry, spell that person's name?
A. Ahmad?
Q. Yeah.
A. A-H-M-A-D.
Q. A-H --
A. A-H-M-A-D.
Q. Okay. And what's the last name?
A. Wells. W-E-L-L-S.
Q. Okay. Anybody else?
A. Tiara -- not Tiara. Te'a. I don't remember her last name. But it's Te'a. T-E

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apostrophe A.
Q. Okay. Anybody else?
A. Yeah, we had like an entire group chat. Kaitlyn. I don't remember her last name either. But Kaitlyn was white. Kaitlyn was --
Q. Okay.
A. -- white. Yeah, Kaitlyn was white. I don't remember her last name, though. Do you want me to spell her name, though?
Q. Please.
A. K-A-I-T-L-Y-N.
Q. Anybody else?
A. No.
Q. Did Ms. Roberts ever tell you about this individual?
A. Yes. And I'm sorry, it was somebody else. Jada. I don't remember her last name, though. But it's Jada, J-A-D-A.
Q. And did you say Ms. Roberts also knew about this individual?
A. Yes.
Q. And you had mentioned that there's such a thing called a group chat?
A. Yeah.

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Q. Can you explain what that is as it relates to Sesame Place Philadelphia?
A. It's a group chat where most of the black people. The only white person that's in the group chat is Kaitlyn.
Q. And when did you become a part of the group chat?
A. I became a part of the group chat when I became E 3, like when I met everybody.
Q. Okay. And can you, once again, tell me what year it was that you became E 3?
A. I became E 3 in, I think, it was -- it was 2018.
Q. Okay.
A. I believe it was 2018.
Q. And did the members of the group chat communicate with each other about any instances that they believe involved disproportionate treatment of blacks at Sesame Place Philadelphia?
MS. PARDO: Objection to the form.
A. Yes.
Q. Do you know whether or not the individual that your friends were telling you about who mistreated black employees, whether or not he

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was ever terminated?
A. I'm sorry. Could you repeat that?
Q. Yes. Do you know whether or not the individual who was treating blacks improperly that you were made aware of by your friends, do you know whether or not that individual was ever terminated?
A. Yes, I believe they were fired. I'm not sure -- I'm not sure on the entire detail of the -- like them being terminated, because the Sesame has a record of saying that people have been fired and they really weren't so, yeah.
Q. What do mean by that statement?
A. The famous video that came out about Sesame Place. The character, whoever was in Rosita, they skipped the black person, a black kid. They put out a statement probably a couple of days later stating that the char -- the person who was in the character was fired, and that person was not fired. That was a false statement. And that person was actually out on the street after that so, yeah.
Q. So when you say out on the street, what --

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what are you talking about?
A. Like they were out, like outside the costume. Because they know that people couldn't see the person in the costume, so they started to give that person outside of costume shifts.
Q. I see. And how do you know that?
A. My cousin told me.
Q. All right. And you mentioned that Sesame Place put out a statement, could you be more specific as to what was the form of the statement?
A. The form of -- the form of the statement basically said that they support the black community, and they wanted to let the family know that was skipped, that the person who was inside of the costume was -- was no longer an employee at Sesame Place.
Q. Do you know whether or not that statement was in writing?
A. Yeah, they posted it on their Instagram page.
Q. It was posted on which internet page?
A. The Sesame Place Instagram page. I'm not sure if it's still up but they definitely posted it. That's how I knew about it.
Q. Are there any other instances under which you

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can recall Sesame Place Philadelphia putting out a statement that a particular employee was fired when, in fact, the employee was not fired?
A. No, this is the only instinct -- instance.
Q. There's been testimony provided in this case that the atmosphere and the environment in the entertainment department in Sesame Place Philadelphia was all Kumbaya and everybody got along perfectly and is that your interpretation of the environment in the entertainment department of Sesame Place Philadelphia?
A. No.
MS. PARDO: Objection to form.
A. No, it's like they try to cover everything with a smile.
Q. And when you say they try to cover, who was -- who was the they that you're referring to?
A. The supervisors, Sesame Place alone, Sesame Place Instagram page. But the people -- the workers in the entertainment department, know that it's a very toxic -- it's a very toxic department.

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Q. And when you say very toxic department, can you be -- can you tell us why you say that?
A. Just a whole lot of he say, she say. People -- people's business being put out. Like it's -- it was very toxic. Very messy, so to speak.
Q. And during what years that you worked at the Sesame Place entertainment department are you able to say that the environment there was very toxic? Was that 2017?
A. In 2017? I wouldn't say it was toxic because I didn't really know anybody. But when I become an entertainer 3 in 2018, yes. I got to see the -- the real Sesame. The real entertainment department.
Q. And when you say the real entertainment department, can you be more specific about that?
A. I just mean just how super -- supervisors really treated us and the whole messiness. Not even just the way they treated us, not even outside of race. It was just messy and just very toxic. Like I always heard somebody's business. Someone was always crying or upset. It was just a lot. Like

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sometimes supervisor -- like people were arguing. Like it was a lot.
Q. Ms. Connelly, did you ever have to participate in the radio show?
A. Yes. That was my favorite show.
Q. And did you do so as a costume character performer?
A. Yes.
Q. What character did you perform in the radio show?
A. I was Abby.
Q. Okay. Can you tell us exactly what a radio show is?
A. A radio show is a Sesame live show, a Sesame Place live show. It's basically Halloween themed, and I think like the topic of the show is basically Elmo is trying -- Elmo is trying to put on his own little radio show, his own little talk show. And each of his friends are like showing their dance or just performing on the radio show. It does have a live -- like a human character and, yes. But it's definitely -- it's only -- it only comes around Halloween time.
Q. I see. Are there any opportunities for guest

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interactions, physical interactions like high five or what have you during the radio shows?
A. Yes, that was before Covid.
Q. Right. And during your tenure at Sesame Place Philadelphia while participating in the radio shows, did you ever observe any instances where minority park guests complained that they were not -- that they were being ignored with respect to interactions?
A. Yes.
Q. Can you given us any idea of how often you observed minority park guests complaining about being ignored by the costume character performers during the radio shows?
A. It was almost everyday. It was always that one parent who thinks that -- like they're all the way at the top and they think that the characters are going to come all the way to the top but it's like it's certain points that we're not allowed to go up the steps. So because the way radio show is, it's a big -- it's like a whole bunch of seats. It's like bleachers. Like bleachers in front of like the stage. And you know how

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bleachers have steps on the side, so the characters can't go on the step. So some -- some parents will say hey. But it's not really that hard, because almost everybody in the front, almost all the character -- well, all the characters get off stage and say hi to everybody. So if the kid doesn't see the specific character that they want, it's probably because they either came down the steps at the last minute or because we have a certain point that we have to be on stage. And that person probably came down the steps at the last minute. Or they probably just didn't get to see the character that they wanted to see but they got to see a character, at least.
Q. Okay. Is there another activity called dining with Elmo and friends?
A. Yes.
Q. Have you ever participated as an employee of the Sesame Place Philadelphia entertainment department in the dining with Elmo and friends activity?
A. Yes.
Q. And explain what your role was in that

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particular activity.
A. I've been Elmo and Abby in dine. Dine is like a private -- it's like you get your private time with the characters. I guess everyone pays extra to eat and watch characters perform. Sometimes they'll have -- I have a little dance to perform and then you go back around and say hello to everyone. But in dine, you just -- you speak to every person. Like you get to talk to everybody as a character.
Q. Okay. And did the park guests have to pay an additional fee to participate in the dining with Elmo and friends activity?
A. Yes.
Q. Did the park guests have to pay any additional fee for the radio show?
A. No.
Q. Okay. And was there food provided at the dining with Elmo and friends?
A. Yes.
Q. And you mentioned earlier that the costume characters had to interact with all of the guests at the dining with Elmo and friends?
A. Yes.

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Q. Okay. And during the time that you were involved with the dining with Elmo and friends activity, were there ever occasions goes where minority park guests would complain that they were not allowed an opportunity to interact with one or more of the costume characters?
A. No. They'll probably be one parent who try to come at the last minute and say, hey, you didn't see my kid. When you know for a fact you definitely went to their table. But sometimes if you go to a table, they'll probably be getting food. So sometimes it is possible to miss some kids in dine with me because the character can be walking past your table and they don't see anyone there but really you're in line. But that's the point of why we go around twice to make sure because we go around while everybody -- while everybody's probably getting their food. And then we go around again while everybody's already -- has already gotten their food and is like sitting down and enjoying the shows. But it's always that one parent that's like, you didn't see my kid.

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Q. Do you recall ever seeing an instance where the minority guest were placed on tables on one area of the room and the white park guests were placed at tables on the other side of the room?
MS. PARDO: Objection to the form.
A. No. No.
Q. Okay. Did you ever notice any form of what appeared to be racial discrimination during the dining with Elmo and friends activity?
A. No.
Q. Is there such a thing called meet and greets?
A. Yes, that's what smile is, what I was explaining earlier.
Q. Okay. And were there occasions when there would be costume characters that would walk to different areas of the park and sit about a half hour so that park guests could get in line and have a photo op opportunity?
A. Yes.
Q. And did you ever work as a costume character performer during any of the meet and greets at the park?
A. Yes.
Q. And which characters did you perform?

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A. I'm not really performing. You kind of just stand there and take pictures and say hi. In correction, that's not what smile is. But I was -- I was Abby. Because Elmo doesn't go on the regular street. I was Abby and Gonger.
Q. Did you ever see any videos in which a park guest complained that they were ignored by a costume character performer during a meet and greet?
A. Yes.
Q. Have you ever personally observed any other instances where minority park guests were ignored by a costume character performer during a meet and greet?
A. Yeah. But Sesame, like you said -- well, like you said earlier, they try to make you seem like so happy, just so bubbly. With -- when usually we get parents like that or families like that, they just try to cover it up with a meet and greet and say, oh, it's okay. We can give you a private meet and greet before the parade. We can do this, we can do that. But then some parents honestly do that just to get a meet and greet. So you

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kind of never really know like who's serious so, yeah.
Q. So when you say that Sesame Place would sometimes cover it up, what do you mean by that?
A. Like they'll try to cover it up with the meet and greet.
Q. Okay. There you go. Ms. Connelly, did you ever perform in any of the parades at Sesame Place Philadelphia?
A. Yes.
Q. And have you seen any of the videos that went viral alleging that certain minority families were ignored by costume character performers during the parades?
MS. PARDO: Objection to the form. Excuse me.
A. On You-tube, yes.
Q. Yes. And have you personally seen instances where costume character performers ignored minority park guests during the parade?
MS. PARDO: Objection to the form.
A. Yeah. Yes. It was a point where I was a character in parade. I was Abby in parade, and usually Abby and Telly are next to each

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other. And Telly was like walking -- I don't know who it was. I think it was Kevin Grace in the costume. But I'm not sure if he seen the kid and just walked by or if he like couldn't see. But I tried to -- I tried to like tell him like, hey, come back to the kid, but while I'm in the costume so I'm like, hey, come back and say hi to this kid. And he -- he came back. But he ended up leaving right after too so, because I guess they want to take -- like the family wanted to take a picture. But we were like already moving. But I made sure that we stop every kid. Because he just walked past the kid and I'm like go back, go back to the kids, go back and say hi. So, yeah, it was definitely times where I seen kids get ignored in parade. But then it's also like, you can't really -- you can't get to every single person, so that's another thing.
Q. Is Kevin Grace white?
A. Yes.
Q. Do you have any social media accounts, Ms. Connelly?
A. Yes.

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Q. Which ones?
A. Instagram. I have Instagram and I have TikTok. I have Snap Chat but I don't use Snap Chat.
Q. Did you ever see any comments on any of the social media platforms that you were involved with that discuss instances of alleged racial discrimination at Sesame Place Philadelphia?
A. No.
Q. Okay. Ms. Connelly, have you ever considered filing your own race discrimination lawsuit against Sesame Place Philadelphia?
A. No.
Q. Have you ever had any conversations with minority employees of Sesame Place Philadelphia where they considered filing a racial discrimination case against Sesame Place Philadelphia?
A. Yes.
Q. And who might that be?
A. Hyniece Law.
Q. Ms. Connelly, do you know whether or not the employees in the entertainment department at Sesame Place Philadelphia were for the most part teenagers?

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A. Yes.
Q. And do you have any personal knowledge as to whether or not these teenagers who were employed in the entertainment department in Sesame Place Philadelphia came from the area high schools of Bucks County?
A. Yes.
Q. Do you have any personal knowledge as to whether or not Bucks County has a reputation of being a racist county?
A. Yes.
Q. And what is the basis for that opinion?
A. Really the Bucks County Bensalem area, that's where most of the white people are. And I have some friends who went to Bucks County school and -- well, I had a friend. It was Tiara. She was black. She told me that her school was real racist. And my, even my school because my school was -- it says that our school is in Philadelphia, but my school is really in Bensalem. So it's like right down the street from Bensalem. And even my school, like my school is really racist. My school was near Sesame Place. It was like 15 minutes away or like 10 minutes away. Yeah,

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my school was like really racist. We had like a riot my sophomore year so -- my freshman year.
Q. Do you know what high school Tiara attended?
A. Yeah, Bucks County something. Bucks County High School, I think.
Q. Okay. Was it Bucks County Central?
A. I believe so. I'm not sure. I know it said Bucks County though. It had Bucks County in it.
Q. What did Ms. Tiara tell you about Bucks County being racist?
A. She just told me she -- not she felt out of place because like she would have white friends but it's like -- like they were just racist there. Like I don't know what to what extent, but she just told me they were just racist there and she would ignore it.
Q. And this was at her high school?
A. Mm-hmm.
Q. Is that a yes?
A. Yes.
Q. Okay. And you mentioned about your high school, which is very near Bensalem --
A. Yes.

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Q. -- and very near Sesame Place Philadelphia how would you describe the environment at your high school?
A. Racist.
Q. Other than the one individual that your friends told you about who was alleged to have been racist against his co-workers at Sesame Place Philadelphia, do you have any personal knowledge about whether or not these teenagers that were coming into the entertainment department from Bucks County brought with them any of their racial biases?
MS. PARDO: Objection to the form.
A. I'm not really sure. So I only hung out with my friends there. I didn't even talk to that many. The only like white people I would talk to were like the people that I was in the show with that day and I probably wouldn't talk with them -- talk to them the next day if I wasn't around them so, yeah.
Q. Did you ever venture into Bucks County just for social reasons?
A. I don't think that's Bucks County but I went to -- like a carnival in Neshaminy but it was with -- it was with my friends, my actual friends.
Q. Have you ever experienced any form of racial discrimination while in Bucks County?
A. No.
Q. Okay. Are you aware of any of your friends other than Tiara -- other than Tiara who have experienced racial discrimination while in Bucks County?
MS. PARDO: Objection to the form.
A. No. No, not other than Tiara.
Q. Okay. Ms. Connelly have ever seen any confederate flags being waved in the amusement park at Sesame Place Philadelphia?
A. No, probably in the -- not in the park but probably like in the parking lot.
Q. In the parking lot?
A. Yeah, because people they'll have them on their cars.
Q. Okay.
A. Yeah.
Q. To the extent that you were able to observe this, have you ever seen any tattoos on park guests at the park who -- that were like swastikas or any other way to be defined as racist?

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MS. PARDO: Objection to form.
A. No.
Q. Have you ever seen any graffiti anywhere on Sesame Place Philadelphia property that would be interpreted as racial slurs?
A. No.
Q. Is that a no?
A. No.
Q. Okay. Have you ever seen any tattoos on employees at Sesame Place Philadelphia that in any way could be interpreted as racist tattoos?
A. No.
Q. Have you ever seen any fliers put out by the Klu Klux Klan that were on Sesame Place Philadelphia property?
A. No.
Q. Okay. Ms. Connelly, was there any type of a consensus among the minority employees of Sesame Place Philadelphia that working there was a toxic environment to work in?
MS. PARDO: Objection to the form. Leading.
A. Yes.
Q. Have you ever been back to Sesame Place for

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many pieces that go to Abby where it's like, okay, you got to snap buttons, you got to zipper this up, you have to put her dress on. You have to put her shorts on. You have -- like she has something under that -- under the dress. It's like many layers that goes with like Abby. And then her feet -- I remember towards the end, she started to wear sneakers. Like I think I started to like wear sneakers. And even though sneakers, those sneakers weren't any better than the regular feet that they had with Abby. Like the sneakers were so heavy. So it was like -- it was a lot of layers to Abby. Where Elmo -- Elmo's basically naked all the time so, I just -- like I liked Elmo more because it was a lighter costume.

Q. Okay. I understand that. Did any of these head pieces make it difficult to see on the parade route?

A. No, it didn't make it difficult to see. Sometimes when Abby, they'll put -- it's this thing called a scrim, that's what we see out of. It's like the mouth. They'll put like a super red scrim. Like it will be new so

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it'll kind be hard to see but like, no, it wasn't always hard. It was way harder to see out of Gonger than Abby and Elmo.

Q. Okay. So I think you had mentioned that one of the managers, Diane, you thought that maybe she had been fired. Do you recall that testimony?

A. Yeah.

Q. And did you have personal knowledge of the reason why Diane left the park?

A. No. I just know that she was -- I just know she was -- I just heard she was fired. I'm not sure if it's true. That's just what I heard.

Q. Okay. At the beginning of the season, did you have to go through rehearsal for all costume characters in a parade, you personally or just some?

A. No, just the characters that I -- that I did. Just like the -- like Elmo and Abby. If I'm Elmo and Abby in the parade, then I have to learn Elmo and Abby's blocking. Or if I'm out of costume, I have to learn the blocking for what other thing I would be in parade, like grocer or something.

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Q. Okay. When Tyler Roberts was in charge of schedule, she put the black dancers in the back of the parade?

A. No.

Q. Did James Legette ever get promoted while you at the park to a supervisory position?

A. Yeah, he got promoted to supervisor.

Q. On your direct testimony you had testified -- you had made -- your testimony you had said that there are white people all over the place do you remember that phrase that you --

A. Yes.

Q. Is that -- is the -- is white people being all over the place do you -- do you regard that as negative?

A. No. I regard that as just the environment but it can be negative if the -- if the people that I'm around are negative. But that goes for white and black people. If you're -- if you're a white person around black people and you're -- they're negative, then you're going to be a negative term. But, no, we were just around a lot of white people. So, yeah, we were just around a lot of white people. There were very few -- very

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few African Americans in the entertainment department.

Q. Okay. You had mentioned before that it's not possible to interact with every single kid on a parade route, do you remember that testimony?

A. Yes.

Q. So have there ever been kids on the parade route that you weren't able to interact with?

A. Yes.

Q. Okay. Is that -- your lack of interacting, did you do that because of the kid's race?

A. No, I did that because they were kids. And I wanted the kids to see -- to possibly see me, everything. But there is blocking and there is a certain timing that the parade runs on, so if I can't get to a kid, no matter what race the kid is, I just can't get to the kid. Like I have to -- like if I were to say, and try to say hi -- try to say hi to everyone, the parade would leave me literally, so --

Q. Okay. So if I saw a video of you skipping a high five of a little black girl, it wouldn't be fair to assume that you ignored her because of her race, right?

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A. Yes.
Q. Do you recall that? So you had that experience before where sometimes a parent would say -- would complain just to get a special meet and greet?
A. Yes.
Q. Okay. Did you ever intentionally ignore guests when you were working as a costume character?
A. No.
Q. Did you ever refuse to interact with a guest because that guest was black?
A. No.
Q. What about, do you recall ever ignoring guests because they were white?
A. No.
MS. PARDO: One minute. I might be finished. I have no more questions for the witness.
MR. RICHARDSON: Can we take down the shared screen?
MS. PARDO: Absolutely. See I'm so proud I know how to do it. I just don't know how to stop doing it.
MR. RICHARDSON: Ms. Connelly, we are

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coming towards the end but I just have a few follow up questions that I would like to ask you, okay?
THE WITNESS: Okay.
REDIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF
BY MR. RICHARDSON:
Q. All right. You testified earlier that at least with respect to the radio shows, there would be complaints by minority guests about being ignored interactions during the radio shows on a -- on a daily basis, how often would you say, if any, minority guests -- park guests, complained about being ignored during the -- by the costume character performers during the parades?
MS. PARDO: Objection to form.
A. Everyday.
MS. PARDO: I'm sorry. Let me just lodge an objection. Object to the form. Object to being outside the scope of cross.
Q. You can answer.
A. Everyday.
Q. Okay. Are you aware that Sesame Place Philadelphia has now instituted a policy that there would be no longer physical

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interactions with a costume character performer during the parades?
MS. PARDO: Objection to the form and it exceeds the scope of cross.
A. I was not aware of that.
Q. I'm sorry, you are or are not?
A. I was not aware of that.
Q. Okay. You were asked questions about Taylor Marie, did you ever come to any understanding as to why it was that Taylor had it out for black men?
A. Never.
Q. Okay. From your perspective do you believe that Taylor was racist against black men?
MS. PARDO: Objection to the form. Exceeds the scope of cross.
Q. You can answer.
A. Yes. But I also think that -- honestly I think that black people kind of make her feel uncomfortable.
Q. That black people made her uncomfortable?
A. Yes.
Q. But that would be true regardless of gender?
A. Yes, regardless of gender.
Q. Okay. There has been testimony given in this

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case so far that there was no supervision on how to interact with racial incidents should they occur in the park. Do you believe that there was proper supervision to the employees of the entertainment department of Sesame Place Philadelphia on how to interact with minority guests should they allege racial discrimination?
MS. PARDO: Objection to the form. Exceeds the scope of cross.
A. I'm sorry, can you repeat the question in a more like simplified way?
Q. I'm happy to. I'm happy to. So there's been testimony in this case that there was no supervision as to how an employee should -- should act -- should address a racial incident in the park should it occur. My question is, do you recall any supervision on how to address a racial incident should it occur in the park?
MS. PARDO: Objection --
A. No.
MS. PARDO: -- to the form and exceeds the scope of cross. You can answer.
Q. You can answer.

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A. No.
Q. You had testified in response to defense counsel's questions that there were at least an occasion where two kids who were weaker dancers were placed in the front of the parade mainly because of favoritism. My question is, do you know the race of those two white kids?
A. The race -- the race?
Q. The race of the two white kids.
A. Oh, yes. They were white. And I'm -- can I correct my -- the name that I gave earlier. Can I correct that name?
Q. Yes.
A. The transgender dancer, out of costume dancer, was named Cecelia. Not Mia or Mya. It was named Cecelia.
Q. Thank you.
A. And he went by CC.
Q. Okay. Thank you. You had testified in response to defense counsel's questions that Sabrina Fanelli and Mackenzie Caufield both played Zoe, do you remember that?
A. Yes.
Q. And I think you said that Sabrina played the

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character Zoe more than Mackenzie is --
A. Mackenzie, yes.
Q. Do you recall just about how tall Sabrina is?
A. Sabrina's like 5 feet.
Q. Okay. And how tall are you?
A. I'm like 5 feet too.
Q. Okay.
A. I'm like 4'11, 5'.
Q. Do you know how tall Mackenzie is?
A. Mackenzie's 4'11. She's shorter than both me and Sabrina.
Q. Okay. You had testified in response to defense counsel's questions that working in the entertainment department of Sesame Place Philadelphia was a toxic -- toxic environment to work in. My question is, have you ever had any conversations with Mr. Legette where he expressed his opinion that working in the entertainment department of Sesame Place Philadelphia was a toxic environment to work in?
A. Yes.
Q. And what was his opinions about that?
A. He just felt like --
MS. PARDO: All right. Objection to the

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form. You can answer.
A. Sorry. He just felt like he put in so much work, all these years, and they still would not able to grant him to superior supervisor after he had been there for so many years and he was friends with them. The -- like he was friends with the people that he was basically managed by. And he just -- I don't know. It was really toxic. Sometimes he would cry because he felt like they were his friends and they were acting like they weren't. And, yeah, it was really toxic business. A lot of people knew his business. A lot of people knew other people business. It was just a very messy situation.
Q. All right. Has Ms. Tyra Roberts ever expressed to you her belief that working at the entertainment department of Sesame Place Philadelphia was a toxic environment to work in?
A. Yes.
Q. And what do you recall of those conversations with Ms. Roberts?
MS. PARDO: Objection to the form.
Outside the scope.

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A. When Tyra got pregnant it's like they weren't really including her in anything. Like the supervisors, they weren't including her in anything and I think -- I don't know what caused her to leave but I know it was very -- it was like -- she was sad and she was crying, as well. Almost everybody cried in the entertainment department.
Q. Were there any other minority employees who felt similarly that working in that department at Sesame Place Philadelphia was a toxic environment?
A. Yes.
Q. Which other employees that you can recall?
A. Ahmad Wells -- the -- just the people that I named earlier. Ahmad, Te'a -- Te'a Campbell. Te'a Campbell, Jaida, Tiara, Essence, my cousin Amani Green. But Amani still works there. And, oh, Kaim. Leonard, Amir. So the same -- it was the same group of people.
Q. Okay. And are all of those African Americans?
A. Yes.
Q. You had mentioned in response to defense counsel's questions that there were

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that within 30 days of receiving the transcript. So do you want to exercise that right or do you want to forgo it?

THE WITNESS: No, I can forgo it.

MR. RICHARDSON: You want to forgo it?

THE WITNESS: Actually, no, I want to exercise that right. I'm sorry.

MR. RICHARDSON: So we will make sure that you get a copy of the transcript.

THE WITNESS: All right.

MR. RICHARDSON: Thank you so much.

THE WITNESS: You're welcome.

MR. RICHARDSON: Take care everybody.

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CERTIFICATE OF REPORTER - NOTARY PUBLIC

I, Stefanie Towns, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me and thereafter reduced to typewriting under my direction; that reading and signing was requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 13th day of September 2023.

Stefanie Towns

_____

My Commission Expires:

EXHIBIT 28

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Transcript of Paul Joseph Schweizer

Date: May 18, 2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.

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Q I see. That could vary from manager to manager?
A No. So the 79 -- the supervisors, whoever was the supervisor on duty that day would answer radio call 79. The managers had their own personal number that never changed. So if you were a manager and you were radio number 74, you would be radio number 74 at all times, whereas 79 change depending on who was on duty that day.
Q Okay. Which begs the question for me, does Sesame Place Philadelphia have shifts?
A Yes.
Q Okay. So what were the shifts?
A It depends on the year and it depends on the time of -- time of year.
Q So let's talk about the summers.
A Okay.
Q Do you know the shifts that were in place at Sesame Place Philadelphia during the summers between 2018 and 2022?
A I wouldn't be able to give you an exact time of the shifts. I can recall that there was usually a morning person and an evening person, but I couldn't tell you what time they came in and what time they left.

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Q And would there be a supervisor for each shift?
A Yes.
Q And would there be a manager for each shift?
A Depends on the year.
Q What do you mean?
A Some years we did an official department duty manager and some years we did not.
Q Okay. And did you have multiple supervisors during any shift?
A Yes.
Q Okay.
A Well, I'm sorry. Never a supervisor on duty. Sometimes those supervisors would still be in, but being utilized other places.
Q And when you say other places, what do you mean?
A Sometimes they would be used as a stage manager. If we didn't have enough stage managers that day, a supervisor would step into that role.
Q I see. Got you. So other than actors, character performers, dancers, supervisors, managers, were there any other categories of employment that a person could have at Sesame

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Place Philadelphia entertainment department between 2018 and 2022?
A Yes.
Q What would that be?
A Puppeteer.
Q And how many puppeteers worked at Sesame Place Philadelphia's entertainment department between 2018 and 2022?
A Again, it would depend on the year, but roughly six to 12.
Q Okay.
A That's my best guess.
Q That's all right. That's all we can ask. Any other job classifications?
A In the entertainment department?
Q I'm sorry. Yes.
A Yes.
Q What other job classifications?
A There's also a technician.
Q How many of those?
A I don't know that answer.
Q Okay. Any other job classifications --
A There's costume staff.
Q Do you know the average number of those in the entertainment department between 2018 and

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2022?
A No.
Q Okay. Did you ever work in the costume staff section?
A No.
Q Did you ever work as a technician?
A No.
Q What did the technicians do?
A The technicians oversee all of the technical elements of the show, everything from the sound equipment to the lighting equipment to the scenery.
Q Okay. Did you ever work as a puppeteer?
A Yes.
Q Okay. As a manager?
A Yes.
Q Okay. And you told me that you were a character performer and an actor. So were you also a dancer?
A I was never classified as a dancer, no.
Q Okay. The character performers that were between 40 and 70 in number of the entertainment department at Sesame Place Philadelphia, were these mostly teenagers?
A Mostly, yes.

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Q And are you able to give me any idea the percentage of the staff at the entertainment department? I'm focusing on between 2018 and 2022.
A Yes.
Q During that particular timeframe, are you able to give us any idea of what percentage of the employment -- of the character performers at Sesame Place Philadelphia were teenagers?
A Not with any certainty. It would be complete speculation.
Q And I don't expect you would have certainty because you wouldn't have access to those numbers, I would suspect. But would you say the majority of the character performers at Sesame Place's entertainment department between 2018 and 2022 were teenagers?
A From my own experience and observation purely, yes.
Q And would a lot of these kids -- I say kids because they're teenagers, but would a lot of these teenagers be working during the summers while they were in high school?
A Yes.
Q Okay. And do you happen to know from

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personal knowledge, having worked there as long as you have, some of the high schools that these kids came from?
A I do know some of the high schools.
Q Which ones?
A Pennsbury High School.
Q Okay.
A Council Rock High School North.
Q It's amazing they have the north and south. So Council Rock North?
A Council Rock High School North.
Q Okay. Any others?
A Council Rock High School South.
Q Okay.
A Truman High School.
Q Mm-hmm.
A The Creative and Performing Arts High School of Philadelphia.
Q That's out of Philly?
A Yes. Better known as CAPA, I believe.
Q Yes. Any others?
A Yes. Neshaminy High School.
Q Any others?
A Bensalem High School.
Q Okay.

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A Central Bucks High School East.
Q Central parks east?
A Central Bucks High School East.
Q Yeah. Did they come from yours, west?
A Yes.
Q Any others?
A Yes, but I can't recall the names of them.
Q Okay. Are -- other than the one, CAPA, that's in Philly, were the rest of these high schools in Bucks County?
A The ones that I listed for you?
Q The ones that you listed, yes.
A Yes.
Q Okay. Did Sesame Place have, like, a relationship with these high school's performing arts departments or whatever so that they can recruit kids from these schools for summer work?
A Not that I know of.
Q Okay. Did you have anything to do with assisting Sesame Place in getting teenagers to work at Sesame Place?
A I had no involvement in recruitment, no.
Q Okay. So when you first started working at Sesame Place, did you have to fill out a job application?

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A Yes.
Q Did you have to do that every time that you came back or once you did an application that was sufficient?
A Is there a timeframe you're referring to? Sorry.
Q So you started in '06.
A Mm-hmm.
Q I assume -- I shouldn't assume.
Did you do -- fill out a job application in 2006?
A Yes.
Q All right. So when you came back during the summers, as you have already testified to, on and off until 2015, did you have to fill out a job application each time?
A No, not each time.
Q Okay. When you came in sort of on a full-time basis in 2015, did you have to do a new job application?
A Yes.
Q At that time?
A Yes.
Q Okay. And have you ever -- do you have a personnel file at Sesame Place? An employee

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training on how to interact -- well, strike that question. Let me ask you this.
Did you have any interaction with guests as an events and production manager?
A Yes.
Q All right. So were you trained in any way on how to specifically interact with guests?
A Yes.
Q In what way?
A I would -- again, we were trained on the policies on how to operate the specific experiences in the department. And, again, we were told to treat everybody fairly and kindly.
Q As an events and production manager, did you have an occasion to be at the parades?
A Yes.
Q And would you have had an opportunity to observe the costume character performers interacting with guests during the parades?
A I would have had an opportunity to observe the parade.
Q All right. So were there opportunities -- well, were there instances that you observed during the parades between 2015 and the present where a costume character performer would have

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interacted with certain members, certain guests, but not all the guests in that area?
MR. SIMPSON: Objection.
Q Do you understand the question?
A No.
Q That's fair enough because what I have in mind you may not have in mind, so let me see if I can get us both on the same page.
Did you ever see any instances during the parades where a costume character performer would interact with a guest?
A Yes.
Q All right. Were there any instances during the parades that you observed where a costume character performer would interact with the guests, but there would be guests on both sides of that guest?
A Yes.
Q Okay. Were there instances where there were people -- guests who were seeking to interact with a costume character performer and he only interacted with some of them?
A Yes.
Q Were you given any training that -- well, I'm going to have to refer now when you were a

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supervisor because you did not do any supervising as an events and production manager, as I understand it; correct?
A Yes. Only in the -- not daily, operationally.
Q All right. Just so that I'm clear, were there instances where you would have to supervise costume character performers even in your capacity as an events and production manager?
A Yes.
Q Okay. So did you ever instruct a costume character performer that when that particular character interacts with guests, that they should interact with as many people as possible to make sure that nobody was missed out?
A We always instructed them to spread as much love as possible was always my phrase, which is try to touch as many people as you can.
Q And did you ever observe instances when they didn't do that?
A Yes.
Q Okay. And that would be against instructions then; is that correct?
A Yes, but the instructions are -- it's sometimes hard to do that.

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Q So were the costume character performers given wide discretion as to who they would interact with and who they would not?
A Yes.
Q Okay. At any time between 2015 and the present -- well, strike that. Let me ask you this.
Were there meetings, like staff meetings held at Sesame Place where there was an opportunity for the management, the supervisors, managers, et cetera, to interact with the staff?
A Yes.
Q You guys held staff meetings?
A Yes.
Q All right. How often would that occur?
A It depends on the type of year and they were always done in different capacities, so it's hard to put a number on how --
Q Okay.
A -- often they occurred.
Q They were not, like, weekly meetings at a certain time?
A No, there was nothing consistent like that.
Q Okay. During any of the staff meetings

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a copy of the transcript?
MR. SIMPSON: Yes.
(Witness excused.)
(The deposition concluded at 12:47 p.m.)

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CERTIFICATION

I, JENNIFER D'ANGELO, Registered Professional Reporter, do hereby certify:

That prior to being examined, the witness in the foregoing proceedings was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That said proceedings were taken remotely before me at the time and places therein set forth and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

I further certify that I am neither counsel for, nor related to, any party to said proceedings, not in anywise interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my name.

- - -

Jennifer D'Angelo, RPR, CCR-NJ

EXHIBIT 29

Planet Depos
We Make It Happen

Transcript of Nicholas Manna

Date: May 19, 2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.

Planet Depos
Phone: 888.433.3767
Email: transcripts@planetdepos.com
www.planetdepos.com

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A Yes.
Q Did you ever come to know that any of the employees of the entertainment department came from the Arts Academy?
A Yes.
Q Have you ever heard of the Benjamin Rush High School?
A I have not.
Q Okay. Have you ever heard of the Neshaminy High School?
A Yes.
Q Have any of the employees in the entertainment department of Sesame Place Philadelphia ever come from the Neshaminy High School?
A Yes.
Q How about the Bensalem High School? Have you ever heard of that?
A No.
Q Have you ever heard of Council Rock High School?
A No.
Q Have you ever heard of the Central Bucks County High School?
A No.

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Q East or west?
A No.
Q Okay. Have you ever heard of the Herbert Hoover Elementary School?
A No.
Q Or the Tohickon -- Tohickon, T-O-H-I-C-K-O-N, Middle School?
A No.
Q Okay. As the director of entertainment, did you ever have to be involved in any way in interacting with the school systems from which these teenagers come?
A There was one conversation with CAPA. I was trying to hold auditions at their location.
Q Okay.
A It never came to fruition because the principal that I was speaking with passed away.
Q I see. Did you ever come to know that these high schools may have a drama department and that these high schools were interested in referring their students to Sesame Place so that these kids could get some internships and experience in the areas of concentration?
A Yes.
Q And did Sesame Place have a relationship

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with these high schools so that they could enforce the connection so that this could be a constant source of employment for them?
A Before I started working in my role at Sesame Place, I -- from what I understand, the relationship may have been stronger. In 2020, I think that there was -- began to be a bridge of disconnect.
And it's an area I wish to bring back. However, there is a -- right now, a lot of our employees come to our auditions because the current employees are promoting and talking about how much they love their job and encourage their friends to join us. Many of them are friends with each other and they have a -- it's a very close-knit team.
Q Got you. So if I understood what you just said, prior to your arrival there was at least some connection between Sesame Place Philadelphia and high schools to develop a source of possible employment opportunities. Am I stating that correctly?
A Yes.
Q All right. But obviously COVID took place, a lot of that got halted or greatly

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diminished. But did I hear you correctly that one of your goals at present may be to reestablish those connections?
A Yes.
Q Okay. But word of mouth is helping out a lot?
A Yes.
Q Okay. Do you have any involvement -- strike that. Let me put it to you this way.
To your knowledge, does Sesame Street -- Sesame Place Philadelphia focus on the areas from which the students come? And I ask that question because -- well, let me do it this way.
Did you ever come to know anything about Bucks County, for instance?
A No.
Q Do you know whether or not that happens to be a location where there are incidences of racism?
A No.
Q Did you ever read anything or see anything on TV in which there are incidences of racial discrimination at the high schools?
A No.
Q Okay. And so you have no personal

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MR. SIMPSON: Maybe you should read the question and answer back.
THE WITNESS: Let's -- can we go there?
MR. RICHARDSON: Absolutely.
We're going to go off briefly for her to find it.
VIDEOGRAPHER: We are now going off the video record. Time on the monitor is 2:58.
(Brief recess.)
VIDEOGRAPHER: Stand by. We are now back on the video record. Time on the monitor is 3:02 p.m.
(The Reporter read the record as follows:
Question: Other than seeing what a person either does or says, do you know of any other way to determine whether that person has a racial bias?
Answer: I wouldn't know where to begin.)
BY MR. RICHARDSON:
Q All right. So now having heard the question and answer, have you received any specific training on how to address racial bias as something that you have seen in an employee of your department?
A Just the -- what's the last part?
Q So we're talking about people --

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A One more time?
Q -- in your department.
A Yes.
Q And the question posed to you was whether or not, you know, other than seeing racial bias in an individual --
A Yes.
Q So my question is focused on that right now.
Did you receive any specific training about how to address a situation where you observed an employee that were -- that were demonstrating racial bias?
MR. SIMPSON: Object to the form.
THE WITNESS: I think based off my experience in the industry and my resume that it's just part of being a leader, so there was no official training.
Q That answers my question.
MR. RICHARDSON: Thank you very much. I have no further questions.
MR. SIMPSON: The witness will read and sign the deposition.
VIDEOGRAPHER: We are now going off the video record. This now concludes the deposition of Nicholas Manna. The time on the monitor is 3:04 p.m.
THE REPORTER: Mr. Simpson, would you like a copy of the transcript?
MR. SIMPSON: Yes.
(Witness excused.)
(The deposition concluded at 3:04 p.m.)

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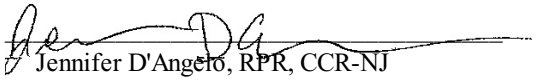
CERTIFICATION

I, JENNIFER D'ANGELO, Registered Professional Reporter, do hereby certify:
That prior to being examined, the witness in the foregoing proceedings was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;
That said proceedings were taken remotely before me at the time and places therein set forth and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;
I further certify that I am neither counsel for, nor related to, any party to said proceedings, not in anywise interested in the outcome thereof.
In witness whereof, I have hereunto subscribed my name.



Jennifer D'Angelo, RPR, CCR-NJ

EXHIBIT 30

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT

OF PENNSYLVANIA

* * * * * * * *

QUINTON BURNS, et al.,	*	
Plaintiffs	*	Case No.
vs.	*	22-cv-02941
SEAWORLD PARKS &	*	
ENTERTAINMENT, INC.;	*	
and SEAWORLD PARKS &	*	
ENTERTAINMENT LLC,	*	
Defendants	*	

* * * * * * * *

VIDEOTAPED DEPOSITION OF

BARBARA J. SIMMONS

October 19, 2023

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forget some of those, and I'll try to remind you if I notice.
Does that make sense?
A. I --- I appreciate the reminder because I am a head-shaker.
Q. Okay.
A. Yes.
Q. We'll try to let you know that. We'll try not to talk over each other. Sometimes that happens. I like to recommend if you wait just a beat or two to give me Mr. Richardson the opportunity to lodge an objection if he needs to. That way it will be a little bit cleaner for the court reporter and we will --- won't be talking over each other.
Does that make sense?
A. Yes.
Q. Okay.
This is not an endurance contest. If you need to use the restroom or get a drink of water or you need a break for any reason that is just fine. Just let me know. I ask that you finish the pending question before we break, but you're certainly entitled to breaks if you need them.
A. Okay. Thank you.
Q. Okay.

And let's see. Did you --- are you taking any medication that affects your ability to understand or answer questions?
A. No.
Q. Okay.
Did you do anything to prepare for the deposition ahead of time?
A. I reviewed my spreadsheet ---
Q. Okay.
A. --- that I had put together. And I talked with Ron about what to expect since I had no idea ---
Q. Okay.
A. --- what to expect. I wanted to know how long it would be. So I had --- I had a couple of questions about that, but mainly, you know, reviewing what I --- what I had experienced with gathering the biased incidences and hate crimes.
Q. Okay.
And are you represented by counsel here today?
A. No.
Q. Okay.
So you don't have an engagement letter for Mr. Richardson or his firm to be your attorneys?
A. Correct.
Q. All right.

And are you getting any sort of fee to participate in this case?
A. No.
Q. Okay.
Have you ever been a party in a lawsuit before?
A. No.
Q. Okay.
Have you ever sued ---?
A. Not that I can remember.
Q. Okay.
So you don't recall actually suing anyone before?
A. That is correct.
Q. And do you recall if you were ever sued by anyone?
A. I don't think I was.
Q. And have you ever been convicted of a crime?
A. No.
Q. Have you ever had the opportunity to testify as a witness in a court proceeding?
A. No.
Q. And have you ever been an expert witness in a case before?
A. No.
Q. Okay.
You mentioned that you lived in Newtown.
A. Uh-huh (yes).

Q. Is that in Bucks County?
A. Yes.
Q. Okay.
How long have you lived there?
A. I --- well, I grew up in Bucks County. I was born and raised in the area.
Q. Okay.
A. And I've lived in --- at this address for about seven years.
Q. Okay.
Before I want to do that --- actually I'll just do this as a preliminary matter just so that we have it for the record before we get into your background. So I'm handing you what I've marked as Simmons Exhibit 1.

(Whereupon, Deposition Exhibit Simmons-1, Subpoena, was marked for identification.)

ATTORNEY PARDO:
And if you could just take a look at the document and when you're ready I'll ask you a question about that. There you go, Ron.
ATTORNEY RICHARDSON:
Thank you.
BY ATTORNEY PARDO:

this case or if you discussed --- instances in which Sesame Place employees allegedly ignored minority children or adults.
Do you have any documents that fit into that second category?
A. No.
Q. All right.
And taking a look at requests for production number five, do you have anything that is responsive to that request about the recording of media, interviews or podcasts or anything ---
A. Correct, nothing.
Q. --- like that? Nothing in that category. All right.
Take a look at number six, if you will. This would be material from social media in which you talked about Sesame Place. It racial discrimination at Sesame Place or this case.
A. Uh-huh (yes).
Q. Do you have anything that falls in ---
A. No.
Q. --- that category? Okay.
Okay. And do I understand that the documents that you just provided to me, those are communications between you and counsel for plaintiffs.

A. Correct.
Q. Is that right? And you gave me five emails. Five --- five communications.
A. Correct.
Q. Right?
A. Yeah.
Q. Okay.
What about request for production number eight? Did you bring anything today that falls in that category?
A. I don't have any billing statements, so no.
Q. Okay.
Because you're not --- you're not ---
A. We're not getting ---.
Q. --- receiving fees?
A. Correct.
Q. Got it. Okay.
Aside from the documents that you handed me and the documents that --- the stack that you brought in earlier that we can get to, but those were documents that Plaintiffs' counsel communicated to you, do you have anything else that responds to the subpoena that you brought with you today?
A. No.
Q. All right. Thank you.

Q. Okay.
Before we talked about the subpoena we had just started with where you were living, and you mentioned that you've been in Newtown at that address for seven years.
A. Uh-huh (yes).
Q. Is that right?
A. Correct.
Q. Prior to your current address did you also live in Bucks County?
A. Uh-huh (yes). Yeah, my whole life has been in Bucks County.
Q. Okay.
Always one town or did you move?
A. I've lived in Feasterville, Bensalem, New Hope and Newtown.
Q. Okay.
And what is your marital status?
A. I'm married.
Q. Has --- has your spouse ever worked for any schools in Bucks County?
A. No.
Q. Do you have any children?
A. Yes.
Q. What are their ages?

A. I have two daughters, ages --- they're in their 40s.
Q. Okay.
Did --- did they ---
A. And I ---.
Q. --- have a son? Okay.
A. I have a son that I adopted.
Q. Okay.
A. And he is 42.
Q. Okay.
Did any of your children go to high school in Bucks County?
A. Yes.
Q. Which high schools did they go to?
A. Council Rock.
Q. Okay.
Now do I understand that there's more than one Council Rock High School?
A. There's Council Rock --- back then there was only one high school, Council ---
Q. I see.
A. --- Rock North. Now there's Council Rock South ---
Q. Okay.
A. --- as well.

Q. So sitting here today there's Council Rock North and South?
A. Correct.
Q. But when your children attended there was only one Council Rock?
A. Correct.
Q. I see.
Did you attend high school in Bucks County?
A. Yes.
Q. Where did you go to school?
A. I went to Bensalem.
Q. Okay.
For four years?
A. I went to Bensalem from the time I was 12-years-old on.
Q. Okay.
A. And prior to that I was in Neshaminy School District.
Q. Okay.
Do your children still reside in Bucks County?
A. Yes.
Q. All three?
A. Yes.
Q. Okay.
Do you have any grandchildren?

A. Yes.
Q. Okay.
A. And they're in Bucks County as well.
Q. Okay.
Are any of them high school age yet?
A. Yes, one of them is.
Q. Okay.
What high school does that ---?
A. Central Bucks --- Central Bucks East.
Q. East. Okay.
A. West. I'm sorry.
Q. Okay.
A. There's four of them. So Central Bucks West.
Q. Have you or anyone in your family worked for SeaWorld or Sesame Place?
A. No.
Q. Okay.
And are you currently employed?
A. No. I'm retired.
Q. All right.
What year did you retire?
A. Just before the pandemic.
Q. So around 2019?
A. Yes.
Q. I want to just flip to your CV real quick, which

I'm going to be marking as Simmons Exhibit 2.

(Whereupon, Deposition Exhibit Simmons-2, Curriculum Vitae, was marked for identification.)

THE WITNESS:
I actually brought an updated one.
ATTORNEY PARDO:
Oh, okay.
THE WITNESS:
Because I --- I --- there was a couple of citations I had received that I didn't get to put on there.
ATTORNEY RICHARDSON:
So are we still going to mark the old one as well?
THE WITNESS:
Oh, never mind. Never mind. We'll just use this one. I don't know what happened to the updated one.
ATTORNEY PARDO:
Okay.
BY ATTORNEY PARDO:
Q. So you don't think you have a copy of the updated

one today?
A. I thought I did.
Q. Okay.
We can have you check on a break, but ---
A. Okay.
Q. --- you can probably let me know what ---
A. It was just a matter of a ---.
Q. --- you think you've added.
A. Yeah. I hadn't updated the awards that I got.
Q. Okay.
All right. So let's take a look at what I've marked as Simmons Exhibit 2.
Do you recognize this document?
A. I sure do.
Q. All right.
And this is your curriculum vitae?
A. Uh-huh (yes).
Q. Okay.
So it appears that your education was --- was this an undergraduate education in London?
A. Correct.
Q. All right.
And what university was that?
A. Institute of Archaeology.
Q. Oh, I see. Yes, of course. Okay.

Did you ever work in the field of archaeology?
A. Uh-huh (yes).
Q. What ---.
ATTORNEY RICHARDSON:
You got to say yes, so the ---.
THE WITNESS:
Yes. Yes, I did.
BY ATTORNEY PARDO:
Q. Generally speaking, what were those kinds of positions?
A. I --- I worked for a couple of different companies and did several excavations ---
Q. Uh-huh (yes).
A. --- in Bucks County outside of Bucks County in the Valley Forge area and in London.
Q. Okay. Okay.
And how long did you hold positions in archaeology for?
A. Maybe about seven years.
Q. Okay.
And at some point in time did you go into a different field?
A. Yes.
Q. Okay.
A. I --- it was a very difficult field to work in

because you only get paid $7 an hour and you're outside in the elements and you are lifting a lot of heavy equipment and wheelbarrows full of dirt. So I grew really weary very quickly because I was also raising a family. So I --- I started working at the Peace Center.
Q. Okay.
And do you recall about when you started at the Peace Center?
A. I started first as a volunteer at the Peace Center in about 1987.
Q. Okay.
A. And then I became the assistant to the executive director in 1989.
Q. Uh-huh (yes).
A. And then in 1991 I became the executive director.
Q. Had you --- prior to becoming the executive director at the Peace Center did you have any training in nonprofit, the nonprofit world?
A. I attended every training I could possibly go to. And I'll be honest with you, this is probably not even all the certificates, because there was --- there was like LaSalle nonprofit training was one of them I went to. And I wanted --- while I was --- before I was executive director I started doing training in conflict

resolution and mediation with the idea that I would, you know, be able to expand my skills, because it was an organization that was expanding what they were doing, and --- and I wanted to be prepared for that.
Q. So I want to go back to your certifications.
A. Uh-huh (yes).
Q. And on page one of your CV I see a bunch of bulleted ---
A. Yes.
Q. --- items.
A. Uh-huh (yes).
Q. Are those what you're referring to ---
A. Yes.
Q. --- as certifications?
And for --- what was the duration of the instruction for these, generally speaking?
A. So to get certified you would have to put in a minimum of 24 hours, but generally they were a 40-hour --- you know, be a week long training.
Q. Okay.
And were these things that you attended in like a seminar fashion?
A. Well, you --- it's very experiential.
Q. Okay.
What does that mean?

A. Experiential means that you are role playing and you're debriefing the role plays. You're having to make presentations. So it's --- it's not really a --- when I think of a seminar I think a very passive ---
Q. Okay.
A. --- learning. This was much very hands on kind of learning.
Q. Okay.
And at the conclusion of these you get some sort of certificate of completion or ---
A. Correct.
Q. --- or a certification, if you will?
A. So --- can I give you an example of that?
Q. Sure. That would be fine.
A. Okay.
So this would be an example of a certificate.
Q. Okay.
Okay. And so for example, this is a 2011 workshop for training in nonviolence alternatives.
A. Uh-huh (yes).
Q. So was this something that had a classroom component?
A. Again, it was experiential classroom. You have a teacher and you are usually in a group of about 20 people. You're role playing and you're also

experiencing some of the --- like, if you have a conflict in your own life, for example, you're --- you're --- you are then living that conflict for the rest of the group.
Q. Okay.
A. And this particular certificate had me working in the prison system, which I didn't even put in my CV.
Q. Okay.
And what was the --- when you were working there, what was the mission of the Peace Center?
A. The mission of the Peace Center was to address violence. We would work in the field of prevention, intervention, and tertiary. And what I mean by that is obviously prevention is pretty much self-explanatory, but intervention would be when a school would call us to say there's been a fight, we need you to come and, you know, maybe do a mediation or a restorative justice process or a facilitation. So that would --- that's what an intervention would look like. And tertiary is when the person had been arrested or parties had been arrested, and then we would work with them afterwards.
Q. Okay.
A. But it was --- it was around the issue of conflict and violence.
Q. Okay.

Okay. And then you also have listed on your CV teaching experience.
A. Uh-huh (yes).
Q. And that looks to be at Arcadia University.
A. Correct.
Q. Is that right?
A. Uh-huh (yes).
Q. Okay.
And your --- this --- your CV says 2002 to the present.
Is --- is that ---
A. Well, I didn't update ---
Q. --- up to date?
A. --- that. I --- it's to the present in that I was asked to go and teach in Tanzania ---
Q. Okay.
A. --- by Arcadia.
Q. Okay.
A. So --- but I'm not teaching this semester.
Q. Okay.
When was the last time that you taught a semester in Pennsylvania at Arcadia?
A. A year and a half ago.
Q. Okay.
And the course titles that you have listed on the

CV, were those the two different types of classes that you taught at Arcadia
A. Yes. Uh-huh (yes).
Q. Okay.
And the most recent class that you taught a year and a half ago, what one was that?
A. Facilitating conflict transformation.
Q. Are these undergraduate or masters level?
A. Masters.
Q. Masters.
And do you have any plans to teach in Pennsylvania going forward?
A. If I'm asked to I would consider it. I --- I --- I really kind of wanted to retire from everything.
Q. Okay, fair enough.
Did you ever have the opportunity to teach a course at Arcadia in anything to do with race relations?
A. I served on the advisory committee, which was doing dialogues on racism.
Q. And describe to me what the advisory committee was.
A. The advisory committee was made up of students, faculty, and community members who were willing to be part of a group looking at curriculum, looking at the

questions that would be put forth in the dialogue, the debriefing of the dialogues, any troubleshooting with the dialogues. God bless you.
Q. And do you still serve on the advisory committee ---
A. No. I came ---.
Q. --- at Arcadia?
A. I came off of that about eight months ago.
Q. All right.
Do you have any other affiliations with Arcadia at present?
A. Well, I'm --- they still consider me part of the faculty --- part of the faculty there. So I'll come in and --- and teach a class. I just taught a class a couple of weeks ago.
Q. Okay.
You mean, like, as a guest ---
A. Yes.
Q. --- lecturer?
A. Uh-huh (yes).
Q. Okay.
But you don't currently appear on the faculty page of the website right now, do you?
A. I haven't looked at the website to know.
Q. Well, have you ever been listed on it ---

And then you were about to tell me about the second one.
A. I've actually done more, but these --- these were the certifications. Jeff Hitches gave a course, a 40 hour course on racial --- understanding racism. And I'm not going to remember titles of the workshops because we're talking about like 25 years ago.
Q. Okay.
ATTORNEY RICHARDSON:
Do you know how to spell his last name?
THE WITNESS:
Hitch --- it's either Hitchcock or Hitches. So it was just too long ago.
ATTORNEY RICHARDSON:
Okay. All right.
THE WITNESS:
I'm sorry, Ron.
ATTORNEY RICHARDSON:
No, that's quite all right.
THE WITNESS:
But I have taken a myriad of, you know, one-day workshops, two-day workshops, three-day workshops on racial equity, cultural diversity. I just --- I've taken so many of them that I --- I --- to list them all would be --- because they're not all

certificate ---
ATTORNEY PARDO:
Sure.
THE WITNESS:
--- courses.
ATTORNEY PARDO:
Okay.
THE WITNESS:
So I just listed the ones that --- that had a certificate attached to it.
ATTORNEY PARDO:
I understand. Okay.
BY ATTORNEY PARDO:
Q. Now, did I see that you were on the board of the Newtown Friends School?
A. Yes.
Q. Okay.
A. Uh-huh (yes).
Q. What years did you serve on the board?
A. All right. My granddaughter would have been five. She's now 27. So whatever 20 years ago was.
Q. Okay.
So you stopped being a board member about 20 years ago?
A. Well, you're on the board for four years ---

Q. Okay.
A. --- I believe it is. Our Quaker meeting oversees Newtown Friends School, so we all --- everybody has an obligation to serve on the board ---
Q. I see.
A. --- from the meeting.
Q. Okay.
Now, are you currently doing any type of consulting work for any of the Bucks County high schools?
A. No.
Q. When --- you had mentioned earlier that had --- as part of your role in the Peace Center you had done work with Bucks County high schools.
Do you remember that?
A. Uh-huh (yes).
Q. So was the Peace Center --- have some sort of contract with the schools for that work?
A. Over the years we would contract with the school districts if they were willing to do more than, say, a one-day program. A lot of times you were brought in to present to teachers in a day.
Q. Okay.
A. But it's --- we would contract if were brought in to do something that was, say, a five-day workshop or a

three-day workshop. That --- that would be --- then, you know, you'd have something --- you'd have a contract of sorts ---
Q. I see. Okay.
A. --- to do that.
Q. And would the Peace Center be paid for that work?
A. Yes. And it always had to be subsidized because we could never really --- schools don't often have a budget for that kind of thing ---
Q. Okay.
A. --- so either they would write a grant, or we would write a grant to do that work.
Q. The Peace Center is a nonprofit.
Is that right?
A. Yes.
Q. Okay.
And can you recall which high schools the Peace Center had contracts with while you were working there?
A. I would say most of them. There's 13 school districts in Bucks County. I know personally I've worked with all the high schools in some capacity, or if we had a contract with a high school where we needed other peace educators to go in, it might be a weekly thing. It was easier for us to work with elementary and middle schools, because they're --- once you get to

high schools their schedules are such that they're so tightly packed that you --- to do any kind of program there was because a crisis had happened.
Q. I see.
And have you ever been employed as an investigator of any kind?
A. No.
Q. Do you have any specialized training in conducting investigations?
A. No.
Q. Have you ever worked for the --- the Pennsylvania Human Relations Commission?
A. I've done training with them, but no, I've never --- I mean, they --- you know, I've been part of their trainings, but I think --- I mean, I've never been employed by them or anything ---
Q. Right.
A. --- like that.
Q. Okay.
And you never work for a police department?
A. I work with police departments ---
Q. Okay.
A. --- with walking while Black Love is the Answer.
Q. But on staff you've never had a paid position ---
A. Correct.

Q. --- working in a police department? Okay.
And have you ever worked in a law firm before?
A. No.
Q. And what about any other federal or state agency? Have you ever been an employee of a federal or state agency?
A. No.
Q. For the work that you did at the Peace Center, did that require any kind of licensure by the state or other body?
A. No. I mean, it's a nonprofit. When we would create a program, for example, we always had educators as part of the team creating the programs. And if we were creating a program for, say, kids with special needs, we always made sure we had somebody --- an educator with special needs certification. If we worked with the police we would have police be part of creating the curriculum.
Q. Okay.
Now, switching gears a bit.
Do you have any understanding as to the nature of the litigation that has brought you here today?
A. I do.
Q. Okay.
What's your understanding of the case?

A. My understanding is --- well, it was all over the news, so I will tell you that what I understand comes from what I've read.
Q. Okay.
A. And that was that the family that was involved, their children were excited about seeing the characters and either hugging them or doing a high five and that they were ignored.
Q. And you had mentioned that you had read things.
Are you --- are you talking about like news ---
A. Yes.
Q. --- media?
A. Uh-huh (yes).
Q. Okay.
And did you form any kind of understanding as to any of the reasons why they thought they were ignored?
A. You know, I find that there's --- there's just so many incidences that I --- I try my best to get a better understanding of it, but I don't necessarily go searching to see --- to see what actually --- what the outcome was, for example.
Q. Okay.
And when you said that there are so many incidences, are you speaking about Sesame Place in particular?

A. Bucks County in particular.
Q. Okay.
Did you have an opportunity to read any of the court filings in this case?
A. No.
Q. All right.
Have you ever seen the complaint that was filed?
A. No.
Q. All right.
What about deposition transcripts? Did you have the occasion to read any of those?
A. No.
Q. Have you seen any videos that are at issue in this case?
A. There was a video posted that accompanied the article, but I don't remember ---.
Q. Specifics?
A. I don't remember much about it.
Q. Okay.
How did you come in contact with the lawyers representing Plaintiffs in this case?
A. The gentleman that I work with, AJ Ali, walking while Black Love is the Answer had asked if I would be willing to meet Ron and --- over a cup of coffee, and so we did. And --- and Ron basically wanted to know

Q. Okay.
A. Yeah.
Q. That's my question. All right.
So I think we were --- you were starting to explain for me --- and I guess I'll ask it this way.
In the first part of this sentence before the semicolon is there anything inaccurate about what you're planning to testify to?
A. Anything inaccurate?
Q. Is there anything inaccurate or is that an accurate statement of what ---?
A. That's an accurate statement.
Q. Okay. All right.
And then in terms of the second piece, the very schools from which Sesame Place Philadelphia recruited their entertainment department's costume character performers, do you have any knowledge about what schools Sesame Place recruited their costume character performers from?
A. I do not.
Q. Okay.
So this second piece is not something within your knowledge, this clause.
Is that right?
A. I'm familiar with all the high schools, but I

don't know which specific high schools they recruit from.
Q. Okay.
A. If it's just local or do they recruit throughout Bucks County? I don't know.
Q. Okay.
So nobody's told you --- given you like a list of high schools that are at issue with the costume characters that have been involved in this case?
A. Correct.
Q. All right.
And is --- are you intending to testify only to the culture of racism in high schools of Bucks County or --- or elsewhere?
A. Well, what I was keeping track of was both, what was happening in the community as well as what was happening in schools. Not necessarily --- I mean, they weren't all high schools. Some of these incidences were elementary school, some were middle school, many were high schools.
Q. Okay.
So let me go back to this part where it says that you personally investigate over 140 incidents of race discrimination.
A. Yes.

Q. What does the 140 refer to?
A. I think this.
Q. Okay.
So I counted those entries ---
A. Okay.
Q. --- and if my math is correct and my ability to count is correct, I came up with 142 entries on that chart.
Does that sound about right?
A. It sounds about right.
Q. Okay.
A. Yeah.
Q. So is the reference to 140 incidents of racial discrimination linked to that spreadsheet?
A. Correct.
Q. All right.
But I think what you --- what you mentioned before is that there are not 140 incidents of race discrimination in Bucks County high schools on that spreadsheet.
Is --- is that right?
A. I'm not sure I understand the question.
Q. Okay.
The --- and maybe you need to tell me what --- what is on ---

A. Okay. That ---.
Q. --- the spreadsheet. So I understand that there are schools listed on there.
Is that right?
A. Correct.
Q. Okay.
And some of them are high schools?
A. Yes.
Q. Okay.
But they're --- you have --- it's not just limited to high schools ---
A. Correct.
Q. --- on that chart. Okay.
And you had mentioned that elementary and middle schools are on there?
A. Uh-huh (yes).
Q. Okay.
I also saw references generally to things like a high school district, but not a particular school.
What --- what do those entries entail?
A. If I can find them I'll be able to ---
Q. Okay.
A. --- perhaps give you ---.
Q. And I'll --- I'll take you through a couple of them. We'll get to it there then.

And am I right that this is --- this chart also includes incidents of race discrimination from places that weren't schools?
A. Correct.
Q. Okay.
A. And also it might be anti-Semitism ---
Q. Uh-huh (yes).
A. --- that came up. Yeah.
Q. Okay.
All right. So going back to this statement here that you'll testify to the culture of racism based on your personal investigation of over 140 incidents of racial discrimination. That's not actually accurate in that you don't have 140 incidents of racial discrimination in high schools on that chart.
Isn't that right?
A. That is correct. I --- I would say that it's maybe 85 or 90 percent.
Q. What's 85 or 90 percent?
A. Related to schools.
Q. Okay.
How many would you say are related to high schools specifically?
A. I would say probably of the 85 percent related to schools maybe more than half would be high schools.

Q. Okay.
And this is just in your - in your estimation ---
A. Correct.
Q. --- of what's in the spreadsheet? Okay.
A. I didn't do the math.
Q. Of the 142 incidents on your spreadsheet, how many would you say involved anti Semitism?
A. Maybe about ten percent.
Q. Okay.
And there are also incidents there of disability discrimination, isn't that right?
A. Yes, there are ---
Q. Okay.
A. ---but less so about the disabilities.
Q. Okay.
And then are there also entries on here that have to deal generally with like Donald Trump messaging?
A. Yeah. Yeah.
Q. Okay.
So I want to go back to the first part of your --- the opinion. Can you tell me what you mean by saying that you would testify as to the culture of racism in the high schools of Bucks County, Pennsylvania?
A. So that comes from not just this, but from my --- my 30-plus years of working with the school districts

in Bucks County. We saw a lot of LGBTQ discrimination, race discrimination, anybody with brown skin, for example. And a lot of people were afraid to report them. And so we ran a bullying prevention resource center so kids could come there and talk about what was going on for them, because they knew that if they brought it to the attention of an administrator or a teacher that they would not --- that it might get worse. So --- so I feel like this is --- this is sort of a --- a snapshot of that time frame.
Q. Okay.
And the time frame that the chart --- at least the title and time frame, the title is 2016 to 2019.
Is that right?
A. Correct.
Q. I did notice that there were some 2020 entries at the end.
A. Uh-huh (yes). Because I was still --- I --- when I retired people still reached out to me.
Q. Okay. Okay.
So do you remember what month you retired?
A. Fully retired July of 2019, I believe it was. And then I continued to work with the Peace Center until right before COVID hit.
Q. Okay.

So like the first quarter of 2020.
A. Yeah.
Q. All right.
A. Yes.
Q. And this chart looks like it goes up to May 2020. So there's actually January, February, and May 2020 incidents listed on here.
A. Yeah.
Q. So do you recall whether you were still working at the Peace Center in --- well, were you doing anything for the Peace Center in February of 2020?
A. I was, yes.
Q. Okay. Okay.
A. So I --- I --- I had to have surgery on my knee in June of 2020 ---
Q. Okay.
A. --- and I did a --- I continued to do training for them while I was recovering. And I think then, you know, it was once that was over, it was over for me.
Q. Okay.
Getting back to this term culture of racism, can --- can you define for me what you mean by that phrase?
A. I will try.
Q. Okay.
A. I will try.

privilege, then I understood I had an obligation to --- to do something about it.
Q. So you just gave another example about this --- this pro-con of slavery lesson.
A. Uh-huh (yes).
Q. So this is yet another example where a teacher is doing something that you consider to be racist. Is that right?
A. I consider it to be creating that culture of racism that --- that you wanted to use.
Q. Well, do you have any reason to believe that --- what school did that occur in?
A. Council Rock.
Q. Okay.
So do you have any reason to believe that every student in Council Rock thought that was a good idea, the pros and cons of ---?
A. Well, this particular student thought it was a good idea.
Q. Okay.
So is it the case that if one student thought it was a good idea that every other student in that school thought the same thing?
A. I think when the teacher gave that lesson that day, that every student sitting there might have come

away thinking, wow, there was a pro to slavery. I guess.
Q. Okay.
And again, you have no way of knowing what any student came away thinking aside from the one you spoke to. Right?
A. Correct, correct.
Q. Okay.
A. And I would never pretend to, but I do know when we model something, we ---we're watching it right now with out government, bad behavior started in 2016 and it's being modeled and never seen such --- such terrible modeling by adults. I feel like there's no more adults in the room.
Q. Do you think ---? You said you've worked with the adolescent population for quite a while. Is that right?
A. Yes.
Q. Do you think it's damaging to label a particular student as a racist who has never engaged in racist behavior?
A. I would never label them.
Q. And why is that?
A. Because I don't think you accomplish anything by

labeling someone.
Q. Are you also worried that you're wrongly accusing someone of something?
A. I --- I just don't see a benefit. Like, I want to keep someone's dignity in place, and so I'm looking for change. I'm looking for an A-HA (sic) moment, and I don't get that if I get somebody defensive.
Q. Do you think it's appropriate to label people that you have no knowledge of participating in a racist incident as racist?
A. Have I said somebody --- that everybody's racist?
Q. No. I'm asking if you --- if you see that as an issue? Do you think that it's appropriate to label people as racist if you have no basis whatsoever to think that they engage in racist incident?
A. So my son will experience something and feel that it's racist. I'm not in his skin, and so I --- I take him at his word that if it felt racist, it was racist. And that's how I look at that. If somebody makes a remark to me that's patriarchal, which happens all the time, I am not saying to them, you know, you're being patriarchal or you're being sexist, but I'm thinking it.
Q. Have you had the experience of any adolescents in Bucks County actually being interested in developing or

working in the DEI side of things?
A. Yes.
Q. Would you consider those students to be racist?
A. No.
Q. Okay.
Why is that?
A. Because, again, if we're taking our biases and trying to work to change that for the good, then that's what I'm all about.
Q. Let's go back to the chart. So just give me a little bit of background. How did this spreadsheet get prepared?
A. So on November 9th, 2016, our phone started ringing off the hook at the Peace Center, and it was incident after incident after incident that was happening, and I --- I couldn't keep up with them. And so I thought, you know, I'm just going to start to throw this into a spreadsheet and see if I can keep better track of these.
Q. Okay.
And so one of the ways that you got the information about these incidents was from phone calls.
A. Uh-huh (yes).
Q. Did you say that?
Were there any other ways that you were informed

about these ---
A. I might have --
Q. --- incidents?
A. --- gotten an email about it.
Generally, it would be a phone call.
Q. Phone call or an email. Were any of these incidents things that you read about in the news?
A. No. They were --- they were always --- I would hear about it from either a parent, a grandparent or the child themselves.
Q. Okay.
And were you the only one making the entries in this spreadsheet?
A. No, I wasn't the only one.
Q. Who else would enter information into the spreadsheet?
A. Whoever might be able to give me help in that moment, but most of the time it was me, because I --- if I took the phone call, for example, and talked to that parent, then I would enter this. If somebody else took the phone call, I would ask them to at least give me the information so that I could follow up with them.
Q. Okay.
And was this like a document that was on some sort of shared drive among the folks that worked at the

Peace Center?
A. I think so.
Q. Okay.
Now, some of these don't have a particular date. They just have a month.
A. Right, right.
Q. Why is that?
A. Just because they were coming in fast and furious.
Q. Okay.
So ---?
A. So for example, I don't think I actually started --- you know, I --- I mean, I ---. This was really just for internal use. This wasn't --- I wasn't going to be sending this out anywhere. So I'm actually kind of embarrassed that I don't have more information on it, because like I said, it was --- it was for internal use.
Q. Okay.
And then some of them don't have a date at all.
A. Right.
Q. Is that for the same reason?
A. Yeah.
Q. Okay.
And did you --- were you tracking incidents prior to 2016?

A. So if we got a call, I would talk to the person on the phone and see what it is that they might need. Did they want to come in and talk about it? Did they want me to refer them somewhere? Did they --- I'd say, did you call the police? But I didn't put it into a spreadsheet form.
Q. Okay.
And as far as you know, is there --- is the Peace Center still making entries post-May 2020?
A. I don't know.
Q. All right.
And are you planning, in this case, to be updating this chart at all?
A. Me personally?
Q. Yeah.
A. No.
Q. Okay.
All right.
Tell me about this. So in the statement of your opinion; Ms. Simmons will testify as to the culture of racism in the high schools of Bucks County, Pennsylvania, based upon her personal investigation of over 140 incidents of racial discrimination.
Can you tell me what you mean by personal investigation?

A. So I would talk to the parent or the student and find out what happened, what they needed, what their expectation was.
Q. Okay.
So you talked to the folks that were making the complaint or reporting an incident.
Is that right?
A. Uh-huh (yes).
Q. Okay.
During your personal investigations, did you get to also talk to the aggressor or the person that was doing it?
A. Sometimes. Sometimes. Not always.
Q. Okay.
And why was that only done sometimes?
A. Because sometimes you couldn't --- you couldn't reach who --- who did it.
Q. Okay.
In your records at the Peace Center, did you keep details of the exact names of the people involved in the incident?
A. Yes.
Q. Okay.
So you have files in the Peace Center that correspond to these incidents?

And then what did you do?
A. We offered to --- I think the college wanted to, at least, do their own kind of investigation, so I don't think we had to do anything about it, just record it.
Q. Okay.
So you didn't actually investigate that one?
A. Just talked to the school itself.
Q. Okay.
And is this an incident of race discrimination in Bucks County?
A. The LGBTQ?
Q. Yes.
A. No. Again, it's an incident of hate.
Q. And do you know the race of the people who place the hate flyers on the car windshields?
When you talk about the culture of racism in Bucks County high schools, what races do you have in mind that are performing the racist incidents?
A. What my experience has been that it's been Caucasian students against students of color.
Q. And how do you define students of color? Are you limiting that to a particular race or ethnicity?
A. Anybody with brown skin, because I've seen it with Asian-Indians being picked on, as well as African-

Americans and Latin-X students.
Q. Do you recall investigating any incidents in which a Hispanic or Latino person acted in a racially discriminatory manner against a black person?
A. Yes.
Q. Okay.
But you said you had not investigated an incident where a black person was doing the racial incident against another black person?
A. Correct.
Q. Okay.
Can you go to page 13 for me? In the center of the page, one of the November 1st incidents I'd like you to take a look at is one that occurred at Our Lady of Guadalupe Church in Doylestown. Do you see that one?
A. Yes.
Q. Okay.
And then the incident, generally speaking, seems to be that the church officials reported that a sign referring to Christianity was damaged. Do you see that part?
A. Yeah.
Q. Okay.
And that this was the second instance of recent

vandalism.
A. Uh-huh (yes).
Q. and it looks like there had been some spray paint with the word pedophile.
A. Yes.
Q. Is that right?
A. Correct.
Q. Okay.
So what did you do to investigate this situation?
A. Well, they had already reported it to the police.
Q. Okay.
A. So we really didn't have to do anything.
Q. So you didn't perform an investigation on this one?
A. No.
Q. All right. And do you know who the individuals were who were responsible for the vandalism?
No.
Q. And do you know the race of the individuals who are responsible for the vandalism?
A. No.
Q. Do you have any way of knowing if this incident involved a Bucks County High School student?
A. No.
Q. And you don't know whether anybody was ever

arrested for this?
A. I don't. There's been lots of signs that have been damaged related to LGBTQ, rainbow flags and such.
Q. Okay.
And for those LGBTQ incidents of hate, do you know or can you say who the race of the individuals that were doing that discrimination?
A. I can't say.
Q. Okay.
I want to turn your attention to ---. What page number am I on? One second.
Okay.
Page five. And in March, about the middle of the page, do you see there's an Neshaminy High School incident that's listed here?
A. Uh-huh (yes).
Q. All right. And the incident is described as 11th grade students reports discrimination and harassment by staff member, believes it is race related.
A. Yes.
Q. Okay.
So this was an instance where a staff member was doing something discriminatory?
A. Yes.
Q. All right.

Neshaminy High School is racist against Asian students?
A. I don't think I would conclude that based on just this --- this one student. I would want to talk to all the Asian students to hear what's happening for them.
Q Okay.
So in this case, this wouldn't --- this wouldn't be enough for you to conclude that there was a culture of racism against Asian ---
A. Correct.
Q. --- students at this high school?
Okay.
Let's go to a September 2017 incident on page seven. And this says Neshaminy, slash, Middletown. What does that mean?
A. It happened right --- there's an apartment complex right next to one of the Neshaminy schools.
Q. Okay.
So is this an incident that you attributed to a particular high school?
A. It's in the Neshaminy School district. It was at the Middletown --- what they call the Middletown Apartments.
Q. Oh, okay.
A. And someone had taken a sharp object and carved the N-word in both the front windshield and the back

windshield.
Q. Okay.
And how did you find out about this?
A. We were called.
Q. Okay.
Who called you?
A. The grandmother and then the mother, and what --- what I didn't put in here is how we handled it, ---
Q. Okay.
A. --- which was to ask our members if anybody --- because they were trying to get it, buff it out, and it wasn't buffing out, so I put out on social media, is there anybody that--- on the Peace Center social media, is there anybody that knows how to get --- to fix this? And a wonderful car place stepped forward to say, we'll replace the windows at no cost.
Q. Okay.
Other than talking to it sounds like the family members of the person who owned the car?
A. And the person --- yeah. And the person that drove the car was a high school student.
Q. Okay.
So were you able to investigate who had done this to the car.
A. We couldn't investigate it. It happened during

the night. No one saw anything.
Q. Okay.
So are you able to conclude that was done by a high school student from Bucks County?
A. No, I'm not able to conclude that.
Q. On page ten there's another Neshaminy School District entry in December, which is kind of in the middle of that page.
A. Uh-huh (yes).
Q. Do you see that one?
A. Yeah.
Q. And this talks about Neshaminy students joining other Bucks County students for a trip to D.C. Did you see that?
A. Uh-huh (yes).
Q. And that was to talk about racist incidents in public schools?
A. Yes.
Q. Okay.
Do you know if any white students went on that trip ---
A. Yes.
Q. --- to speak?
A. Yes.
Q. Would you consider the white students that went on

that trip to be racist against black people?
A. No. No. They were --- they were acting as allies.
Q. Have you, in fact seen allies of black students in Bucks County high schools?
A. Yes.
Q. Have you seen allies of Latino and Hispanic students in Bucks County high schools who aren't Hispanic and Latino?
A. Yes.
Q. Okay.
A. And I've seen --- but I've seen more students not be allies and just stay silent. And that's what starts to create the culture that I was speaking of for.
Q. For the students that --- the white students that you know, that went on that --- as allies on that Washington, D.C. trip, do you think it would be fair to label them as racists against black people?
A. No. It would not be fair to do that.
Q. Why would that not be fair?
A. They were acting as allies, but there was just a few of them.
Q. You mentioned on the chart that the issue really is not that the students went to Washington. It's that there was a --- some sort of cyber bullying that

occurred after that.
Is that right?
A. Yeah, there was an article in the newspaper about the trip, and --- and so other students started attacking them, racially attacking them on social media.
Q. Okay.
So when you say cyberbullying, is that something where you can identify who the attacker is?
A. If they are using their own social media, sometimes they create fake accounts.
Q. Okay.
So were you able to determine what students were doing that cyberbullying?
A. I was not.
Q. Okay.
What investigative steps, if any, did you take to try to figure out who those students were that were doing the cyber --- or who those people were that were doing the cyberbullying?
A. I spent time on the phone with the superintendent, and he was going to see if he could find out who they were.
Q. Okay.
Do you know whether he was able to do that?

A. He was not able to do that.
Q. Okay.
And so were you ever able to determine what the race was of the people who were doing the cyberbullying?
A. I was not able to determine that.
Q. Were you able to determine whether the cyberbullies were high school students?
A. They were.
Q. How did you know that?
A. The --- the way that they were attacked, it was --- wish I had it on me to show you. I wish I had screenshots back then. But it was clear they were --- they were other high school students and their maturity level.
Q. Okay.
Do you know a student who went to Neshaminy High School by the name of Cassidy Monahan?
A. No.
Q. Did you ever investigate a racial incident at Neshaminy High School involving Cassidy Monahan?
A. No. Nothing that I investigated.
Q. Okay.
Have you ever spoken to this person before? Do you know what her race is?

A. No.
Q. Do you have any way of ---? Let me put it this way. Is your opinion that you may offer in this case, that Cassidy Monahan is a racist?
A. With no information?
Q. Yeah.
A. No.
Q. Okay.
A. Does Cassidy have --- does Cassidy have any biases? More than likely, yes.
Q. How do you know that?
A. Because we all do.
Q. If Cassidy Monahan goes to Neshaminy High School, is that a reason to label her as a racist?
A. No.
Q. All right.
I want to talk about Pennridge High School, but I'll make sure you're doing okay. Do you ---?
A. I would love a break.
Q. Okay, that's fine. It's been 2 hours.
ATTORNEY PARDO:
We can go off the record. Do you want to do try to do it five or --- whatever ---?
ATTORNEY RICHARDSON:
You tell me. How long do you want to

break?
THE WITNESS:
Five minutes is fine.
ATTORNEY PARDO:
Okay.
Do you want to show her the restrooms? Do you want me to ---?
THE WITNESS:
Oh, I know where they are.
ATTORNEY PARDO:
Okay.
Perfect.
VIDEOGRAPHER:
This ends media one. We're going off the record and the time is 3:59 p.m.
OFF VIDEO

(WHEREUPON, A SHORT BREAK WAS TAKEN.)

ON VIDEO
VIDEOGRAPHER:
We are back on the record. The time is 4:09 p.m.
BY ATTORNEY PARDO:
Q. All right.

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A. I've heard about it, but I have not --- I didn't take the time to read that.
Q. Okay.
Is the opinion that you're providing today and your testimony based on anything in this document?
A. No.
Q. Okay.
And is your opinion today that you're providing based on the media articles that were provided to us today.
A. No.
Q. Okay.
What about Bensalem High School? Do you have information sufficient to conclude that there's a culture of racism in Bensalem High School?
Q. Bensalem High School was my alma mater, and Bensalem High School has often had issues dealing with racism. But I do see it as a school that has been trying to address it. They brought me in as a speaker a few times, and they have a Cultural Diversity Club. They have a staff person named Lorenzo Henderson that does mediations, and he --- he's usually called in when there's been an issue of racism and he tries to intervene.
Q. The Cultural Diversity Club, have you ever met any

of the students who are involved in that?
A. Uh-huh (yes).
Q. And what's the racial makeup of the students that you've met from that club?
A. Asian, East Asian-Indian and some Latin-X students and some African-American students.
Q. Are there any --- have you met any white students involved with that club?
A. Maybe a couple.
Q. Okay.
I know that these were provided to me today. I'm going to just mark these to figure out what these are here.
ATTORNEY RICHARDSON:
What number would this be?
ATTORNEY PARDO:
This is 5.

(Whereupon, Deposition Exhibit Simmons-5, Photos of Flyers, Posters, was marked for identification.)

ATTORNEY RICHARDSON:
Five.
Okay.

BY ATTORNEY PARDO:
Q. And I don't have a copy of this, but we can share.
ATTORNEY RICHARDSON:
She should have her own copy
THE WITNESS:
I do.
BY ATTORNEY PARDO:
Q. Okay.
So for Number 5, there's a couple of different headings here, Local Flyers, Local Posters. What is this that ---? What are these things?
A. They were put around Bucks County.
Q. Okay.
How did you obtain Photos of these?
A. So we would get a call, we would ask them to take a picture of it.
Q. Okay.
A. And send it to us.
Q. Okay.
A. And then we would look into it.
Q. Okay.
So the top one, it says found in Summit Square Shopping Center, 2018.
A. Uh-huh (yes).
Q. So is this something that this picture on this

paper, is that something the Peace Center put together?
A. Right. So it would come in this baggie, ---
Q. Okay.
A. --- you'd have this in that baggie.
This weighs it down ---.
Q. The message?
A. Right. The message would be in there.
Q. Okay.
A. And it would be put in people's driveways or around a shopping center. This is right near my house.

Q. Okay.
What's Summit Square Shopping Center?
A. It's right on the border between Langhorne and Newtown.
Q. Okay.
And so somebody brought this to the attention of the Peace Center.
Is that right?
A. Correct.
Q. And the Peace Center ---?
A. And there were several of these, not just one.
Q. Okay.
A. There were a lot.
Q. And then the Peace Center said, show us a picture

A. Correct.
Q. And perhaps broader?
Okay.
A. I was in South Africa, and after going --- living there for a little bit, I said to someone --- you know, I was pretty horrified at the racism that was there. And she said, you haven't done too well in your country either. And it's very humbling to think that somehow we're better than another country in dealing with racism. But it is --- it's also hard to think that the country that I live in has people experiencing racism. But that is --- that is what has been my experience. So that's --- that's what I bring to you today.
ATTORNEY PARDO:
Well, thank you. I don't have any further questions.
THE WITNESS:
Okay.
ATTORNEY RICHARDSON:
All right.
I have a few. then I have a few.
THE WITNESS:
Okay.
I've got my tea, Ron. I'm ready.

EXAMINATION

BY ATTORNEY RICHARDSON:
Q. So let's start by going to your Spreadsheet, that's Exhibit Number 3.
Q. Okay.
On the first page, the 2016 reports, let's talk about the first reference in September of 2016 at the Council Rock High School, North. Can you tell us what happened in this particular instance?
A. Yeah. Well, this is a longer story.
Q. That's all right.
A. So the parent got in touch with us because her daughter took a picture of the student draped in this large Confederate flag, and the student addressed it. The student that was offended was black. The student that wore the Confederate flag was white. The student took it upon herself to go to the principal and register her outrage.
The parents then met with the superintendent and a school board member about it, and then that parent contacted me to say, I think we need to meet with other families, other black families that are part of our school district that are facing racism, but they're not speaking up.

So we all met at the Peace Center, and I'm going to say there were at least 20 parents there, and I started --- we started a conversation. I asked them if they would tell me what their experience had been. They were --- like, we probably filled out at least three newsprints of incidences that they had experienced. I contacted the superintendent and I asked if we could have a meeting to talk to him about this, and he was very defensive. He wanted to know all the names of the parents, which I wouldn't give them. I wouldn't give the --- I wouldn't give him that. I said, we just want a meeting. That's all we want to do. We want a meeting.
And so at that time, he said, well, I can't meet until November, whatever --- November 8th, which I Election night, which in and of itself felt racist to me, because if you don't understand voting and the black right to vote, it's just an insult. And we said no. We --- so he gave us a December date. So he certainly wasn't making the time to want to understand what was happening, but what happened then is when the next day, after the Election, all hell broke loose with incidences of racism. And so we held a town hall meeting.
We facilitated it, and there were a lot of --- a

couple hundred people there quite upset. And this is what happens when you're not addressing incidences or not addressing a culture. What started happening that next day after the Election was ---. Well, I've got several of them there. So the townhall meeting was to try to get them to see that, you know, this is a problem.
Q. And prior to 2016, had you ever received any calls or emails relating to alleged instances of racism at Council Rock High School North?
A. Yes.
Q. Are you able to give us any idea of how many?
A. I don't remember.
Q. Okay.
A. But to give you some idea, there were no black teachers except one. There was one teacher of color, and she was the gym teacher. And she shared with --- with our small group that when she left her school, another student in a truck with a confederate flag was on her tail following her and it scared her. And I said, did you report it to the principal? And she said, if you're the only black person here, you don't make waves. You don't say anything.
Q. Why is that?
A. Because you'll either --- she was afraid of losing

her job or retaliation of some sorts, or that would have been retaliation, but ---. So teachers don't like to complain.
Q. Had you ever come across any situations where people of color have come to the Peace Center because they were concerned about physical threats to them?
A. Uh-huh (yes).
ATTORNEY PARDO:
Objection to the form.
ATTORNEY RICHARDSON:
You can answer.
THE WITNESS:
Yes.
BY ATTORNEY RICHARDSON:
Q. How often would that occur?
A. Maybe once a month.
Q. Over what period of time? Period of years?
A. Pretty much the whole time I was there.
Q. The 30-some years you were there?
And it says on this first entry that this situation garnered national media attention. What do you mean by that?
A. Because it was --- it probably made social media, and so it turned into --- it was spread, you know.
Q. Uh-huh (yes).

A. Once it makes the news, like ABC News or something like that, even local Channel 6 News, it becomes national news.
Q. The third entry on the first page, dated November the 9th in the Council Rock School District. What is the note that you have under the incident in that particular situation?
A. This was a little girl who she's biracial. Her father is black, her mother is white. She's a special needs student, and she got on the school bus, and the school bus has when it's special needs students, they have a bus aide. It's another adult. And that day, that bus aide said to her, when you look in the mirror, do you see a monkey or does the mirror break? And we were contacted by the family. It was reported to the administration she was removed from that position, but she was not fired.
Q. And what was the race of the bus aide?
A. White.
Q. And do you believe that this particular incident was one that involved racism?
A. Yes, I do.
Q. The next entry is on November 9. Again, this is at Council Rock High School North, involving a 16-year old student who received a note in her backpack which

states, go back to Mexico.
Tell me about that situation.
A. The young woman, she's not even from Mexico, but she received that in her backpack. We don't know who put it there, but it was another student.
Q. And what race was the student that received the note?
A. She was --- she was Iranian.
Q. And your outcome, or what ---? I think it says in that situation, Peace Center works with SD. Is that school district?
A. School district, right. We ---.
Q. To hold student dialogues?
A. We made arrangements to hold student dialogues about it; about a lot of these things that were happening.
Q. Also on November 9 at the Council Rock High School North, the students report bathroom vandalism with the N-word, I hate you. And names are listed of African-American students.
A. Yes.
Q. Is that ---?
A. Yeah, there were about nine students names who were listed there, and they were --- you know, it's a mostly white school.

Q. Council Rock High School North.
Is that a yes?
A. Yes.
Q. Okay.
And you say students report.
So did you ever get a chance to meet with those students?
A. Yes, we did.
Q. And what kind of feedback did you get from the students when you met with them?
A. Just the hurt, that they were scared. They didn't want to go back to school. They didn't feel safe.
Q. When you say they didn't feel safe, can you tell me what these students told you that made you come to that conclusion?
A. They didn't feel as if they were welcome there.
Q. Did you ever find out whether or not the students who were responsible for the vandalism in this particular instance was ever reprimanded?
A. Yeah, I don't know if they knew who it was that did it. I don't think there's a camera in the bathroom.
Q. From your experience, from dealing with all of the schools that you've dealt with and all of the

investigations you've participated in dealing with allegations of racism in Bucks County, do you have an opinion as to whether or not, if left unaddressed, the racism emboldens others to do the same thing?
ATTORNEY PARDO:
Objection to the form.
ATTORNEY RICHARDSON:
You can answer.
THE WITNESS:
I think I was saying that earlier, that when an intervention doesn't happen in front of other students, and other students don't know that let's say three students were caught, but if nobody --- if other students don't see that something happened to those three students, some kind of disciplinary action, then it kind of opens the door for that culture that I spoke about.
So what I often would say to principles is acknowledge it to the other students that what happened was horrifying. It wasn't right, it wasn't okay, and they're not going tolerate it in their school district.
So sometimes what I would see is that they would send home a letter to the parents, but I didn't see anything that went to the students. And

that's really --- that's like leaving out half the equation.
BY ATTORNEY RICHARDSON:
Q. The next entry on the first page is November the 9th, Council Rock School District. Students report vandalism to posters around school that says Heil Trump, along with Swastikas drawn next to the phrase.
A. Right.
Q. Were you able to investigate this particular ---?
A. Yeah, these were posters that, you know, might have been up. I'm trying to remember what was on the poster upcoming play, or maybe it was an inspire kind of poster, and they wrote Heil Trump on there and Swastikas.
I do remember that happening.
And again, as these were happening, we were saying, we need to hold dialogue. So it's not that each one of these was a separate dialogue, but as these were happening, we were saying we've got to have the students involved in a dialogue about this.
Q. And your incident notes say that students report vandalism to posters around school.
A. Uh-huh (yes).
Q. Is there a particular school that this involved?

A. Well, this happened at North --- Council Rock North. And so when they reported it, they reported it to the principal, and they reported it to The Peace Center.
So the school district did act on it. But what I wanted to see was, instead of parents getting the letter, you know, that it would be involving students as well.
Q. And why were you concerned about the fact that it didn't involve letters to the students?
A. Because leadership matters. Leadership matters to students. Leadership matters to parents, leadership matters to the teachers.
And I just --- it's been my experience with so many schools that they're reluctant to say something because they're afraid they're going to say the wrong thing.
Q. Okay.
The next entry on the first page of November the 9th. And again, this is the day after the election ---
A. Uh-huh (yes).
Q. --- in 2016?
A. Yes.
Q. Council Rock High School North, students of color

report being harassed by Trump supporting students.
A. Yes.
Q. Were you able to investigate this particular situation?
A. Yeah, the students were --- it's like all hell broke loose. And so in the hallways where you don't often have an adult present, that's where a lot of harassment will happen.
And so these kids of color, as I said earlier, you know, when you ---. There was a series of things happening, so the kids did not feel safe anymore.
Q. Did you notice any increase in the communications with The Peace Center about incidences of racism in Bucks County after the 2016 presidential election?
ATTORNEY PARDO:
Objection to the form.
BY ATTORNEY RICHARDSON:
Q. And can you be more specific as to what you noticed?
A. Yes.
So we had been getting an average of maybe something every other week. And it went from like every other week to almost every day. And not just every day, but a couple of incidences every day. And it became hard to actually keep track of everything.

Q. So if The Peace Center got communications to it from individuals who were complaining about maybe being victims of racial discrimination after the 2016 election, would you say that the number --- well strike that?
How many incidences --- strike that.
Let me ask you this.
Does this spreadsheet accurately reflect the true full number of all of the incidences that came into The Peace Center after 2016?
A. No, because there were other organizations that were getting reports. The Human Relations Commission, NAACP, some people took them to their church or synagogue or place of faith for help. So these were just ---. These were just the ones I started to keep track of.
Q. So if you were able to give us or can you give us any idea of the percentage of the totality of --- strike that.
How would you describe the spreadsheet in relation to the totality of calls and communications that came into The Peace Center between 2016 and 2019 of incidents of alleged racial discrimination?
A. I think this is just ---.
ATTORNEY PARDO:

Let me just lodge an objection.
Objection to the form. You can answer.
THE WITNESS:
I think that this is just one aspect of tracking things.
BY ATTORNEY RICHARDSON:
Q. Okay.
A. So they're --- people of color often would only feel comfortable going to the NAACP. People who are immigrants would only feel comfortable going to the Human Relations Commission. Excuse me. So I think that, you know, this is just one picture, part of the picture.
Q. And with respect to your investigation of claims of alleged racial discrimination in Bucks County, during the 30-some years that you've worked at The Peace Center ---? How would you describe the percentage, as depicted on Exhibit Number 3, to the totality of calls that came in that you addressed over those years?
ATTORNEY PARDO:
Objection to the form.
BY ATTORNEY RICHARDSON:
Q. You can answer.
A. This is a hard one, because what was happening,

what people didn't --- what I couldn't capture on this is we would have a town hall meeting. And we had a town hall meeting with parents of Council Rock students, as an example. And we would hear stories from that town hall meeting that never made it onto here.
They just wanted to express their concern. I had parents saying they were moving out of Bucks County as a result of this, moving back to New York, because they didn't feel welcome anymore in Bucks County. So we were hearing far more stories than we were able to --- than would make it to the sheet.
Q. Page two, the very first entry at the top, November the 9th, Bensalem.
A. Uh-huh (yes).
Q. Mother cannot get her daughter to go to school due to fear of her head scarf.
A. Uh-huh (yes):.
Q. She is scared and reveals that she has been intimidated by other students.
A. Yes.
Q. Did you investigate this particular situation?
A. You know, investigation is not a word that I would use with this one. I mean, we --- the mother was wanting us to coach her, so that she could get the

daughter to talk, and so that she could get the daughter to talk about what was intimidating, you know, what was happening to her.
And so it was really more of a coaching thing versus an investigation.
Q. Do you know the race of the family that ---?
A. Well, they were Muslim, so it was more religious-based. I didn't meet with the parent. I didn't ask her what her race was.
Q. Okay.
And it just says Bensalem.
A. Uh-huh (yes).
Q. Do you know what school?
A. Bensalem High School.
Q. High School.
Do you know if the student ever went back to that school?
A. She did.
Q. And do you know if she ever had any other complaints to The Peace Center?
A. No, not that we heard of.
Q. The next entry is in November and Yardley.
Where is Yardley?
A. Right next to Newtown.
Q. In Bucks County?

A. In Bucks County, yeah.
Q. This involved an African-American man from Yardley reporting rocks thrown at his home immediately following the presidential election?
A. Yeah.
Q. And were you able to talk to this individual?
A. Yes.
And he does not know who was throwing the rocks. He did call the police and report it.
Q. Had The Peace Center gotten any other calls or communications about rocks being thrown at their properties after the presidential election?
A. No, not so much that, but like if there was --- you know, we got a call from someone in Newtown that their sign, their political sign, had been set on fire. And they were not a Trump supporter, that the sign was not supporting Trump.
So we were aware that in the area there were --- there was sort of a step up of intimidation.
Q. The next entry says, Council Rock School District parent reports that a father picking up his child from bus stop wearing a Nazi-like armband.
A. Yes.
Q. And were you able to find out exactly what type of a Nazi-like armband it was?

A. Yeah, it was one of those armbands ---. I can't remember if it was like red and black or just black. I don't remember.
I just remember that the parent was, you know, meeting at the bus stop to pick up their child and saw this, and they wanted to report it to me. And I said they needed to report it to the superintendent, because I didn't know who the parent was and figured the superintendent could find out who that parent was, by virtue of the bus stop.
Q. You mean the parent that wore the armband?
A. Yeah.
Q. And was this in front of any particular school?
A. Well, it happened in the Council Rock School District, so it was at the bus stop.
Q. Okay.
A. And the father didn't know this person that had the armband on.
Q. The next one is in November.
Council Rock High School South. Student wears hat with Confederate flag symbol.
A. Yes.
Q. Were you able to get involved with this situation at all?
A. Well, the --- because things were happening

pretty fast and furious ---. And just for the record, Council Rock is like --- where The Peace Center sits, we have the surrounding school districts are Neshaminy, Council Rock, Pennsbury. So they're the ones that tend to know about The Peace Center. They're the ones that tend to call The Peace Center.
And if you were living in say Truman, Bristol Township, Bristol Borough, you tended to call the NAACP.
So because of the Confederate flag incident that happened in September, they were ready to act on it, on the hat.
Q. Okay.
The next entry is in November, Council Rock School District that talks about a gay student called HIV by students, and his books are knocked out of his hands.
A. Yeah.
Q. Did you also talk to the person or anybody in connection with this situation?
A. Talked to the student, gave the student support. You know, it was an explosion of not just racism, but LGBTQ intolerance.
And the school --- Council Rock School District has a history of anti-Semitism. And so, you know,

this was a shift to now see more racism and more LGBTQ intolerance.
Q. And do you know the particular school in the Council Rock School District that this involved?
A. I believe it was North.
Q. The next entry on page two is November, Council Rock.
It says, highly publicized anti-Semitic graffiti and verbal attacks on students.
A. Uh-huh (yes).
Q. Did you also talk to anybody in connection with this?
A. Well, it was so ugly that Senator Steve Santarsiero came and held two town hall meetings about it.
Q. And this verbal attacks on students, which, if any, high schools in Council Rock was involved in this situation?
A. Yeah, it was both high schools.
Q. North and South?
A. Yeah.
Q. The next entry I'm going to skip that. That was already talked about.
The one after that is Doylestown, man of Middle-Eastern descent- harassed while patronizing a

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local restaurant.
A. Yeah.
Q. Told to go back to where he came from.
A. And again, he did not want to report it to the police, which is often the case. So some of the local citizens offered support.
Q. Okay.
Doylestown is in Bucks County?
A. Yeah, it's the Central Bucks School District.
Q. What about Levittown, is that in Bucks County?
A. Yes, Levittown. It would be the Pennsbury School District, as well as ---
Q. The next entry ---
A. --- Truman High School.
Q. The next entry is November, and it says Langhorne.
Is that ---?
A. Yeah, we talked about that one.
Q. We did?
A. Yeah. That was an ugly one.
Q. On page three. It has December of 2016, Bucks County Intermediate Unit. What is the Bucks County Intermediate Unit?
A. All communities --- all counties have their own Intermediate Unit. So all 13 districts would be

supported by the Bucks County IU. All 13 districts invest in the IU.
The IU provides training. It provides workshops, it provides a whole range of services. So we've worked with the IU for a number of years.
And so they brought us in to meet with the principals because there was such a rise in anti-Semitism, racism, homophobia, anti-Muslim. And one of the principals that I was just horrified when she was on her way to the school and drove through a rally, a KKK rally, and she was coming from the Quakertown School District, which is in Bucks County.
Q. Was the rally in the Quakerstown (sic) School District?
A. It was in their district. It wasn't at the school, but it was in their district.
Q. Right.
And when you say the principals from Bucks County schools, public schools, how many Bucks County public schools had principals that attended this particular meeting?
A. I guess there were probably around 50 or so there. So not all of them.
Q. But about 50 of them?
A. Yeah.

Q. And what did you find out? Did you attend this meeting, by the way?
A. I led the meeting.
Q. Okay.
So what did you find out about the extent to which the increase, actually --- the extent to which the reports of all these various types of racism or isms occurred in Bucks County?
A. Well, I mean, these principals were telling me of the increase that they were seeing. And so our work pretty much doubled after the election, and this is one of the reasons why, you know, these principals were saying, we've got a problem.
Q. The next entry is December, again, of 2016. The Bensalem School District.
A fifth grade student reports being called racial slurs by two classmates on the bus on a daily basis.
Did you talk to anybody in connection with this situation?
A. Yeah, we did an intervention there.
Q. Did you meet with the fifth-grade student?
A. Uh-huh (yes).
Q. And what race was that student?
A. So it was white students calling black students racial slurs.

Q. Was it more than one black student that was called racial slurs?
A. Yes.
Q. And do you happen to know what school or schools in the Bensalem School District was involved in this situation?
A. I believe it was Benjamin Rush Elementary School.
Q. Did you ever find out who the two classmates were?
A. Yeah, we met with all the kids.
Q. Including the ones who made the slurs?
A. Yes.
Q. And did you ever find out their identities?
A. Yeah, yeah.
Q. And where would those notes be that identified the two classmates?
A. The thing is, we don't keep notes when we've done an intervention. We'll talk about the ---. Like the only note we'll have is the outcome of that intervention, but we don't keep notes for any of the mediations that we've done or any of the interventions we've done.
Q. Were you concerned in any way that fifth-grade students were making racial slurs to other fifth-grade students?

A. I'm always concerned when that happens.
Q. Why?
A. Because I know the damage that it does.
Q. And what do you mean by that?
A. Kids don't feel emotionally safe. They don't feel socially safe. They don't feel physically safe. And they know, too, that no one's going to listen to them.
So if they were to take it to a principal, they have found that there's not really going to be a consequence for those kids. That is why, when we can hold a restorative-justice process, the kids will often apologize.
And that's what we're looking for. We're looking for the kids to say, I didn't realize it hurt you so much, and I'm sorry.
Q. And did you find that that happened in this instance? A. Yeah.
Q. The kids apologized?
In a situation where there's no restorative justice taking place, has your experience led you to any opinions about whether or not it is more likely, less likely as to whether or not those kids will go on to engage in the same racial discriminatory behavior?

ATTORNEY PARDO:
Objection to the form.
THE WITNESS: If it's if there's not an intervention, it's critical that there's an intervention. And I think the fact that this is why I say Bensalem School District is probably one of the better school districts, as is Quakertown, too.
And you know, none of it is easy. To run a school is not easy. To run a district is really, really challenging.
But you need the support of parents as well. And if parents are willing to say, I want my kids involved in an intervention like this, because I don't want them to grow up thinking it's okay to make racial slurs, you have a chance of then preventing future behavior that's going to be destructive.
BY ATTORNEY RICHARDSON:
Q. Okay.
The next entry on page three is, again, in December at Washington Crossing.
Where's that?
A. Washington's Crossing is a State Park. It's in Bucks County, by the river, by the Delaware River. And you know, we were seeing Swastikas everywhere, unfortunately, after the election. It just seemed to

be the Swastika fairies were everywhere.
Q. And when you say everywhere, what do you mean?
A. I mean, it just seemed like you would find it on a stop sign. You would find it on bathroom walls, you'd find it on posters. You know, it was --- it was a sign of what was to come, and no one felt safe.
Q. And with respect to the entirety of Bucks County, where would you say this on-rush of Swastikas took place?
A. I was seeing it in more of the sort of middle class, upper-class communities.
Q. And which communities are you talking about in terms of school districts in Bucks County?
A. Yeah, the less diversity you have, the more I was seeing the Swastikas.
Q. So can you give us an idea of the school districts where there was ---?
A. Less --- that would Bensalem. It would be Truman, which is the Bristol Township School District and Bristol Borough.
Q. Okay.
And what about Council Rock or Central Bucks? A. Swastika territory.
Q. Pennsbury.
A. Pennsbury has more diversity, so I would say

they're sort of in the middle.
Q. And is there a difference between Pennsbury and Penn Ridge?
A. Yes, big difference. Penn Ridge is up north where it's rural.
Q. Any Swastikas up there?
A. Yes.
Q. On page four, the top one, January, Central Bucks School District, says Barbara Simmons is witness to School Board member handling a perception of anti-Semitism badly. The following evening he intimidates the Jewish Board member physically and verbally.
Can you tell us about that?
A. Yeah.
I was at that School Board meeting, and I was --- I had never been to that School Board before, a School Board meeting there. And they were holding elections of the Board members, who would be president, who would be vice president.
And this man, who was Jewish, who was on the School Board, when it came to him voting, he said, I won't be voting for this person. You know, my answer is no to voting him to be president. And he said, because when I called him about what appeared as

anti-Semitic- insensitivity or it could be perceived as anti-Semitic ---.
He didn't want to accuse the man, but he said, you know, I don't vote for him because he was insensitive to this. I wanted him to know that it would appear to be --- it would look to others as if it was anti-Semitism.
And this man exploded and started shouting at him.
And I was able to get up and speak after it ended. And I said, unfortunately, this is the kind of --- what we just saw tonight, what we just witnessed tonight, is what's going on in many areas across our country. And we have got to be able to be more sensitive to people's religion, race, gender identity.

And then I followed up with him with a person who was yelled at a couple of days later, and he shared with me that he had been physically assaulted by this man. The man shut the door on his hand and he reported it, but there were no consequences.
So he left the Board. He resigned.
Q. The next entry is January 15 in Doylestown. Student reports that she and her mother were verbally harassed at a local food market and told to go back to

Mexico. Both are Latino.
A. Uh-huh (yes).
Q. Did you get a chance to talk to these people?
A. Yes.
Q. And what did you find out?
A. They lived in an apartment complex in walking distance to the ACME, and they had not been harassed before. But once the election happened, that's when we started to see these changes.
People felt more emboldened. Not everyone, but this group of men started harassing them. They didn't feel safe walking to the store, and so they called Marlene Pray, who then called me. And between the two of us, we organized people to accompany them to the store, to the food store.
Q. To escort them to the food store.
And was it on that one occasion that they were escorted or were they escorted ---?
A. We had to keep it up.
Q. And why did you have to keep it up?
A. Because these guys were not going away, and we wanted them to see that it wasn't just, you know, people were here to help just once. We wanted them to see that this was going to continue.
Q. How close is Doylestown to Sesame Place?

A. Thirty-five (35) minutes away.
Q. Are any of these school districts close to Sesame Place?
A. The school districts that surround Sesame Place are Neshaminy, Truman, Pennsbury High School. Those are the three that are closest.
Q. And if you had to Neshaminy, which one?
A. Nechaminy High School, Pennsbury High School, Truman High School are the closest.
Q. Okay.
A. You know, but Council Rock is only maybe 15 minutes away, 10 or 15 minutes away.
Q. So the next entry is January 15 of 2017, Morrisville High School. Altercation between black and white students in cafeteria.
Were you able to get involved with this situation?
A. Yeah, you know, we met with the school district. They always trusted The Peace Center to come in and help with these things, but they had decided they wanted to deal with it.
Q. And what actually happened? Did you ever find out what was the cause of the altercation?
A. Morrisville is an interesting community. It's a small high school, but they also have --- the middle

school is now with the high school. And so you have a community, and it's not a community that has busing.
So you have apartment complexes made up of a lot of African-American students, and the houses tend to be more white student, white families. And so --- but they all come together at the high school and there's oftentimes issues.
That one in particular, you know, was a fisticuffs kind of thing. And you know, we had dealt with many of those at Morrisville High School.
Q. When you say many of those, what do you mean?
A. On a regular basis. Maybe once a month, because there was always tension there.
Q. And how would you describe the tension? Was it race-related?
A. Yes, it was race-related. And I remember going into the gym and on --- and scroll written into the benches was White Power, large. No one ever had done anything about it until we brought it to their attention.
Q. The next entry in January is Maple Point Middle School.
A. Uh-huh (yes).
Q. 7th grade girl reports being made fun of, her language, being told to go back to Mexico.

A. Right.
Q. Were you able to talk to that particular young lady?
A. Yes, and she was not from Mexico. She was from Puerto Rico.
Q. Okay.
A. And we spoke with her mother and gave that young woman some help. But the guidance counselor was --- knew The Peace Center well and they were willing to work with --- work with the kids.
Q. So have you ever had any other calls about Maple Point Middle School?
A. Yes. Uh-huh (yes).
Q. Can you give us an idea whether or not any of those calls related to allegations of race discrimination?
A. They have been, but, you know, nothing that I have --- I don't think I've put them --- written them up. These would have been maybe prior to the 2016. Q. I'm not really limiting my questions to what's in this spreadsheet. It's just your experience of dealing with the high schools in Bucks County. But do you recall other instances involving the Maple Point Middle School?
A. Yes.

Q. Okay. That dealt with racism.
A. Uh-huh (yes).
Q. Is that a yes? I'm sorry.
A. Yes.
Q. The next entry is January of 2017, Central Bucks School District. Teachers report incident of boys forming a gauntlet around an 8th grade Jewish girl yelling Heil Hitler ---
A. Uh-huh (yes).
Q. --- in German at her as she walked through the hallway.
A. Yes.
Q. Did you get a chance to talk to anybody in connection with this situation?
A. Just the young woman. She no longer felt safe in that school, and it was reported to the principal, and, you know, they were --- I don't know how they handled it.
Q. And were you contacted by the teachers in this situation?
A. No, I'm always contacted ---. Usually, 95 percent of the time I'm contacted by the parent.
Q. Okay. And what particular school, if you know, in

Central Brooks School District did this involve?
A. So she was in 8th grade. I don't remember. I wish I could remember, but I don't.
Q. Okay. Next entry is January. Lower, is it Mackfield? How do you pronounce it?
A. Macklesfield (sic).
Q. This is misspelled Macklesfield. Is it spelled the way it is in the Incident Report section? Is that the way that you spell it?
A. That's a good question. I think I got it right.
Q. Well, the notes say Macklesfield Youth Sports field equipment shed.
A. Right.
Q. Had Swastikas painted, along with racial epithets.
A. And it's located in Lower Makefield.
Q. Okay. And where is Lower ---?
A. Lower Makefield would be the Pennsbury School District.
Q. In Bucks County?
A. Yeah.
Q. And do you happen to know the name of the school?
A. Well, it was a sports field, so it was not

associated with the school.
Q. And what were the types of racial epithets involved in this situation?
A. I don't remember exactly what they said. You know, the N word was used, but it was disturbing enough that the Senator and the Congressman came together to start OneBucks. And so I started working with that coalition, which was made up of a lot of Bucks clergy. So synagogues and churches and other organizations became part of that coalition, because it seemed --- everything was escalating and, you know, good people wanted to do something about it.
Q. I believe you testified earlier that all over the country there are areas of racism. Are there any areas of the country that experience less racism than others?
ATTORNEY PARDO:
Objection to the form.
THE WITNESS:
I don't --- I have not seen that.
BY ATTORNEY RICHARDSON:
Q. Okay. So my question where I'm headed is, where would you place Bucks County in relation to the areas of the

country that have experienced racism?
A. I think we're on par with a lot of other --- a lot of other communities. I mean, we are --- we are trying very hard.
I think what makes Bucks County different is that we have these incidences, but we have a large part of the community that wants to address it. So tonight I'll be going to a synagogue where Bucks County clergy is coming together. And there's a lot of fear, you know, in the Jewish community right now. Is that happening everywhere? Pretty much so. But right now we're --- you know, we're in the thick of a lot of intolerance.
Q. Is there any fear among the black community in Bucks County?
ATTORNEY PARDO:
Objection to the form.
THE WITNESS:
I would say from the people that I have spoken with, they feel fear, yes.
BY ATTORNEY RICHARDSON:
Q. The next entry on page four is January of 2017. Central Bucks High School South student is asked to retrieve CPR dummy and finds it covered with Swastikas.

A. Uh-huh (yes).
Q. Were you able to investigate ---
A. Yes.
Q. --- that situation?
A. Yes.
Q. What did you find out?
A. So that student is Jewish, and this dummy was covered with Swastikas and other nasty things.
Q. Like what?
A. Things that were anti-Semitic. He was so upset, so shaken, he took it to his teacher to show him what he was looking at.
And the teacher said, what do you want me to do about it? So the student called his father. His father came, talked to the principal. The thing that they learned is that this CPR dummy, that wasn't something that had just happened. Apparently it was like that for a couple of years, and no one did anything about it.
Q. They continued to use it?
A. Yes.
Now, once it was brought to the attention of the principal by the parent, that's when they did something about it.
Q. The next entry is February 14 of 2017. It says

Doylestown and Northampton. KK flyers distributed.
A. Yes.
Q. What did you find out about this incident?
A. Much like what you saw, they're little baggies. They're usually ---. They either have little stones in them or pieces of corn kernels to hold them down. There's always a message in there, an ugly message.
We have found them all over Bucks County. So these were specifically that's here in certain neighborhoods, but we have found them from Bristol up to Quakertown.
Q. Let's talk about Exhibit Number 5.
I think it's at the bottom of your stack there in front of you.
There you go. So the first one shows a baggie with --- what's in the baggie?
A. Corn kernels, it looks like. But they could be little stones.
Q. Okay.
I believe you testified earlier that they were used to weigh the baggie down.
A. Uh-huh (yes).
Q. Is that a yes? I'm sorry.
A. Yes, that is a yes.
Q. And I believe you testified earlier that the

flyer itself was inside of the baggie?
A. Correct.
Q. And can you read for the record what this particular flyer says?
A. Yes.
It says, Love your own race, Loyal White Knights, KKK, stop homosexuality and race mixing. Join the clan today. And there's a phone number, there's a website, and it ends with a picture of a clan member with a hood on. And it says, God's laws, don't forget.
Q. And what is the website that is referred here?
A. Kkknights.com.
Q. And Knights is spelled?
A. K-N-I-G-H-T-S.
Q. The next flyer, can you say on the record what is written on that particular flyer, at least what's legible?
A. It says Black Crimes Matter, which is --- I don't know what you would call it to counter Black Lives Matter. And then there's a --- it says 10 percent of America ---. It's hard to read.
Q. That's okay. It's illegible. I'm not going to ask you ---.
A. Okay.

But it gives you a barcode or QR code to be able to go to their website.
Q. I see.
A. And these were found in several places.
Q. Where in Bucks County?
A. That I don't remember.
Q. The next page of Exhibit Number 5, can you tell us --- describe for us what this poster says?
A. Yeah, it's an eagle with a hammer and sickle in its talons. And it says, not here, not ever. Patriot Front/bloodandsoil.org.
Q. You ever heard of the patriot front?
A. At the time, I had not.
Q. Over all of the years of your experience in Bucks County, have you ever seen any white nationalist organizations present in the county?
A. Yes.
Q. Can you give us an idea of which ones?
A. The KKK and the White Aryan Nation.
Q. And over what years have you seen those two organizations in Bucks County?
A. Starting probably about 25 years ago.
Q. Up to when?
A. Probably still present. Now, I don't know that for sure, but I know there were several people

arrested from Bucks County that were part of overthrowing --- on January 6, trying to overthrow the government.
Q. What do you know about that?
A. There were buses that went from Bucks County down to Washington D.C.
Q. How many buses?
A. I don't know how many buses.
Q. Okay.
The next page of Exhibit Number 5, can you tell us what this particular flyer --- or there's two ---?
A. Yes.
One says, our children pay the price for our inaction. Stand up, white man.
And the other one is Europa, the last battle.
And that also refers to race relations.
Q. And these particular flyers are in baggies again?
A. Yes.
Q. And what's in the bag with the flyers?
A. These are just stones to hold them down.
Q. I see.
A. And these aren't all the flyers. These are just a few of what we found.
Q. Okay.
Well, how would you describe the extent to which

racist flyers have been found in Bucks County over your tenure in the county?
ATTORNEY PARDO:
Objection to the form.
THE WITNESS: Could you ---? I'm not sure I understand the question.
BY ATTORNEY RICHARDSON:
Q. Over your years of living in Bucks County, how would you describe the magnitude of seeing race-based flyers in that county?
A. So usually we see them around Martin Luther King's birthday.
Q. How often is it? Every year the birthday or just ---?
A. Yeah, pretty much every year.
Q. Okay.
A. Not always. Sometimes it's --- you know, might be around another holiday.
Q. You also have Bensalem as a location where these KKK flyers ---
A. Yes.
Q. --- were distributed?
A. Yes.
Q. So your first entry on page five is dated February. I believe this ---. Let me just make sure,

but I think this is February 2017, I guess.
Council Rock, it says, fourth-grade student singles out all students who are immigrants.
A. Uh-huh (yes).
Q. Did you investigate this particular situation?
A. Yes.
And I was surprised that it happened in fourth grade. That was disturbing to see.
Q. And why do you say it was disturbing?
A. You know, I --- because of my work doing bullying prevention, I know fourth grade is where bullying starts to happen.
Q. And what do you mean by bullying?
A. That fourth-grade kids start to really single out kids that are different from them. Prior to that it's not as obvious, but by fourth grade they really do. The bullying just ratchets us up.
And so, you know, in this particular case, they were singling out the students who they thought were immigrants, and it just made me so sad. It's like this is the modeling that they see now.
Q. From your experience, does the fact that ---?
A. I had never seen that happen before. I had never seen that happen before.
Q. Okay.

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A. In all my years of doing this work, I had never seen so many incidences happening in such a short period of time. And I also found that when I wrote an op ed about it for the newspaper ---. Because I wanted people to realize what we were doing to our kids.
And I was putting these stats in the newspaper, not mentioning any names, not even mentioning any school districts, just what we were seeing, what we were experiencing, the editor of that newspaper argued with me, over at least five phone calls, because he just didn't want to believe it.
And this is what is so frustrating to me, is that there's an inability to accept that this is happening, that this has been happening. That we couldn't ---.
Bucks County is a bucolic community, and it's such a wonderful community, how could racism and anti-Semitism and all this ugliness be happening?
Q. Have you ever come to ---? Have you ever formed the belief that it's not so much an inability to believe, but an actual intentional decision to disbelieve?
ATTORNEY PARDO:
Objection to the form.
THE WITNESS:

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I think that, you know, because I am such a --- I believe in the goodness of all people, that I've really tried to look at this from a place of, if only we could use education. And I still believe that.
You have people that don't believe the Holocaust happened, but education in New Jersey mandates that you learn the Holocaust. And I've watched where in New Jersey, the anti-Semitism doesn't happen like it does in our community, in Pennsylvania.

BY ATTORNEY RICHARDSON:
Q. Let me ask you about Bucks County.
Do you have any knowledge about the curriculums at the high schools in Bucks County?
A. Well, Pennridge right now adopted a curriculum called 1776. And it's a curriculum that came out of -- from a student that went to Hillsdale Christian College. And the curriculum is --- has --- they didn't involve any of the teachers or the curriculum developers from that district in making that decision.

So the School Board, who's not educated in curriculum, made that decision. And this has been the difficulty.

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Prior to this, even our best schools, the curriculum doesn't really take on African-American history. You might learn about slavery, but you don't learn the horror of slavery. You don't learn about all the good things that African Americans have done, the inventions.
One of the parents said to me from the Council Rock School District, you know, whenever February comes around and I say to the teachers, what do you have that you're going to be working with the students for black history? And they say, I don't have much, like if you can make some suggestions.
And that --- so that tells me that their curriculum is weak when it comes to looking at --- this is American history. I don't even want to call it African-American history, but it's American history, but it's told from a white perspective. It's not told with a diverse group of people making --- writing curriculum.
Q. The second entry on page five, March the 2nd, says Doylestown ---.
Before I go there, do you know what the school was? I don't know if you told us, for the first entry at Council Rock?
A. I couldn't remember.

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Q. Okay.
So this next one is March the 2nd, Doylestown. Muslim woman who attended vigil in Doylestown held by OneBucks afraid to walk through town to the event because she felt she would be targeted because of her faith.
A. Yes.
Q. And did you talk to this woman?
A. Yeah, I was there. She called me from her car. She was afraid to walk. So a couple of us went and met her at her car and walked her. She does wear a Hijab.
There were --- there were a group of --- it was held in front of --- it's at a corner where --- a busy corner where Starbucks is. And there were a group of men, you know, wearing Confederate flag shirts and such that were trying to disrupt. None of us really felt safe, but she felt particularly vulnerable.
Q. Okay.
And what was the purpose of the vigil?
A. The vigil was really a rally for the students to be able to feel supported. And in fact, she had two daughters that were going to be speaking at the rally, and they were going to be coming a little bit later with her husband.

So she was by herself, but her daughters were going to be coming. And her daughters got up and spoke, and they spoke about the harassment they had faced in school.
Q. What school?
A. Central Bucks School District.
Q. Which high school?
A. Well, there's four high schools, so I don't know which school they went to. But they talked about, you know, what they had faced and --- starting to get a migraine.
Q. Sorry.
A. And they --- but, you know, they were willing to talk about it. And you know, the whole idea was to let people know this stuff really is happening and that we all need to pull together, to work together to fight it.
Q. Let me ask you some general questions instead of continuing to go through this one by one, because there's quite a few of them on your spreadsheet.
Just for my records, when did you become the executive Director of The Peace Center?
A. In 1991.
Q. '91. And how would you describe The Peace Center's relationship with the high schools or the

schools, period, in Bucks County?
A. A good relationship. They knew that we were there to help. You know, our job really was to make sure that all kids and teachers felt emotionally safe, verbally safe, physically safe, morally safe.
Q. Did The Peace Center ever have to work with the Bucks County AG's Office?
A. I don't know. We've worked with the DA's Office, but not the AG.
Q. Okay.
What type of work would The Peace Center do with the DA's Office?
A. So we would work with Judges, parole officers, and the District Attorney's Office, if a case would come in which ---.
Like we had a case of extreme. This teenager filmed himself making all these racial epithets and remarks about this one person, a girl of color, and sent it to her. And so the DA wanted us to work with --- do a restorative justice with them, if they were willing.
Q. Were they?
A. They were. They were.
Q. Do you know what high school this student attended?

A. Central Bucks.
Q. Which one? Okay.
A. I don't remember.
Q. And is anti-Semitism a form of racism?
A. Well, anti-Semitism is a form of the stereotyping assumptions. It's --- I put it --- as I was saying, I see racism as the bookends and all the isms in between that.
So it's an intolerance that is dangerous.
Q. In all of your work that you have done to address intolerance, discrimination and hatred in Bucks County, have you ever seen anyone representing Sesame Place at any of those efforts?
A. No.
Q. Have you ever seen anyone representing Sesame Place in anything dealing with addressing race discrimination in Bucks County?
ATTORNEY PARDO:
Objection to the form.
THE WITNESS:
No, but I'm not sure if I would know, you know, if a CEO or a manager came to one of our events or rallies or vigils. I don't know. They haven't identified themselves as such.
BY ATTORNEY RICHARDSON:

Q. That would have been my question.
Has anybody ever identified themselves as being from Sesame Place in any of the efforts you've been involved in, in Bucks County?
A. No.
Q. I believe you testified earlier that racism is prejudice plus power.
A. Uh-huh (yes).
Q. So ---?
A. That's why when you say this student is racist, that student really doesn't have any power unless it's a 6th-grade student picking on a 5th-grade student, you know.
Q. So if there was a teenager in charge of the administration of a line to an amusement ride, and that student had the power to determine who gets in the line and who does not, would that be the type of power that would ---?
A. If they have prejudice ---?
ATTORNEY PARDO:
Hold on, let me weigh in. Are you finished with your question, so I can lodge my objection?
ATTORNEY RICHARDSON:
Yes, go ahead.

ATTORNEY PARDO:
Okay.
So objection to the form.
BY ATTORNEY RICHARDSON:
Q. You can answer.
A. Yes. Yeah.
Q. So if Sesame Place is aware that its employees are alleged to have engaged in racist acts and ignores it, is Sesame Place guilty of racism?
ATTORNEY PARDO:
Objection to the form.
THE WITNESS:
If anyone ignores it or tries to defend it, it keeps a culture of racism alive.
BY ATTORNEY RICHARDSON:
Q. And I believe you testified a little bit about this earlier, but if students come away from an experience of racism that is ignored and not addressed by the people in control, do those students come away from that experience with an impression that racist behavior is okay?
A. Yes.
Q. Have you ever come across any situations in which you have learned that students that engage in racist activity or racist behavior did so because they

thought it was okay?
ATTORNEY PARDO:
Objection to the form?
THE WITNESS:
Yes. Or that often they would say, I was just joking, I was just kidding around.
BY ATTORNEY RICHARDSON:
Q. And would you agree? Well, strike that.
Let me ask you this.
We talked about biases and we talked about racism.
Is biases a subcomponent of racism?
A. Yes. So if you are --- if you're biased against wealthy people, Ron, if you have a bias against --- if you have a bias against somebody that drives a Mercedes ---.
Do you drive a Mercedes, by chance? I don't want to do that ---.
Q. I do not.
A. Okay. You can have that bias. It doesn't hurt anybody, unless you start acting on that bias, and you don't let that person park where they normally would be parking. Or if you give them a ticket for no reason, other than you don't like that they're driving a Mercedes, but they've gone two miles over the speed

limit, for example.
So it's when that bias becomes --- you're putting it into action, that's when it can do damage.
Q. I see.
Do you believe that students copy the behavior of their parents?
ATTORNEY PARDO:
Objection to the form.
THE WITNESS:
I do believe that parents are the first and main role models for students, for kids. And so if your parents are using the N word, there's a good chance you're going to use the N word.
BY ATTORNEY RICHARDSON:
Q. And do children copy the behavior of their older siblings?
A. Yes, I do believe they copy the behavior of their older siblings, especially if they --- you know, if it's something that's happening daily, you know, it just becomes a part of life, a way of life.
Q. Has your experience shown you that students copy the behavior of their teachers?
A. Yes.
I had --- I had to be opposite a member of the Ku Klux Klan in a discussion, head of the Ku Klux Klan,

and he told me his mother was a closet racist, meaning she wouldn't say it outside, but she would say it in the house. And so he went on to join the clan and become the head of it.
Q. And do you believe from your experience that students copy the behavior of their community in which they live?
ATTORNEY PARDO:
Objection to the form.
THE WITNESS:
I do. May I take a bathroom break?
ATTORNEY RICHARDSON:
Absolutely.
VIDEOGRAPHER:
We are going off the record. The time is 6:12 p.m.
OFF VIDEO
OFF RECORD

(WHEREUPON, A SHORT BREAK WAS TAKEN.)

ON VIDEO
ON RECORD
VIDEOGRAPHER:
We're back on the record. The time is

BY ATTORNEY RICHARDSON:
Q. Okay.
I just want to ask you a couple of more questions about this prejudice plus power situation.
If there's prejudice with a particular employee who's responsible for choosing who gets into the line to meet and greet costume characters, for instance, would the combination of prejudice plus that power be something that could result in racism?
ATTORNEY PARDO:
Objection to the form.
THE WITNESS:
Yes.
BY ATTORNEY RICHARDSON:
Q. And with respect to parades that occur at Sesame Place, to the extent that a costume character has the wide discretion to choose who they interact with and who they do not ---. So they have the power and they choose to engage only in white patrons of the park with the fact that assuming that person has prejudice along with that power, could that result in an instance of racism?
ATTORNEY PARDO:
Objection to the form.
THE WITNESS:

Yes, it could and --- but my hope would be is that gets interrupted.
BY ATTORNEY RICHARDSON:
Q. By?
A. By management, because otherwise it's almost like a --- I'm trying to think of a good analogy.
You know, we want to be with people we feel safe with. And I almost see it as like an unconscious bias, that something is driving that person to want to interact with people that look like him, and ---. But someone needs to say, hey, hold on, I know that's where your comfort level is, but we have a duty to all these other kids, too.
And so if someone's not paying attention --- and this is most of the country, this goes unchecked. And so it creates a culture of racism.
Q. So if the management at Sesame Place observes their employees engaging in acts that could be interpreted as racist and do nothing about it, how would you describe Sesame Place's conduct?
ATTORNEY PARDO:
Objection to the form.
THE WITNESS:
It can create a place where people of color don't feel safe, don't feel welcome. And you

know, when you go there with your kids, you want to feel welcome. Whether it's a museum, a ball game, an amusement park, you want to feel like you matter, you know.
And so when I --- I raised my kids on Sesame Street, so I had --- I made an assumption that, you know, a place like Sesame Place would welcome that diversity. And I do see diversity going in and out of the park. I see a lot of diversity there, because it's part of my route, you know. So I was surprised to hear that this had happened.
ATTORNEY RICHARDSON:
I have no further questions.
ATTORNEY PARDO:
Okay. I just have a few.

REEXAMINATION

BY ATTORNEY PARDO:
Q. You had discussed an incident at Council Rock High School North with Mr. Richardson back in 2016, right around the election time, when you had sought a meeting with the Administrator.
Do you recall that testimony?
A. Did it happen today?

Q. Yes.
I think you had said ---. I think you had said that you had wanted a meeting, but he said, I can't meet until Election Night.
A. Yes.
Q. What was his name?
A. He no longer is there.
Q. Okay.
A. Dr. Frasier.
Q. F-R-A- ---?
A. S-I-E-R, I believe.
Q. Okay.
And you had --- let's see, Mr. Richardson had asked you some questions about how Bucks County compares with other statistics of other areas of the country, I believe, about racism or something related to that.
Do you remember that discussion?
A. Yes.
Q. What statistics have you studied of other areas of the country that you're basing that testimony on?
A. Yeah. In talking with other groups that work across the country, whether it's Maine or whether it's Florida or whether it's Texas, you know, I do --- even though I'm retired, I do still meet with folks

THE WITNESS:
I will say yes. I will do it if I have a long enough time to read through it.
ATTORNEY RICHARDSON:
Okay. Fair enough. She'll read and sign.
THE WITNESS:
Do you need these back?
ATTORNEY PARDO:
Are we off the record?
ATTORNEY RICHARDSON:
Yeah, we're done.
COURT REPORTER:
Okay.
Really quick, do you both want a copy of the transcript?
ATTORNEY PARDO:
Yes, please.
ATTORNEY RICHARDSON:
Yes, as well as the video.
VIDEOGRAPHER:
Video. Got you.
ATTORNEY PARDO:
Same, video.
VIDEOGRAPHER:

You beat me to it.
ATTORNEY PARDO:
Yes.
ATTORNEY RICHARDSON:
I knew it was coming.
ATTORNEY PARDO:
Okay.
We're off the record, right?
VIDEOGRAPHER:
That concludes today's deposition of Barbara Simmons. We're going off the record. The time is 6:38 p.m.

* * * * * * * *

VIDEOTAPED DEPOSITION CONCLUDED AT 6:33 P.M.

* * * * * * * *

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF PHILADELPHIA)

CERTIFICATE

I, Kathleen Formichelli, a Notary Public in and for the Commonwealth of Pennsylvania, do hereby certify:
That the witness, Barbara J. Simmons, whose testimony appears in the foregoing deposition, was duly sworn by me on October 19, 2023 and that the transcribed deposition of said witness is a true record of the testimony given by said witness;
That the proceeding is herein recorded fully and accurately;
That I am neither attorney nor counsel for, nor related to any of the parties to the action in which these depositions were taken, and further that I am not a relative of any attorney or counsel employed by the parties hereto, or financially interested in this action.
This notarial act involved the use of communication technology.

Dated the 23 day of October, 2023

Kathleen Formichelli,

Court Reporter

EXHIBIT 31

The Peace Center: Tracking Bias Incidents 2016-2019			
DATE	**LOCATION/SCHOOL DISTRICT**	**INCIDENT**	**OUTCOME**
2016 Reports			
Sep	Council Rock High School North	Student draped in Confederate flag. Garnered national media attention.	Parents met with Superintendent. Parent starts Concerned Parents of Council Rock School District.
Sep	Newtown	Member of clergy finds his car vandalized following Sunday sermon	
Nov. 9	Council Rock School District	10 year old student boards her school bus. The bus aide (an adult) asks her: "When you look in the mirror, do you see a monkey or does the mirror break?"	It is reported to the CR administration and aide is removed from her position on that bus
Nov. 9	Council Rock High School North	16 year-old student receives a note in her backpack, which states: Go back to Mexico.	Peace Center works with SD to hold student dialogues.
Nov. 9	Council Rock High School North	Students report bathroom vandalism: "N-word, I hate you; and names are listed of African-American students.	Peace Center works with HS to hold student dialogues.
Nov. 9	Council Rock School District	Students report vandalism to posters around school that say "Heil Trump" along with swastikas drawn next to the phrase.	Peace Center works with SD to hold student dialogues.
Nov. 9	Council Rock High School North	Students of color report being harassed by Trump supporting students.	Peace Center works with SD to hold student dialogues.
Nov. 9	Bucks County Community College	Professor finds a 2-page hate-filled letter taped to his office door.	Was not reported to authorities.
Nov - Dec	Bucks County Community College	Fundamentalist minister & his family stand on campus center and shout homophobic and hateful statements at students passing by.	College President told students to ignore them.

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Nov. 9	Bensalem	Mother cannot get her daughter to go to school due to fear of her head scarf. She is scared and reveals that she has been in intimidated by other students.	Peace Center coached the mother in how to help daughter
Nov.	Yardley	African American man from Yardley reports rocks thrown at his home immediately following Presidential election	Was reported to police
Nov.	Council Rock High School North	African American teacher reports feeling intimidated by a male student tail-gating her in a pickup truck with a confederate flag her when she left school at end of day	The Peace Center coached her through it.
	Council Rock School District	Parent reports that a father picking up his child from bus stop wearing a Nazi – like arm-band.	Reported to Superintendent
Nov	Council Rock High School South	Student wears hat with Confederate flag symbol.	Hat removed after intervention from administration.
Nov	Council Rock School District	Gay student called 'HIV' by students and his books are knocked out of his hands.	
Nov	Council Rock	Highly publicized anti-Semitic graffiti and verbal attacks on students.	Administration held two town hall meetings to address community
Nov	Levittown	African American man intimidated (blocked from passage) by several white males while patronizing a bar.	Was not reported to police
Nov	Doylestown	Man of Middle Eastern decent harassed while patronizing a local restaurant. Told to go back to where he came from.	Found support from local citizens. Did not report to police
Nov.	Langhorne	Pickup truck with extra-large Confederate flag bolted to bed of truck driving past Peace Center on several occasions.	

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Dec	Bucks County Intermediate Unit	TPC met with principals from Bucks County public schools who all reported an increase in anti-Semitism, racism, homophobia, anti-Muslim incidents. One Principal spoke of seeing people in klan robes gathered for a rally (KKK) on her way to Quakertown School District.	Peace Center offered to provide programming/dialogues for students.
Dec	Bensalem School District	5th grade student reports being called racial slurs by two classmates on bus on a daily basis.	Peace Center intervention with those students directly involved as well as the entire 5th grade.
Dec	Washington Crossing	Bench in park defaced with swastikas.	Reported to police

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2017 Reports			
Jan	Central Bucks School District	Barbara Simmons is witness to school board member handle a perception of anti-Semitism badly; the following evening he intimidates the Jewish board member physically and verbally.	It is reported to superintendent & Board president. There were no consequences.
Jan. 15	Doylestown	Student reports that she and her mother were verbally harassed at a local food market and told to go back to Mexico. Both are Latino.	
Jan. 15	Morrisville High School	Altercation between black and white students in cafeteria.	School district dealt with it.
Jan.	Maple Point Middle School	7th grade girl reports being made fun of her language and being told to go back to Mexico.	School Guidance Center intervention.
Jan	Central Bucks School District	Teachers report incident of boys forming a gauntlet around 8th grade Jewish girl yelling "Heil Hitler" in German at her as she walked through the hallway.	Reported to principal.
Jan	Lower Makefield	Macclesfield Youth Sports Field equipment shed has swastikas painted along with racial epithets.	Reported to police. This is the start of One Bucks (coalition)
Jan	Central Bucks High School South	Student is asked to retrieve CPR dummy and finds it covered in swastikas.	Teacher responds with "Well do you want me to do about it?" Parent met with principal.
Feb.14	Doylestown and Northampton	KKK flyers distributed	OneBucks vigil in Doylestown and Town hall at Richboro Middle School.
Feb	Bensalem	KKK flyers distributed	
Feb. 14	Pennridge School District	Bus incident with a white middle school student using 'N-word' towards an African American student. Boys are signing off their texts '3K'.	Principal intervention

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Feb	Council Rock	4th grade student singles out all students who are immigrants.	School intervention
Mar. 2	Doylestown	Muslim woman who attended vigil in Doylestown held by OneBucks afraid to walk through town to event because she felt she would be targeted because of her faith.	Barbara Simmons escorted her to the event.
Mar	Ann's Choice	Three incidents with racial overtones reported by residents.	Peace Center asked to hold a Dialogue with residents.
Mar	Warminster	Cars vandalized with swastikas near Ann's Choice. (sharp object used)	Reported to police
Mar	Newtown Elementary School	Black child of white parents reports being bullied daily and called racial slurs by classmate.	School intervention
Mar	Neshaminy High School	11th grade students reports discrimination and harassment by staff member; believes it is race related.	School refused Peace Center intervention.
Mar	Middletown	Playground slide defaced with a swastika and the slogan 'White Power'	
Apr	Council Rock	Asian boy bullied by classmate. Child afraid to attend Bullying Support Circle.	Peace Center intervention
Apr	Pennridge High School	Peace Center staff member working with 15 year old student who self-identifies as a Nazi.	Kate Whitman is meeting with student weekly
Apr	Centennial School District	A black teacher and a white teacher participate in mediation with Barbara Simmons as a result of an incident precipitated by a student of the white teacher.	Successful mediation with teachers.
May	Bristol Borough	White Nationalist flyers posted in 12 locations.	The Peace Center and One Bucks hold a Town Hall Meeting
May	Bucks County	Report of ethnic intimidation goes to court.	The Peace Center asked to provide programming.

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May	Lancaster	KKK rally	Counter Unity vigil is held.
May	Upper Dublin	KKK flyers found	Community Response
May	Chalfont	KKK flyers found	One Bucks response being planned
May	Council Rock High School North	16 year old boy kicked and called racial slurs on school bus. Incident reported to administration by another student on bus.	Peace Center intervention
May	William Tennent High School	Brawl at school between black, white and Hispanic students following recent suicide of classmate.	Peace Center intervention
26-May	Neshaminy High School	Student who is Chinese is called 'Chink' at Field Day	Reported to administration
May/June	Council Rock	3rd grader threatened with a "weapon" and was told something to the effect of he's going to get hurt because he's a Jew. Other kids saw this, reported it. Mom never got a call from the school.	
July	Council Rock South	A large Confederate flag on a roofing contractor's truck was parked at CR South during basketball camp. A Council member notified administration and contractor. Was told to leave and not return with the flag.	It was requested that the school community be notified of the event at a school board meeting. The request was denied.
July 12	Council Rock North	Student attended another school's prom with African American and was harassed by the 'Savage Pack'. Then went to CRN prom w. white student and continues to be cyberbullied.	Reported to administration; felt she it was handled badly. She is being cyberbullied by a group called 'Savage Pack.'
August	Council Rock North	Racist/Intolerant Instagram accounts using CR North logo were created.	Council alerted administration and requested the Community be made aware of these posts and the school's action plan dealing with the incident and perpetrators. The Council has not received a response.

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	Doylestown	Hate Has No Home sign ripped up in front of family while children were playing in their yard.	
		Democratic Committee member canvassing homes before election told by a homeowner, "I hope Trump sends all you Jews to the oven."	
Sept.	Rolling Hills Council Rock	Lunch person said "Build the Wall."	
Sept.	Council Rock	"Black People Pee Here" on urinal in bathroom	
Sept.	Council Rock	Football team competing with Truman. South lost. Students using N-word and spitting on the other team.	Students allegedly suspended for two days.
Sept.	Council Rock	Daughter harassed for being bi-sexual. Death threats were reported. Daughter faced retaliation for making reports.	
Sept.	Council Rock	Cafeteria Aide talked to 4th grade lunch table and asked how they voted and chanted: "Build the Wall."	
Sept.	Council Rock	Son Snapchatted his mom saying, "Don't act like a N*****." It was posted.	
Sept	Council Rock	A transgender student was harassed and then she was surrounded by a couple of boys and intimidated when she was in an empty classroom.	
Sept	Council Rock	A student tells a Greek student that himself, Donald Trump and the KK are going to kill him.	
Sept	Herbert Hoover Elementary	A second grade student stabs a black second grade student with a pencil, drags it down his arm and says, "You're scary because you're black."	
Sept	Neshaminy/Middletown	The word "N*****" is carved onto the front and back windshield of a car	

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Sept		Black family had feces left repeatedly in their yard. Once video camera installed, the incidences stopped.	
Sept	Holland Middle School	A teacher in a Council Rock Middle School teacher displayed Confederate Flag on her classroom wall with other Civil War paraphernalia.	Council issued letter to administration requesting the flag be removed immediately. The flag was removed. The Council requested confirmation that all school staff were notified that the Confederate flag or any hate symbols are not permitted on school grounds. To date,
Sept.	Council Rock North	High school student wore a Confederate flag shirt to school.	Parent notified administration and student was told to change shirt
Sept.	Council Rock South	Black student enters classroom. White students state, "Oh, he's too black for this school.	No action taken by teacher.
Sept.	Maureen Welch Elementary School	Reported by parent: A 4th grader told another student, "Don't you know Trump is president, the KKK is coming to get you and I will stab you." Victim is Eastern European and has brown skin.	Not sure if consequences were given
Sept.	Council Rock South	Parent reports her son has to erase swastikas from his locker daily. He has been called a "kike" at school. Student has been dealing with anti-Semitism for 2 years	Parent reports school has done nothing to address the problem. Parent fears being too vocal may expose her son to more harassment.
Sept.	Council Rock S.D.	Student gets off the bus (middle school) and a white student yells 'Don't come back 'n'-word.	Father reported it to school.
Sept.	George School	Dog began barking at a Black student and the dog's owner said, "Good Dog."	
	George School	Black students walking back from Chick-fil-A called the N- word by passers-by	
	George School	Black students called the N- word while walking into town to Starbucks	

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	George School	Black students walked into Newtown. An older man kept circling his car around the block staring at them.	
	George School	Someone wore a shirt with racial slur on it	Student confronted the person wearing the shirt
	George School	At an assembly program about racism, a student started belittling the person who ran the program.	
	George School	On a bus ride to an away game, student used the N- word.	
	George School	Because a student of color talks a certain way -- she was called "white" by a white student	
October	Quakertown School District	Cheltenham SD plays game at Stayer Middle School. Some students yell racial slurs at black cheerleaders and throw rocks at their bus.	School held "Unity Day" and addressed the students. The Peace Center met with the principal.
	New Hope Solebury HS	Racist graffiti found in bathroom stall	
November	Delaware Valley University	Hate flyers specifically targeting LGBTQ community placed on car windshields a Lot. No idea who placed them.	
	Middletown	Summit Trace houses received baggies with KKK information in them.	Police were notified.
	Council Rock School District	Student checks out Mein Kompf from library and taunts a Black student, telling him this is what should happen to him	Reported to administration
	Council Rock School District	Teacher tells students that roaches have been brought into the school by the janitorial staff.	
	Council Rock School District	Two African-American female students racially harassed on tech school bus by three white male students.	Reported to administration

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	Central Bucks School District	Student told classmate, "Finally, you will be deported now that Donald Trump is President.	
	Central Bucks School District	Student told the following joke: "What's the difference between a pig and a black family?" The pig can feed a family of four.	
	Central Bucks School District	Kids called boy from Thailand "China Boy."	
	Central Bucks School District	Asian-Indian parent reported that his children were targeted at school shortly after the Presidential election. Kids made bomb noises when daughter would enter classroom.	Daughter started school club called BLEND as a result of feeling bullied and unsafe in school.
	Middletown Township	African-American woman and her two sons who frequently shop at the Giant food store in Summit Square Shopping Center are accused of shop-lifting by another shopper.	Reported to several local African-American advocacy groups.
December	Neshaminy School District	Several Neshaminy students joined other Bucks County students for an opportunity to speak on the House floor in Washington, D.C. to inform the members of Congress about the myriad of racist incidents happening in their public schools. After article detailing the trip was published in the local newspaper, the students from Neshaminy were racially attacked via cyber bullying.	Reported to district superintendent and several local advocacy groups.
December	Quakertown School District	Several reports of racially charged comments toward African-American students reported by elementary school principal: One student told another student to shut his "black mouth"; one students used the "N-word" toward another student; student-to-student comments related to "I don't have to listen to you because you're black!" In addition, there have been a number of general negative comments about and toward students because of their ethnic backgrounds.	Principal sent email to parents detailing reports. Informed Peace Center staff who began presenting CMCY in district elementary schools.
December	Newtown Borough	Incident in Coffee Shop; a man told a woman to go back to where she came from.	A local resident responded.

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2018 Reports			
Jan 7	Doylestown	Kid from Temple Judea reported swastikas drawn in pen at a gas station at 611 and Edison Furlong Road.	Barbara contacted the police.
	Council Rock SD	Student at Newtown Elementary (who is half P.R. and half Russian) was not allowed to eat lunch or any snack as part of a punishment. Instead he spent the day sitting in the office.	The father has pulled the child, along with his sister, out of the school.
	Council Rock (North)	A video made by a CR North student for his senior class project was highly racist and misogynistic. It offended the African American girls in the class.	Handled by the school
	Council Rock (North)	A blind student was harassed by a 5th grader with a teacher in the room. The teacher did not intervene.	
Feb	Council Rock (South)	A video was taken of a student with Autism and was shared on social media. Students were sharing this video and making fun of the taped student.	Student was afraid to report it. Mother shared situation with TPC. As far as we know, this was not reported to school district
Sat. Mar 3	Pickering Manor Nursing Home (Newtown)	A high school student who works as a dietary aide was called the "N" word by a resident.	Student has yet to report it to her supervisor but plans to report it next time she goes into work. In addition, her mother is sending a letter to the supervisor.
Mar	Newtown Middle School	Teacher remarked to class that the woman outside of the building trying to find the door (who was olive-skinned) looked like a terrorist.	Reported by a parent - need to let superintendent know.
April	Ben Salem	An African American teenager was told it was convenience store policy that she had to remove her hoodie while walking around the store.	The girl's mother, who is white, went to the store and questioned the store manager. The mother was not confident that this was an actual policy.
April 30	Quakertown Memorial Park	TPC received a note, via FB, from a woman who had seen a Nazi flyer hanging on a tree in the park	The woman tore down the sign, notified the Quaker Police Department, sent TPC a note and also notified the Southern Poverty Law Center.

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May 15	Doylestown	There were 6 people outside of Central Bucks West holding signs directed at Muslims.	Counter rally planned for Wednesday, May 16th outside of the school at 2:30 that is cosponsored by TPC
June 20	Oxford Valley Road/New Falls Road	Email to Peace Center: 65-year-old African American woman (and Muslim) was "violently tailgated" with car "honking his horn while driving behind me for 5 minutes." She pulled over when she could and got a photo of the license plate.	She went to Bristol Township police station and was told to file report with Middleton Township police department—which she did. She sent email to Peace Center and Barbara has been in touch with her.
	Doylestown	A Doylestown resident has had her Hate Has No Home Here yard sign attacked four times (kicked, torn, bent, set on fire). She has also been screamed at three times walking through town (all homophobic comments).	Barbara recommended that the woman make reports to the police and a Town Hall meeting be planned to discuss what people in Doylestown are facing.
	Doylestown	Students at the Rainbow Room were led through the activity of stereotypes and hassle lines and all of them were in tears talking about what they have faced in the last three days: horrific verbal attacks on them for being gay or trans. They are verbally assaulted in town and in school most days but the last three days of school were the worst.	Should be handled by recording the students' stories and takig the stories to the Superintendent and the School Board for discussion.
	Pennridge School District	A bi racial high school sophomore student was being dropped off at school by his African American father. Other students asked, "Who is the black man?" When the student explained that it was his father, he was harassed and taunted with racist comments.	Student's mother went to the school and complained but because it was the end of the school year there was no true resolution of the issue. Dad wants to pull him out of school.
Sept 27	Jamison	Scott Shubert displayed a nazi flag facing his neighbor's townhome. She/Kathy (who is Jewish) called the police. After the police left, he took down nazi flag and put up a confederate flag. He is known to have guns in the house.	Three organizations (TPC, Rise Up Doylestown, and the Peace & Justice committee from Temple Judea) have all reached out to the Homeowners' Association to see what can be done.
Oct 15	Carl Sandburg Middle School	Anti-semitic and anti-police graffiti spray painted on outside of the building (backwards swastika, KKK and "f—k the police")	Graffiti was removed and reports were made.
Oct. 17	Linconia neighborhood	Swastika painted on the cement ground by some picnic tables	Reported to The Peace Center.
Oct. 22nd	Carl Sandburg Middle School	Graffiti ('f—k' and 'f—k the police) was spray painted on the building over the weekend and discovered Monday.	Graffiti was removed. Peace Center organized a candlelight vigil and Town Hall at Carl Sandburg for Thursday, Oct 18.
Oct 30	Navy Grounds in Warminster	Someone painted graffiti including a Nazi swastika in Shenandoah Woods	Officials are aware and since it's on Navy property township crews don't have the legal right to clean it up. They have been in contact with the Navy. Anyone with information is asked to contact Warminster Township Police.

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Oct 30	Cobalt Ridge – Middletown Township	A swastika was drawn on a pumpkin and it was smashed and left at residence.	Resident reported it to the police. Destroyed pumpkin was picked up on trash collection day.
Nov 1	Montgomery Glenn, North Wales, PA	Swastika's painted on all the windows of a car parked in a driveway and the word, F**** painted on siding.	Police were notified and found a fingerprint, but still need more leads.
Nov. 1	Pennridge School District	Student went to Rainbow Room to discuss a KKK outfit and a "Brown Shirt" outfit (Nazi Party militia) as well as another student who used the N-word with a hard R, and says hateful things about black people.	Student affected came to the Rainbow Room to process/speak about it. Administration was given Peace Center contact info.
Nov 1	Our Lady of Guadalupe Church in Doylestown	Church officials reported that a sign, referring to Christianity was damaged (the wooden stakes supporting the sign were broken and thrown into nearby brush). This is the second instance of recent vandalism. (Officials say an unknown suspect spray painted the word "pedophiles" on the sign of the church overnight on Oct. 7.)	Church officials notified police. It is unknown if these two incidents are related, but the Buckingham Township Police Department believes that they appear similar. There were no arrests made following that first incident.
	Pennridge High School	There have been repeated complaints about the number of Confederate flags, hats, and belt buckles being seen/worn at the school.	Despite the repeated complaints, nothing is being done by the school.
Nov. 6	Temple Judea of Bucks County	A mezuzah stolen from the door post of a family home.	Theft was reported to police. Mezuzah was replaced.
Sat. Dec. 1	Yardley, PA	A couple, walking home from Shabbat services at Congregation Beth El with their Rabbi, reported a car slowing down next to them and a large cup of iced coffee being thrown at them. It hit the husband and the car sped off through the stop sign.	Reported to police
		2019	
March 2019	Doylestown, PA	A man on a street near the Michener Museum/Public Library shouted 'Jew and Commies Out of America.'	The incident was reported to an online Doylestown Group. The group's moderator said this incident was 'controversial.'
March 2019	New Britain, PA	At a shopping center in New Britain, a group of boys on bikes shouted the N word at a bi-racial, 13 year old girl.	Marlene responded immediately and placed "Hate Has No Home" signs in every window and spoke to all the business owners about the hate incident. TPC reached out to the girl's mom.

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May 2019	Newtown, PA	Swastikas were sprayed painted in Tyler Park State Park.	
May 2019	Klinger Middle School	"Nick Ger" was printed on 70 raffle tickets at Klinger Middle School. When raffle ticket was drawn, students laughed. Students of color were present during this incident.	The Peace Center met with the student who wrote the offensive name.
May 2019	Ambler, PA	A woman reported seeing white supremacist stickers posted in the ladies' room at The Peace Valley park in Lake Galena.	Woman took pictures of the stickers and removed them immediately. The woman reported it to The Peace Center
May 2019	Doylestown, PA	An immigrant family In the Doylestown area had been harassed by individuals who are against immigration, Family is scared to venture out of their homes.	The Peace Center along with other organizations sponsored a call to action. Fifty people attended the meeting and a dozen volunteered to accompany the family to the grocery store. Police were notified of the harassers.
August 2019	Doylestown, PA	A girl was harassed at the YMCA in Doylestown. Her family is from Mexico. About 8 girls threatened to hit her and made biased comments about her daily being Mexican.	TPC spoke with the mom and girl, offered support. TPC spoke with the Y administrators about incident and offered training to handle this type of incidents.
Septembe r, 2019	Warminster, PA	"n" word being used by a student at the local high school.	TPC met with student(s) involved in the incident.
Septembe r 2019	Warminster, PA	A group of students referred to immigrant students from Haiti as "ghetto."	TPC run a restorative circle with students
Oct. 29,'19	Central Bucks SD's Holicong Middle School	A swastika was found drawn in the 7th grade boys bathroom	Parents concerned showed up on social media. Jerel Wohl reached out to principal. Follow-up needed.
November 2019	Warwick Township	A Jewish man was the target of anti-Semitic social media postings. He was sent a stream of anti-Semitic texts and videos.	Incident was reported to the police. Perpetrator was arrested and charged with hate crime and ethnic intimidation.
December 2019	Bristol PA	A Latino student in Bristol High School was harassed at school and told to go back to where he came from.	TPC reached out to the mother and coached her.

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January 2020	Lower Makefield PA	A community member reported to TPC a graffiti at Buckingham Way and Penn Valley Terrace. Among scribbles was a swastika.	The Lower Makefield police was informed.
February 2020	Newtown, Pa	First National Bank teller did not follow protocol when dealing with one of our peace educators who is African American.	ITPC contacted the bank CEO to report the incident. He apologized and then followed up with the peace educator to apologize as well.
February 2020	Newtown, PA	Chipotle Restaurant was interviewing potential servers and when the interviewer saw on her phone that she was gay (photo of her and her girlfriend) the interviewed ended and she was not hired.	It is being investigated by the Newtown Human Relations Council.
February 2020		A mother posted that her child (11 yrs. old) was called the n-word. The mother took the incident to the principal, who interviewed the kid who called him that word - and he admitted he did not like black people.	Barbara reached out to the mother in a private message and advised her to call TPC
February 2020	Bensalem	A woman contacted TPC about being harassed by a man in her neighborhood. Woman is Hispanic and is dealing with emotional distress	TPC supported the woman and shared resources in the community.
February 2020	Strayer Middle School	A race related conflict was reported.	TPC offered support through restorative practices.
May 2020	Doylestown, PA	TPC received a report about a school board member in Central Bucks School District who made a Facebook post that called Governor Wolf "Herr Wolfe" in reference to his policies to keep businesses closed during the pandemic.	TPC supported the Jewish community members who were upset by the board member's post. Board member apologized to the Jewish community.
May 2020`	Newtown, PA	TPC received a report of an incident in downtown Newtown. A white man and his wife harassed a family who was hanging flyers about way to seek justice on George Floyd's death.	TPC reached out to the family wo was harassed and offered support. TPC helped organized a vigil to bring community together and support the end of violence and discrimination.

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EXHIBIT 32

LOCAL FLYERS:

Found in Summit Square

Shopping Center -2018

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LOCAL POSTERS:

LOCAL POSTERS:

LOCAL FLYERS:

Thrown on Lawns in Northern and Central Bucks County- 2022

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10 ACTION STEPS if you find suspicious/hateful items like fliers, posters, graffiti, or notes/fliers in baggies with hateful messages:

1. DO NOT TOUCH IT! The police might need it to collect evidence, and you don't want to disturb a potential crime scene.
2. Take pictures. Snap photos and try to find something that you can add to the frame to give it a definite place/proximity. Do NOT use your phone to scan the QR code or access the information on the flier.
3. Call the police! Call the non-emergency number for your local police department, and be sure to get the name of the person with whom you are speaking. Give them the location and send them your photos.
4. Report it to the District Attorney's office. Call (215) 348-6344 or fill out the Contact Form on TPC Website.
5. Contact The Peace Center. Call (215)750-7220 or email community@thepeacecenter.org to let us know what's going on. We keep a log of incidents in Bucks County.
6. Do NOT start a social media campaign. The goal is to catch the perpetrators, not to announce to the world what's happening.
7. Discreetly let your trusted neighbors know what's going on. You may also contact your neighborhood or community homeowners association or apartment complex offices. Look around for or ask about security cameras, and try to gather images or video of the people doing the bad action.
8. Don't give the hatemongers the satisfaction of knowing they created terror in your neighborhood! It's okay to be afraid, but also be smart, strategic, and tactical.
9. Follow up with the police.
10. Affirm the positive actions of your neighbors and your community to stop hatred and violence!

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EXHIBIT 33

Planet Depos®
We Make It Happen™

Transcript of James Legette

Date: December 14, 2022
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.

Planet Depos
Phone: 888-433-3767
Fax: 888-503-3767
Email: transcripts@planetdepos.com
www.planetdepos.com

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A. Yes.
Q. And mainly in health and safety?
A. Uh-huh.
Q. You can't say uh-huh; it has to be yes or no.
A. Yes. Sorry.
Q. Okay. No, that's all right.
So upon graduating from high school, did you get a job?
A. Yes.
Q. What was your first job?
A. My first job was Sesame Place.
Q. That was your first job?
A. Yes.
Q. Okay.
A. And I got that while I was in high school. I actually worked the day of my graduation.
Q. And just so that the record is clear, if you and I can refer to Sesame Place Philadelphia as "Sesame Place" so that we don't have to say the full name over and over and over again --
A. Yes.
Q. -- that would be okay with you?

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A. Yes.
Q. All right.
So I think you said you graduated in 2015?
A. Yes.
Q. All right.
So in 2015, right after graduation or the day of graduation, you started working at Sesame Place?
A. It was like my first day, do you mean?
Q. Yes. When did you first start working there?
A. When I first started it was -- I want to say July of 2012.
Q. Oh, okay.
A. I believe I was a sophomore in high school when I started, or finishing out my sophomore year.
Q. Were you full-time or part-time at that time?
A. Part-time.
Q. All right.
And what was your job?
A. When I first started, I was an

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Entertainer 1, which is a host position, character host, a lot of in-costume experiences.
Q. Okay.
And when you say "Entertainer 1," can you give us an idea of what your job responsibilities were?
A. Performing, in and out of costume, parades, walks, dines, show hosting, character hosting, and that is the majority of it all.
Q. Okay.
How long did you work -- and I'm going to go into your job in a little bit more detail, but let me just get the list of your jobs.
So how long -- how long were you at Sesame Place when you first started working there in July 2012?
A. From when I first started to when I ended?
Q. Well, was there -- did you work continuously at Sesame Place?
A. Yes, yes.
Q. Okay.
So there were no breaks and then you came back or anything like that?

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A. There was one -- one break. I don't recall the year, but it was -- I did leave for, I think, I want to say a week to a week and a half because I was pursuing performing at another theme park, which I unfortunately did not get.
So because I didn't get that, I called up my supervisors from Sesame Place, and they took me back instantly.
Q. All right.
So other than that week or two, am I hearing you correctly that you worked at Sesame Place from July of 2012 up until the point that you ended up leaving?
A. Yes.
Q. Okay.
And when was it that you left Sesame Place?
A. January of 2022.
Q. So where is Sesame Place? Where is it located?
A. It is in Langhorne, PA. 100 Sesame Road, Langhorne, PA 19047.
Q. Is that in Bucks County?
A. Yes, it is.

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I can't believe I have that memorized. Been there for too long.
Q. In your opinion, Mr. LeGette, is Bucks County a racist county?
MR. SIMPSON: Objection to the form. Relevance.
Q. You can answer.
MR. SIMPSON: Let me just explain, sir. I can object for the judge later to rule on, but you can go ahead and answer the question. So I don't want to interrupt your thought process, but that's how this works.
Q. Yeah, either of us can object. But we're objecting not because of anything that you're talking about; we're objecting for reasons for us to preserve the record --
MR. SIMPSON: Right.
Q. -- to do things later. So it has nothing to do with you. I just don't want you to feel that way.
So my question is, In your opinion, is Bucks County a racist county?
MR. SIMPSON: Same objection.
A. Personally, I don't think so. I've

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been here my entire life. There have been instances where some things can be interpreted that way.
Q. What do you mean by that?
A. I mean, growing up as a black male, you could be walking in a store, and you get looks from people, but, again, that's everywhere you go. It doesn't matter where it is. I've gotten that while I was -- me, personally, I've gotten it while I was in Disney before. I've gotten it while I was walking down the street on vacation. So, honestly, in my opinion, that can happen anywhere.
Q. Okay.
A. But up in Bucks County, like I said, I've lived here my entire life, I haven't felt as though it was racist enough for me to leave, which is why I choose to stay.
Q. Okay.
So you would have been at Sesame Place from 2012 to 2022?
A. Uh-huh.
Q. Sorry, you got to say yes or no.
A. Yes.
Q. Okay.

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So that's, like, 10 years?
A. About 10 years, yes.
Q. Okay.
Did you come to understand who owns Sesame Place?
A. I do not know who owns Sesame Place.
Q. Okay.
Is there a building at Sesame Place?
A. There's an HR building, yes.
Q. Okay.
Is it considered an HR building?
A. Yes.
Q. All right.
And is it one building or multiple buildings?
A. Just one building.
Q. Okay.
Have you ever been in that building?
A. Yes.
Q. How many stories is it?
A. I want to say about three. Sorry, I'm thinking. Yes, three, three stories.
Q. Are you able to tell me how many offices are in the HR building at Sesame Place?
A. That, I do not know for office-wise.

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I know they -- they've gotten cubicles the last couple of years for a lot of the higher-up staff that work in the interim, but I'm not sure about how many people have offices or how many offices there are total.
Q. Okay.
What would be the reason why you would be in the HR building?
A. Oh, sometimes we did have rehearsals in HR.
Q. What rehearsals?
A. Rehearsals for a parade or shows.
Q. Okay.
In the HR building?
A. Yes. We've had a few auditions in the HR building. I have set up meetings in HR.
Q. When you say you have set up meetings, can you be more specific as to what type of meetings you're talking about?
A. My last meeting I had was my last day there, I've had that meeting.
Q. What was that meeting for?
A. So I was actually fired --
Q. Okay.
A. -- from Sesame, based off of social

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passed?
A. Uh-huh -- yes.
Q. Okay.
A. I'm so sorry.
Q. No, that's quite all right.
A. It's a habit.
Q. That's quite all right. It's your first time.
All right. So on the fourth time, you passed?
A. Yes.
Q. And then what happened to you as a -- well, first of all, were you then told that you would be hired?
A. I received a phone call for an initial interview.
Q. Okay.
So there was an interview process after the audition process?
A. Yes.
Q. All right.
And who conducted the interview for you?
A. I remember PJ did two of mine and Shavonne did one.

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So I'm sorry, there was actually three -- I made it my third time.
Q. You passed your third audition?
A. My third time, not my fourth.
Q. Okay.
A. Because PJ did two and Shavonne did one. And I only remember that because my third time, I did -- I made it to the interview round, PJ said, I remember you from the first time you auditioned.
Q. Okay.
A. I had a connection with PJ, and so I remember stuff like that.
Q. Okay.
So then you participated in an interview process?
A. Yes.
Q. And was there more than one interview or just was there one?
A. I only remember the one.
Q. Okay.
And who participated in the interview process with you?
A. It was me and PJ, or me and Shavonne.
Q. But it was one-on-one?

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A. One-on-one, yes.
Q. So just so the record is clear, I think I heard you say that there was one interview that you went through, but you said it may have been PJ, but it also may have been Shavonne.
So I want to make sure, were there two interviews that you did or just one?
A. I did -- I did two interviews. The second one -- excuse me, no.
I did -- I made it to all three times. I did three interviews.
Q. Three interviews?
A. I did do three interviews because one was with Shavonne. And I remember that because that's when we had trailers, and I had to go through the trailer.
Q. And can you tell me what takes place during an interview?
A. From what I remember, it's a lot -- it was a lot of scenario questions, like, what would you do if this were to happen? They asked a lot of questions about myself, what I liked to do, a few fun questions.
Q. Did they ask you during your three

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interviews what you would do if you encountered any racism at the park?
MR. SIMPSON: Object to the form.
A. No.
Q. Did they ask you whether or not in your past you've ever experienced any racism during the interview?
MR. SIMPSON: Object to the form.
A. No.
Q. So do you happen to know whether or not every employee who was seeking a job at Sesame Place had to go through this multiple-interview process once they passed the audition?
A. I don't know the answer to that question.
Q. Fair enough.
After you went through the three interview process, what happened next?
A. I received a call that I got a job.
Q. Okay.
A. And what they wanted to hire me as. And if I didn't receive that call, that's how I knew I didn't --
Q. Right.

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all different departments.
Q. Okay.
And, if you can recall, what did the orientation entail? What did they do?
A. It was a lot of dos and don'ts. The back story of Sesame Street and Sesame Place.
Q. Okay.
So both were explained to you?
A. Yes.
Q. Were you given any type of handbook or policies and procedures or anything during the orientation?
A. The first one, I do remember getting, like, a physical handbook that we had to read over.
Q. Okay.
Did you read over that handbook during the orientation or was that something that you would read later?
A. Everything in the handbook was explained during orientation.
Q. Okay.
During the orientation, did anyone ever explain to you how to deal with potential racial situations at the park?

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A. No.
Q. Did you receive any training during the orientation period as to how to deal with racial issues at the park?
MR. SIMPSON: Object to the form.
A. No.
Q. Have you ever heard of the term "ambassador"?
A. Yes.
Q. What is that?
A. They started using the term "ambassador," I want to say in 2021, they decided to rephrase team member to ambassador. So they changed the name of team member to ambassador.
Q. I'm sorry, they changed what to ambassador?
A. So instead of calling -- instead of calling the workers "team members," --
Q. Team members?
A. -- they would call them "ambassadors."
Q. So when we talk about "team members," are we talking about E1s?
A. All -- everyone.

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Q. Everyone?
A. Everyone is an ambassador.
Q. So when you say "everyone," are we talking about people who worked in the HR building as well?
A. That, I'm not sure about. I know that all --
Q. All of the people who worked in the park --
A. Yes.
Q. -- in one capacity or another --
A. Yes, were ambassadors.
Q. -- were ambassadors?
Okay.
Other than the handbook, were you given anything else at the orientation?
A. My uniform.
Q. Okay.
A. Code of conduct, but that was also attached to the handbook.
Q. Gotcha.
So you told us earlier that you were fired from Sesame Place?
A. Yes.
Q. And what was the reason for your

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termination?
A. So my first offense was on my Snapchat. Snapchat only lasts for, like -- each post you put on Snapchat only lasts for about 24 hours. So I would mess around with my friends a lot on Snapchat because we were teenagers, we were young, we just did things to have fun.
Q. Right.
A. There was -- and I put on my private Snapshot stories to people that I trust. I only put certain people in there. You can't trust everyone, I learned that the hard way. There was videos of me -- no, excuse me. I had made videos of someone sleeping before, but I showed her when she woke up. I'm, like, ha, this was so funny.
Shavonne was walking behind me, and I was upset with her at the time. I recorded me, like, walking away from her fast because I thought it was funny. And I was like -- I think I quoted "abort mission" or something like that.
Someone who was on that Snapchat story recorded the Snapchat off of someone's else's phone and sent it to HR.
And we had that meeting, and they

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Q. But you do not remember seeing that?
A. No.
Q. Do you have any personal recollection of any of the employees that worked as costume character performers being -- strike that.
I believe you testified earlier that there was a certain percentage of costume character performers that were people of color, then a certain percentage that were white.
Do you remember talking about that?
A. Yes.
Q. Do you have any recollection of whether or not any of the white employees who were costume character performers personally being racist in their behaviors?
MR. SIMPSON: Object to the form.
A. No.
Q. Okay.
A. I think we all treated each other like how typical performers would, to be honest.
Q. Okay.
A. No catty high school drama, really.
Q. I'm going to get to another category in a second.
So the next one was parades?

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A. Yes.
Q. Was that an activity at the park?
A. Yes.
Q. Did you participate in the parades?
A. Yes.
Q. As a costume character?
A. Yes, in and out of costume.
Q. Okay.
And during your time as supervisor, did you have oversight of any of these park activities?
A. Yes.
Q. Which ones?
A. All of them, really.
Q. All right.
A. Parade, I didn't -- I never ran a parade because I was -- I wasn't in that position. That was only the manager on duty that can run the parade. But everything else I've done as a supervisor.
Q. Okay.
And so during the parades, were there any instances where the costume characters would have an opportunity to interact with the customers?

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A. Yes.
Q. And during your tenure at Sesame Place for that nine and a half to ten years, do you recall any instances observing where the costume characters were in any way ignoring people of color?
MR. SIMPSON: Object to the form.
A. No. I think that all of our interactions are so brief and quick that it would be hard to judge that.
Q. Did you ever observe any people of color complaining during the parade that they were being ignored by costume characters?
A. I've never observed that in person. I've heard about that; I've never observed it in person.
Q. What have you heard?
A. Just exactly what you said, that, like, a family of color were saying that no one interacted with them the entire parade, but they interact with other people.
Q. Do you recall how many occasions you remember hearing that?
A. Only a couple.
Q. Okay.

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A. But, again, like, it's hard because the interactions are so quick.
Q. Any other activities that I'm missing that occurred at the park, other than shows, dining with Elmo, meet and greets, parades?
A. No.
Q. Okay.
Did you receive any training to be able to participate in the shows?
A. Yes.
Q. What type of training?
A. Just mainly choreography training, and everyone who was -- all of us, it doesn't matter if you're in shows or not, if you're in the entertainment department has to go through entertainment training, which is us learning about the characters and how they act, how old they are, how they move, what gestures they would make, how they would stand, how they would react to certain situations.
Q. Did you receive -- and I'm specifically focusing on the theater shows at this point, did you receive any training on how to deal with any racial issues, should they arise during the shows at the theaters?

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MR. SIMPSON: Object to the form.
A. No.
Q. Okay.
The dance party, to your knowledge, did any of the employees involved in the dance parties ever receive any training on how to deal with racial issues should they occur during the dance parties?
MR. SIMPSON: Object to the form.
A. No.
Q. Then there was the shows on the main boulevard. During your tenure at Sesame Place, do you recall the employees who participated in the shows that were conducted on the main boulevard ever receive any training as to how to deal with racial issues should they occur?
MR. SIMPSON: Object to the form.
A. No.
Q. All right.
VIDEOGRAPHER: Can we take a break?
MR. RICHARDSON: Yes.
VIDEOGRAPHER: Okay.
We're now going off the record. The time now is 12:04 p.m.
(Recess.)

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VIDEOGRAPHER: We're now back on record. The time is 12:15 p.m.
BY MR. RICHARDSON:
Q. Mr. LeGette, we're back on the record, okay? You all right to start, pick back up?
A. Yes.
Q. So I'm now going to ask you about the dining with Elmo and friends.
To your personal knowledge during your tenure at Sesame Place, did you ever receive any type of training as to how to deal with racial issues should they occur during the dining with Elmo and friends?
A. No.
MR. SIMPSON: Object to the form.
Q. Okay.
The Meet and Greets, and you've testified that you participated in those as an employee?
A. Yes.
Q. Okay. Did you ever receive any training during your entire tenure at Sesame Place that would train you as to how to deal with racial issues should they occur during the

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Meet and Greets?
MR. SIMPSON: Object to form.
A. No.
Q. And would that include the Meet and Greets on the boulevard?
A. Yes.
Q. And would that also include the designated areas?
A. Yes.
Q. Okay.
And you've testified that you participated in the parades?
A. Yes.
Q. During your entire tenure at Sesame Place, did you ever receive any training that would prepare you as to how to deal with racial issues should they occur during the parades?
A. No.
MR. SIMPSON: Object to the form.
You need to let me make the objection because she may not get the answer.
THE WITNESS: Sorry.
MR. SIMPSON: That's okay.
Q. Do you remember -- I'm trying to remember which one you gave me some names for.

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Hold on a second.
Do you remember the names of any of your co-workers who participated in the theater shows with you, if you recall?
A. There's a lot of them.
Q. Do you remember their names, though?
A. Yeah, some of them I'm still friends with today.
Q. And what are those names?
A. Katelyn Dunkel.
Q. Okay.
A. Cerena Chest. Hope Leib, I mentioned her name earlier. I've been in shows with Tyra, I mentioned her name earlier today. Sabrina Fanelli, she still works there. Aden, I can't think of Aden's last name. Kevin Blocker. Hyneice Law.
Q. Okay.
A. That's almost all of them, really. Because we also -- I only mentioned the stage shows, but I can almost say everyone in the department because we also all dance together in the parade.
Q. And I don't know if I asked you this question, but how many people worked in the

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name either. There was Tyra and Michelle. And there was Tom Monaco and Ache.
Q. Tom Monaco?
A. Yes.
Q. And what's the other name?
A. Ache.
Q. Can you spell that for me?
A. A-C-H-E.
Q. Okay.
A. There was a time between myself and another ambassador, but we were also dating at the time, so I don't know, so that's --
Q. That's another story?
A. -- yeah, I was going to say, that's kind of irrelevant.
Q. All right.
Do you have any recollection of a employee who was a person of color complaining about the critique that he or she received from a white supervisor?
A. None that I can recall.
Q. Okay.
Was there a procedure that an employee could follow if they objected to a critique?

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A. I've never seen anyone fight a critique before, so I'm not sure because they're pretty subjective, so I've never seen anyone.
Q. When you were terminated -- well, strike that.
During the first issue that you were brought into HR about, did you have an opportunity to object to that interview?
A. I could. If I wanted to, I could.
Q. Okay.
A. But I knew I did it, so I was -- I just kept going.
Q. Fair enough.
But there was a policy in place for you as an employee to object to a -- what would you call it, an interview or some type of a meeting in HR for behavior?
A. None that I knew of.
Q. Okay.
Did you have an opportunity to object to your termination?
A. They didn't give me an opportunity to. They kind of just said, we're terminating you, and this is why.
Because now, thinking back on it, I

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could have fought it because you're firing me for something I said, rather than firing people for something they could have done because you all could have drug-tested them, but you fired me instead because I was the easier option.
Q. Were there any employees who were not fired for behavior that you were fired for, that were white?
A. I could say underage drinking, so, yeah.
Q. And do you have -- do you believe that your termination was due, at least in part, to the color of your skin?
A. Partially. I'm partially still a little bit upset about it, so I want to say yes.
Q. Okay.
A. Because it was too many people of color fired within a time span, and I already felt as though they wanted me out.
Q. For what reason?
A. Earlier, if you remember, in the beginning, I said, one of the reasons why, like, I have left was because people change. And, like, people were starting to act different towards me, and I just was not feeling that

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vibe, like how I did when I first met them.
Q. Okay.
Would a costume performer engaging in one of these park activities ever be critiqued for spending too much time with a particular family or customer group?
A. Can you rephrase that question?
Q. Sure.
If a costume character during one of these activities we've been talking about spent too much time interacting with a particular group, would they be critiqued for that?
A. They can be. I've seen it. Like some supervisors have said, like, hey, it's okay if you interact with that family, but make sure you're, like, spreading love.
Q. Okay.
A. I've seen that. But me, personally, unless it's, like, their family, I've never seen it. Because I know there has been times when, like, my family has come, and, like, I see them and they're sitting in the front row, I have an opportunity to go down the stage and make sure I say hi to everyone, I'm going to.
Q. Okay.

sheet, let one of us know. I'll be happy to give you my card. Let one of us know. Madam Court Reporter should give you the card rather than us, and you can give that sheet to her so that she can make the changes, if there are any.

Okay?

THE WITNESS: Sure. Thank you.

MR. RICHARDSON: All right.

So he has the right, he's going to read and sign. Okay.

VIDEOGRAPHER: This marks the end of the deposition of James LeGette. We are going off record at 1:08 p.m.

COURT REPORTER: Okay. So I just have to put the orders for the transcripts on the record, on the Stenograph audio.

MR. RICHARDSON: Okay. I just want a condensed with glossary.

MR. SIMPSON: I think we're going to want both the transcript and the videotape.

MR. RICHARDSON: I take that back. I probably want the video, too.

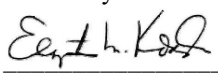
(Deposition adjourned at 1:10 p.m.)

C E R T I F I C A T E

I, ELIZABETH M. KONDOR, a Certified Court Reporter, License ##30XI00117200, and Notary Public of the Commonwealth of Pennsylvania, do hereby certify that prior to the commencement of the examination, JAMES C. LeGETTE was duly sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



_____
Notary Public/Commonwealth of Pennsylvania
My Commission expires July 28, 2026.
Dated: Monday, December 26, 2022

WITNESS'S CERTIFICATION

_____
JAMES C. LeGETTE

On _____, 2022, the foregoing deposition was submitted to JAMES C. LeGETTE, the witness, taken on Wednesday, December 14, 2022, for his examination.

At which time the deposition was read by the witness and any proposed changes desired were subsequently entered upon the attached errata sheet.

Thereafter, the deposition was duly witnessed and signed by:

_____
Notary Public in and for the
County of _____
State of _____

_____
My Commission Expires

E R R A T A S H E E T

WITNESS'S NAME _____
DATE OF DEPOSITION _____
CASE NAME _____

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EXHIBIT 34

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUINTON BURNS, et al.,
Plaintiffs,

CIVIL ACTION

vs. NO. 22-cv-02941

SEAWORLD PARKS & ENTERTAINMENT, INC.; and SEAWORLD PARKS & ENTERTAINMENT LLC,
Defendants.
_____/

Video Deposition of QUINTON BURNS
Baltimore, Maryland
Tuesday, February 28, 2023
10:12 a.m.

Job No.: 930888
Pages: 1 - 182
Reported by: Toni R. Thompson, RMR

- - -

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PROCEEDINGS

THE VIDEOGRAPHER: We are on the record. The time now is 10:12. This marks the beginning of Disc No. 1 for the videotape deposition testimony of Quinton Burns, in the matter of Quinton Burns, et al., versus SeaWorld Parks & Entertainment, Inc., et al. This case is pending in the United States District Court for the Eastern District of PA, Civil Action No. 22-cv-20941.

Today's date is February 28th, 2023. This deposition is being conducted at 100 International Drive, Baltimore, Maryland.

Will all attorneys present please identify themselves and who they represent.

MS. PARDO: Michelle Pardo on behalf of Defendant SeaWorld Parks & Entertainment, Inc., and SeaWorld Parks & Entertainment, LLC.

MR. HARRIS: Mart Harris on behalf of the Plaintiff Class.

THE VIDEOGRAPHER: My name is Michael Gay and I'm with Magna Legal Services. Our court

reporter today is Terry Thompson, also with Magna Legal Services, and will now swear in our witness.

QUINTON BURNS,

having been duly sworn, testified as follows:

EXAMINATION BY COUNSEL FOR DEFENDANTS

THE VIDEOGRAPHER: You may proceed.

BY MS. PARDO:

Q Good morning, Mr. Burns.

A Good morning.

Q How are you doing?

A I'm okay.

Q Can you state your full name for the record?

A Quinton Burns.

Q Okay. And where do you live?

A 3312 St. Ambrose Avenue.

THE COURT REPORTER: Can we go off for a sec?

MS. PARDO: Sure.

THE VIDEOGRAPHER: The time now is 10:13, we are going off the record.

(Recess 10:13-10:14 a.m.)

THE VIDEOGRAPHER: The time now is 10:14, we are back on the record.

BY MS. PARDO:

Q Okay. You gave us your street address, is that in Baltimore?

A Baltimore, Maryland, yes.

Q And have you ever been deposed before?

A No.

Q Okay. I'll just go through a couple of the logistics. I'm going to be asking you questions on the record, you're going to be providing answers. As you have seen the court reporter is going to be taking everything down, so we're going to try hard not to talk over each other. It happens sometimes, but just be sort of aware of that.

A Okay.

Q Give verbal answers. It's hard for her to record headshakes or hand gestures, or things like that.

The attorneys may object from time to time. If you hear an attorney start to say

"Objection" after a question, just pause for a moment. Most of the time you'll be able to give your answer, but just let the court reporter get everybody's statement on the record.

We can take breaks as necessary. If you need a break at any time, just let me know.

A Okay.

Q Normally it's better if I have a pending question you finish your question and then we can break.

A Okay.

Q You're under oath as the court reporter has sworn you in. It's the same oath that would be delivered if you were sitting in a court of law with a judge.

Is there any reason today why you wouldn't be able to answer questions truthfully?

A No reason.

Q Okay. Are you on any kind of medication that affects your ability to understand or answer questions?

A No.

A No, she lives in Texas.
Q Texas.
Other than you and Kennedi, does anyone else live in your home?
A My sister.
Q And what's her name?
A Allison Johnson.
Q Allison Johnson?
A Yes.
Q Anyone else?
A No, that's it.
Q Mr. Burns, have you ever had to sue anyone before?
MR. HARRIS: Object to form. You can answer.
THE WITNESS: Oh, sorry. When I was in a car accident, that's about it.
BY MS. PARDO:
Q Okay. Do you remember what year that was?
A It could have been like six, seven years, six or seven years ago, something like that.
Q Six or seven years ago?

A Seven years could be about.
Q Okay. Do you remember, was that in a Baltimore City court?
A Baltimore City.
Q Okay.
A I didn't have to go to court.
Q Okay. And how was that case resolved?
A Settlement.
Q Settlement.
Okay. Any other cases that you can recall?
A No.
Q Now, have you been a defendant in a case before?
A Yes.
Q Okay. Can you tell me about that one?
A Car accident.
Q Car accident?
A Car accident, yeah.
Q Okay. Do you remember what year that was?
A That could be like -- I must have waited four years.

Q Okay. Do you remember what court that was?
A I didn't have to go to court, it was a settlement.
Q Didn't have to go to court, okay.
So either of those two matters that you just mentioned, did you have to testify in court?
A No.
Q Okay. Is there any other case that, court case that you had where you've been a defendant?
A That's it.
Q And do you know why you're here today?
A Yes.
Q What's your understanding of today?
A My understanding is Sesame Place is being sued by me and my daughter for discrimination.
Q Okay. And what is your understanding of your role in the lawsuit?
A As a father. My role as a father is to protect my daughter and get an understanding of why they didn't slap my daughter five at Sesame Place.
Q Okay. Do you understand that you're a

Plaintiff suing SeaWorld?
A Yes.
Q Okay. Can you tell me how you located your lawyers for this case?
A I noticed them on TV.
Q Okay. Do you remember which lawyer you saw on TV?
A All of them because of the lawsuits they had going on in Baltimore City --
Q I see.
A -- with Freddie Gray.
Q Okay. Okay. And so do you remember approximately when you first contacted your lawyers?
A Three weeks, three weeks after Father's Day. Three or four weeks after Father's Day.
Q And Father's Day, was that the day --
A The day that --
Q -- that you went to the park?
A Yeah.
Q Okay. And that was -- what were the dates?
A The 18th and the 19th.

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Q And that was June of 2022?
A Yes.
Q Do you remember who you first spoke to at the firm?
A Malcolm.
Q Malcolm Ruff?
A Yeah.
Q Do you remember if you had a letter or a written document that was your representation or engagement letter from the firm?
Let me back up. Was there any kind of written document that said you were becoming a client of the firm
A Yes, I got a, I signed a contract with them.
Q Okay. And do you remember when you signed that?
A I don't know the exact date.
Q Was it somewhere within the three weeks after your visit?
A It was, it was in July, though.
Q In July, okay.

And is it your understanding that Kennedi is also a Plaintiff in this case?
A Yes.
Q Were you -- the date, the 16th -- excuse me.
June 18th and 19th, the date of your Sesame Place visit, was Kennedi the only person that came with you that day?
A Yes.
MR. HARRIS: Object to form. You can answer.
THE WITNESS: Yes. I'm sorry, yes.
MS. PARDO: No, no, you don't have to be sorry.
BY MS. PARDO:
Q The Complaint also lists you as a next friend of Kennedi. Do you know what a next friend is?
A A father, or somebody that's related to her.
Q Okay. All right.
MS. PARDO: We going to mark this for the

record 2.
(Q. Burns Deposition Exhibit 2 was marked for identification and attached to the transcript.)
BY MS. PARDO:
Q All right. Mr. Burns, I've handed you what's been marked as Exhibit 2. Can you take a look at that document --
A Sure.
Q -- and tell me if you recognize it.
A Yeah, it's saying that I'm being videotaped, yeah.
Q Have you seen that document before, before today?
A No.
Q Okay. Is it your understanding that Kennedi is also going to have a deposition today?
A Yes.
MS. PARDO: This will be No. 3.
(Q. Burns Deposition Exhibit 3 was marked for identification and attached to the transcript.)

MS. PARDO: Mart, I don't have a copy of the Complaint for you.
MR. HARRIS: Okay.
BY MS. PARDO:
Q Mr. Burns, I've handed you what I've marked as Exhibit 3.
A Okay.
Q Take a moment to look at that document and let me know if you've seen this before.
MR. HARRIS: One second. I just want to see what document number we're looking at.
THE WITNESS: This is something my lawyer -- this is my document from -- it looks like what my lawyer had wrote up.
BY MS. PARDO:
Q Okay. Do you know what, what this document is?
A Yeah, that's the Complaint for me.
Q Okay. Have you ever had the chance to read this, like the whole thing?
A Yes.
Q Okay. When was the first time you saw

A That it's moving forward because I'm sitting in a deposition.
Q Okay. And I know you told me that you hadn't been deposed before, but is there any time where you've, in any setting where you've given testimony under oath prior to today?
A I was a -- I don't know if that counts, but I was a witness before.
Q Okay. What case was that?
A That was a criminal case.
Q Okay. So you had to testify in that trial?
A Yes.
Q But it wasn't your trial?
A No.
Q Okay. Was that also in Baltimore?
A Yeah.
Q Baltimore City?
A Yes.
Q Okay. You mentioned that you had visited Sesame Place on June 18th and June 19th?
A Yes.

Q Now, is that because you had a bought a two-day pass?
A Yes.
Q Okay. Did you actually go to the park on both days?
A Yes.
Q And you purchased the two-day tickets the day before, on the 17th?
A Yes.
Q Have you ever had a season pass to Sesame Place?
A No.
Q All right. Has Kennedi ever had one?
A No.
Q And where did you purchase the tickets?
A Online.
Q Do you remember what website you went to?
A I just looked up Sesame Place and everything just comes up on my laptop.
Q Okay. Do you think you actually went to the Sesame Place website?
A Yeah, I did, it was.

Q Okay. So it wasn't like a third-party --
A No.
Q -- ticket seller?
A No.
Q Do you read anything on the Sesame Place website before you bought the tickets --
A Yes.
Q -- any of their content or anything like that?
A No, I just read, I read -- I mostly was reading about the hotel discounts and all the stuff like that., so.
Q Did you stay in a hotel overnight?
A We stayed there for two days, yes.
Q Okay. And you purchased the tickets yourself?
A Yes.
Q Do you remember the form of payment that you used?
A I used one of my debit cards.
Q Okay. Just a second.
(Q. Burns Deposition Exhibit 3 was marked

for identification and attached to the transcript.)
BY MS. PARDO:
Q Mr. Burns, I'm handing you what's been marked as Exhibit 4. Take a minute to look at that. For the record, I just want to note that this has a Bates label on it of Burns 0007 through 0008.
Mr. Burns, when you're ready let me know if you recognize this document.
A Yes.
Q Okay. What is this?
A That's the tickets that I purchased with my debit card 6656.
Q Okay. So is this the, like the receipt that you received when you bought the tickets?
A Yes.
Q And you gave this to us in this case; right?
A Excuse me.
Q You produced this, you gave this to us --
A Yes.
Q -- in this case?

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A Right.
Q All right. So the total amount of the tickets here with the fees is $159.97; is that right?
A Yes.
Q And this St. Ambrose Avenue, that's your address that you mentioned earlier?
A Yes.
Q You said that the card ending in 6656 is a debit card?
A Um-hum.
Q Okay.
MR. HARRIS: You have to say yes or no.
THE WITNESS: Yes, I'm sorry.
MR. HARRIS: No worries.
THE WITNESS: Yes, yes.
BY MS. PARDO:
Q And what is the name of the bank from which the funds were used to pay this bill, do you remember?
A No, I don't remember.
Q Okay. Now when you purchased the tickets,

did you read any terms associated with the tickets that you bought?
MR. HARRIS: Object to form. You can answer.
THE WITNESS: Repeat the question.
BY MS. PARDO:
Q When you purchased the tickets, did you read any of like the terms or conditions that --
A No.
Q -- came along with the ticket?
A No.
Q Okay. All right.
MS. PARDO: Mark this as 5.
(Q. Burns Deposition Exhibit 5 was marked for identification and attached to the transcript.)
BY MS. PARDO:
Q Okay. Mr. Burns, I'm handing you what's been marked as Exhibit 5. Take a moment to look at that, and for the record this has a Bates label of Burns 0009, and tell me if you recognize this.
A Yes.

Q Okay. What is this?
A This is a receipt, I believe, or a copy of something.
Q Okay. Is this the -- now it's probably larger than how you saw it, but is this your ticket to go to the park?
A Yes, it is.
Q Okay. Was this something that you were able like to pull up on your phone, or --
A Yeah, I pull it up on my phone and they scan it.
Q Got it. Okay.
(Q. Burns Deposition Exhibit 6 was marked for identification and attached to the transcript.)
BY MS. PARDO:
Q Okay. Mr. Burns, I'm handing you what's been marked as Exhibit 6. Take a moment to look over that and tell me when you're ready.
A Okay.
Q Okay. Do you know what these are?
A These are questions that I answered.

Q Okay. Have you seen this document before?
A Yes.
Q Okay. If you'd turn all the way to the last page.
A What's the last page on there, the signature?
Q Yeah.
A Okay.
Q Is that your signature, your electronic signature there?
A Yes.
Q Okay. And that is under the paragraph that says: I solemnly affirm under the penalties of perjury that the information contained in these Answers to Interrogatories are true and correct to the best of my knowledge, information, and belief. Did I read that right?
A That's correct.
Q Okay. So you understand that these are the -- these answers were made under the penalty of perjury, much like the oath you took today?
A Yes.

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A No.
Q What about videos, do you remember if you took any videos during the May 2021 visit?
A Yes, I did.
Q Okay. And would you be able to search your phone and see if you still have those for us?
A In 2021?
Q Yeah.
A Yeah.
Q Okay. Thank you.
And what made you decide to return to the park in June of 2022?
A Because it seemed like in 2021, I mean it seemed like it was a good place to go at the time.
Q Okay. Did you -- you said that you went just with Kennedi?
A Yes, I -- yes.
Q Did you want to finish your answer?
A No, go ahead, that's fine.
Q Okay. And then did you meet up with anyone in the park, friends or relatives, when you were there?

A No, I didn't know anyone.
Q It was just the two of you?
A (Nods head up and down.)
Q Okay. Why did you decide to buy the two-day ticket this time?
A The weekend.
Q Okay.
A I wanted the weekend pass because I wanted to spend Father's Day weekend with my daughter, so I just bought the two days and then come back.
Q And when you went to the Sesame Place website to purchase your tickets, did you print out anything on the website?
A No, I don't print that stuff out.
Q Okay. Now, do you recall when you bought the tickets, did you have to provide any kind of an electronic signature when you bought the tickets?
A No, I don't think I had to sign anything. I don't recall.
Q Now, are you aware, Mr. Burns, that one of the claims in your lawsuit is based on a contract that you have, had with SeaWorld?

A Yes.
Q Okay. And did you have a contract with SeaWorld for this June 2022 visit that we're talking about today?
MR. HARRIS: Object to form. You can answer.
THE WITNESS: Yes.
BY MS. PARDO:
Q Tell me what the terms of that contract were.
A The terms of the contract --
MR. HARRIS: Object to form. You can answer.
THE WITNESS: The terms of the contract states that when you purchase the tickets, you know, once you purchase the tickets everything in the park, you know, it counts, you know, meet and greet, rides, enjoyment. You know, that's what the ticket is supposed to be meant for.
BY MS. PARDO:
Q Okay. And how did you find out about the

offerings, or these terms or conditions that you're talking about?
MR. HARRIS: Object to form. You can answer.
THE WITNESS: What do you mean, like --
BY MS. PARDO:
Q So you just listed a couple of things for me, like meet and greets and rides and --
A So how did I see what --
Q Yeah, how did you form that understanding?
A On the website.
Q Okay. And you're saying you read about these things on the website?
A Like meet and greet, the rides, you know, they have everything that you can do in the park on the website.
Q Okay. And did --
A It's like a promotion, you know, you promote things, and then, you know, when you promote things it's got to be carried out, and that's my reason of a contract, you know.
Q And so did Sesame Place make any promises

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about what you would be able to do with your visit?
A Well, as again, if you promote something on your website, you know, the expectation is that's what you're going to get once you purchase the tickets and go inside. So it's -- they're promising, they're promising on the advertisement this is what's going to happen.
Q Now, do you believe that there were promises that were not kept by Sesame Place in connection with your visit in June?
A Yes.
Q Okay. Tell me what those promises were not delivered to you.
A That everybody get treated the same.
Q Can you be more specific?
A Well, I didn't know that racism -- I didn't know that everybody gets to pick who they want to shake their hands with.
Q Okay. And when you say -- what do you mean by everybody gets to pick, who are you speaking of?
A I'm talking about the characters.

Q Okay.
A You know, they don't get to pick who they want to shake or greet, you know, and they're supposed to treat everybody the same way.
Q Now, when you were reading Sesame Place's website, did you read something that said everybody in the park would get a personal interaction with a character?
A No.
Q Okay. That wasn't something that was promised?
A No, I didn't see that.
MR. HARRIS: Object to form. You can answer.
BY MS. PARDO:
Q Okay. I want you to turn back to that thicker document that we marked as Exhibit 3, the Complaint, and if you would --
A This one?
Q -- turn to paragraph -- page 7.
A Okay.
Q Okay. So paragraph 39, do you see that

one?
A Yes.
Q Okay. It says: By the terms of the contract between the Burns and SeaWorld, SeaWorld's costume character performers were obligated to not refuse to, on the basis of race "Meet and Greet" with SeaWorld's customers to include the Burns.
So tell me what you mean by meet and greet in that paragraph.
A Meet and greet is you get to go up there and shake hands with everybody.
Q Okay. Now, when you refer to meet and greet, are you talking about the parade or some other activity in the park?
A Whatever, you know, the children get to do. They get to touch the character, they get to take pictures, they get to meet them at the parade, I mean, you know, shake hands at the parade. It could be anything.
Q Okay.
A It's not specific for what type of meet and greet. They didn't, you know. So you could

shake hands with the, like the characters come up to you and shake your hands, or they could be walking back to wherever they're going and you could shake their hands, meet and greet. You meet them. You can go outside -- there's a restaurant there where you can go outside and meet Barney, or something like that, you know.
Q Okay.
A Meet and greet could be anything.
Q Okay. All right. So meet and greet to you means any interaction that you can have with a character --
A With the characters, yeah.
Q -- regardless of where they are in the park?
A Yeah.
Q Okay. And did you -- was there a contract term that said that you were entitled to have an interaction with a character while you were in the park?
MR. HARRIS: Object to form. You can answer.

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THE WITNESS: There is no -- again, there is no contract stating that. There's just a, there's just a advertisement that Sesame Place did, you know, like come and meet and greet. It doesn't say you can only -- you only can meet and greet between this and that. It just says come, meet and greet, you know, this and this, that's it.

BY MS. PARDO:

Q Okay. And when you think of a meet and greet, do you have in mind a certain type of interaction that was promised? Like what I -- I guess what I'm getting at is, you know, a high-five versus something else, did you -- do you have in mind what that was supposed to be?

A A meet and greet can be anything, like, you know.

Q You don't have one specific thing in mind that you're talking about?

A Interact with the -- like if a child comes up to them, you know, you expect like, you expect like Disney World. You go to Disney World and you

got the characters walking around and you happen to be there and they stand there and you take pictures with them and shake their hand and say hi, stuff like that, that didn't happen to my daughter.

Q Okay. Now, when you purchased your tickets for you and Kennedi to visit in June of 2022, did you think that Kennedi would be able to have a personal interaction with every character in the park?

A No, I didn't think that.

Q Okay. Did you have an impression of how many characters she would get to interact with?

A No, I didn't think that.

Q Okay.

MS. PARDO: I'm going to mark this separately.

(Q. Burns Deposition Exhibit 7 was marked for identification and attached to the transcript.)

BY MS. PARDO:

Q Mr. Burns, I am putting in front of you what we marked as Exhibit 7, and I'll represent to

you that these are the tickets that SeaWorld attached to a court filing called a Motion to Dismiss, and that this is two pages. It is the ticket for Kennedi with her name redacted just to initials, and the ticket, your ticket that we saw previously at this deposition. Do you recognize the Kennedi ticket?

A Yes.

MR. HARRIS: Object to mode and manner, specifically no Bates numbers and no docket indication at the top.

MS. PARDO: There is a docket indication.

MR. HARRIS: Oh, I see that, my bad.

MS. PARDO: Yeah, it's just -- well, it's printed on top of the This Is Your Ticket.

MR. HARRIS: I see that now.

MS. PARDO: Okay. No problem. The second page is actually a little clearer.

MR. HARRIS: Withdrawn.

BY MS. PARDO:

Q Okay. So, Mr. Burns, if you look to the section that says Legal Terms, do you see that black

box that says Legal Terms?

A Yes.

Q Can you read through there and tell me the portion that talks about getting an interaction with a character.

A No, it doesn't say.

Q Okay. It's not in there?

A No.

Q All right. And this Legal Terms don't make a guarantee that you'll have a one-on-one interaction with a character, do they?

A No.

Q So turning back to your visit in June, can you just give me an overview of your visit on that day. Describe to me what happened on the -- let's start with your first day, on June --

A On June 18th?

Q -- 18th, yeah.

A Well, we went to the park. We got on the, me and my daughter got on the rides. We got on the rides until it was time for the, almost time for the parade to start.

There also was, if I recall, a character that was there that was taking pictures with other people too, so we decided to try to take a picture with her, with one of the characters, and the lady said it was closed. So as we walked away there was -- we just seen other people taking -- other people getting in line, somebody else getting in line, a Caucasian family getting in line, and I didn't say anything.

So we proceeded to walk to the parade to try to get there early because it will be crowded, and so we got on -- when we got on in the crowd, you know, the parade started and Ernie, I guess Ernie was the first one, and I guess that's the -- I don't know the difference between Ernie and Barney, but I know I'm going to just say Ernie, okay. He's dancing around and everything, slapping everybody high-fives. Kennedi right there reaching her hand out. As she was reaching her hand out there's a family, there's a Caucasian family right here and there's a Caucasian family right here and there was a guy that's sitting, a little boy sitting right in

front of her, and he gave everybody, greeted everybody else except my daughter and kept on walking down.

Then, you know, she turned around and said, "Daddy," you know, and she did it -- you know, I was like, "Wait, wait, let's try to see if he come back." So then the other character came and did the same thing, you know. When they did it the second time and she turned to me and said, "Daddy," you know, and it took a whole lot of energy in me not to just jump on that field, you know, because that's like a slap in the face to my daughter, you know, and to let that go I had to eat it all the way until we came home, you know. And the only reason why I came back to that park the next day is because that's what she wanted to come but she didn't want to go back over there to the parade, you know.

That hurts me, you know. That really hurts me that Sesame Place tried to defend something that they can't really defend when they have a history of doing this, a history of discrimination. Before I went, before I went to the -- before I even

called Malcolm, you know, I did a check on this place and they got a history of discrimination.

So, you know, everybody have a job to do. Everybody have their own job to do. You know, Sesame Street got their job. Their job is to please families that comes into that park, you know. My job as a father is to keep my daughter happy, and that day there I couldn't keep her happy except I had to just go and buy her some toys just to calm her down a little bit because that wasn't right.

Q Okay. Let me follow up on some of the things that you told me. That first day that you were there on June 18th, that was summertime?

A Yes.

Q Okay. Was the park crowded that day?

A Yes.

MR. HARRIS: Object to form. You can answer.

BY MS. PARDO:

Q And do you remember around the time that you left that day?

A I don't remember what time I left that

day, no.

Q Okay. Do you remember what time of day the parade was?

A Around, should have been around 2 or 3, something like that.

Q All right. And did you just attend one parade?

A Yeah, that's the only parade.

Q That was the only one, okay.

Prior to the parade I know you mentioned that you had gone on some rides. Had you also gone to do any of the water activities?

A Yes, we was on water rides. That's one of the -- that was one of the main reasons why I wanted to go in June because I wanted her to experience the water rides there.

Q Okay. And did you go to any of the events where you dine, like you do --

A No, I didn't.

Q -- a meal with a character?

A We couldn't get in there because they said it was -- I don't know what their reason was, but

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they just said it was crowded.
Q Okay. But you didn't, you didn't buy like an extra ticket to go do that?
A No, I didn't. I was ready to go buy one and they just said it was, you know, that they were getting ready to close or something.
Q It was full?
A Yeah.
Q Okay. What about do you recall doing anything called Photo with Elmo and Friends?
A No, I don't recall.
Q Okay. When you went to the parade, how close were you to like the line like where the characters go by?
MR. HARRIS: Object to form. You can answer.
THE WITNESS: There was a, there was a guy sitting right there. My daughter was just like over top of him --
MS. PARDO: Okay.
THE WITNESS: -- and then I'm right there. So when they say that they didn't see my

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daughter that's impossible, because you bent down to a grown man and a child sitting on the ground --
MS. PARDO: Okay.
THE WITNESS: -- you know, and one of the things I don't understand and believe is that you can bounce up and down the road and you got to watch where you're going, so how could you not see where you -- how you know there was somebody in front of, you can trip. So when it come to saying that they haven't, they didn't see my daughter I want to say that's bullshit. That's impossible. How you get -- you know, that's just like I'm getting up and walking out I'm going to watch where I'm going. So if I'm coming to you, you're going to see who's in front of you.
So my daughter's right there reaching right on top of this man's head and that child's head and you just go by past and you just slap one right here, here and here and then kept going, and not once, but twice.

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BY MS. PARDO:
Q Okay. So what I'm understanding, and correct me if I'm wrong, so there was like -- your daughter was kind of like in the second row of people, there was somebody in front?
A Yeah, there was just somebody sitting down.
Q Sitting in front of her?
A Sitting right there in front of her and she's standing right on top of the head.
Q And she's standing right behind?
A Yeah.
Q And where were you standing?
A Right behind her.
Q Right behind her, okay.
Was she standing the whole time?
A Yes.
Q Okay. A minute -- you said in your testimony that they said that they didn't see her. Who are you referring to?
A Well, I'm talking about Sesame Place.
Q Okay. What did Sesame Place say --

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A They didn't say they didn't see her.
Q Okay.
A That's their excuse for saying they didn't see, they don't see -- I'm looking at what they saying about these other people.
Q Okay.
A And that's what I'm just telling you that when they talking about they didn't see, they don't be seeing people I know that's a bunch of bull crap. I hope they don't say they don't see my daughter because she's clearly there, you can see her.
Q Okay. So you're referring to something you saw in the media, or some such thing?
A Yeah, something they put in the media.
Q Okay. What you're referring to, did that refer to Kennedi specifically or some other child?
A What do you mean?
Q So you had said they don't see my daughter or they don't see a child.
A I said, I said -- I'm saying that I hope they don't say they didn't see my child --
Q Okay.

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A No, that's it.
Q Now, for those characters you had said in the Complaint that they intentionally refused to perform the contract by refusing to engage with them and ignoring them. Does that sound familiar to you?
A It sounds familiar.
Q Okay. What make -- what made you think, or what makes you think, that the character intentionally ignored Kennedi?
A Because they walked right by her where she was directly right there.
Q Okay. And it's your testimony that the characters saw Kennedi?
A Yes.
Q Okay. What makes you think the characters saw Kennedi?
A It's impossible to miss her. She's standing right there next to the person that she gave, that they gave a high-five to, shook their hands.
Q Okay. Do you have any way of knowing what the line of sight is for a performer that is wearing

that character's outfit?
A No, I don't.
Q Okay. All right. I'm going to turn your attention to -- let me say one other thing. Let me ask one other thing in follow-up. After the parade was over, and I think you said it was like a 2 or 3 p.m. parade --
A Something like that.
Q -- what did you do after the parade in terms of --
A I took my daughter --
Q -- activities or things?
A I took my daughter to the park. I mean not to the park, to the store, the gift shop.
Q Gift shop, okay.
And you said you did that to calm her down?
A Yes.
Q How was she acting at that period of time?
A She was crying.
Q She was crying?
A Yes.

Q Was she saying anything to you at the time?
A She asked me why -- she gave me a question that I couldn't answer of why they didn't, why they didn't shake her hand.
Q Okay. What was your response?
A I couldn't respond to her, that's the whole thing. What could you say to a child of why unless you're going to lie to her. I didn't want to tell her because they're racist. I don't teach my kid that. I teach my kid to get along with everybody, you know. When I take my daughter to parks I teach her to get along with Blacks, Whites and Puerto Ricans that be at that park.
So to say, to tell her, tell that to her and then she wind up interacting with somebody that's not her race then she might treat them different, that means I'm raising her wrong. What can I say to her?
Q So you didn't have a response for her, is what you're telling me?
A No, I couldn't. I said, "Just come on and

get you some toys," that's all I could say.
Q Okay. And it's your testimony that the characters in the parade were interacting with White children but not with Black children?
A Yes.
Q Okay. How many times did you see that happen in the parade?
A Well, it happened to me.
Q Okay.
A And to me that happened twice. I could have just said three times when I seen, when they said that the line was closed. So I'm, I'm not going to just say that's what they did because I'm assuming that they told me the line was closed for a picture but then I see another family on line. So anything -- it could have been -- they could have just walked away and come back and said, you know, held the line for them, but I know they told me it was closed.
Q Okay. So let's talk about that incident a little bit more. In your interrogatory answer you had said that you were walking through the park

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headed for the parade.
A Um-hum.
Q And you decided to stop and try to join the line; is that right?
A Yeah.
Q Do you remember what character that was that you were trying to stop to meet and greet?
A No, I don't remember.
Q Okay. And do you remember what time of day it was?
A It was just before the parade was ready to start. I know that it was before the parade was ready to start. I mean the parade didn't start right away, I just wanted to get over there early. So it could have been in between times --
Q Okay.
A -- before the parade started.
Q Do you have any sense of where you were in the park --
A No.
Q -- where you had stopped to try to do this?

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A No.
Q Like what ride was nearby or anything like that?
A No.
Q All right. Was the meet and greet that you referred to in your interrogatory answer close to the parade location?
A Repeat that.
Q Was this meet and greet that you describe in your answer --
A Was it close to the parade?
Q Yeah, was it close to the parade route.
A I don't know. It's a confusing park. It's a big park, so I don't --
Q Okay. You don't recall where you were in the park?
A No.
Q Now, had Kennedi said she wanted to meet that particular character?
A No, I just wanted -- no, she didn't say that. I just seen that, I seen that people were taking pictures and I wanted her to meet them,

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but --
Q Okay. And so there was a line that was there to meet the character?
A There was a short line. It was a short line.
Q You mentioned that you were told that the line was closed; is that right?
A Yeah.
Q Now, who told you that?
A The White lady that was on the, that was in charge.
Q Okay. Was this somebody who was like escorting the character or with the character?
A I believe they all had escorts.
Q Okay. Male or female?
A Female.
Q Female.
Race?
A Caucasian.
Q Okay. Remember this woman's hair color at all?
A I don't remember. I don't know.

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Q Can you estimate the age?
A No.
Q Was it someone that you thought was like a teenager?
A No, the only time I pay attention to a woman I'm trying to talk to them. I don't remember.
Q Okay. Now, did that employee -- so you say the employee said that the line was closed. Did the employee say anything else to you?
A No, that's it, so I just walked away.
Q Okay. Did they let you know that you could come back at a later time --
A No.
Q -- for the next one --
A No.
Q -- anything like that?
A No.
Q Okay. Now, you then came to believe that the line actually wasn't closed?
A Yeah, when I looked back and I seen somebody that wasn't there before.
Q And describe to me who got in the line

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after you were told it was closed.
A A White family.
Q Excuse me?
A A Caucasian family.
Q Okay. Do you remember how big the family was?
A No.
Q Okay. Male, female?
A It was family, a mother, a father and children.
Q Okay. Now, you described them as a Caucasian family; is that right?
A Yes.
Q Okay. Do you know if they were Hispanic or not?
A I don't know, but their skin color was just lighter than mine's, so I --
Q Okay. So you assumed they were Caucasian?
A Yeah.
Q Now, did you do anything after you were told the line was closed and you saw --
A No, I was heading --

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Q -- this family?
A No, I was just heading to the parade.
Q Okay. So you didn't walk over and talk to the escort and ask why?
A No.
Q Did you think it was a big deal at the time?
A I didn't want to make it a big deal at the time.
Q Okay. And you wanted to get a good spot at the parade?
A I just wanted my daughter to be happy, that was our day, not to, not to -- I didn't go looking for trouble, you know. I just wanted a good time with my daughter, that's all.
Q Now, how did you know that the parade was going to start at 3?
A There's a sign that says that.
Q Sign.
Did you also see on the sign the list of times that there would be meet and greets around the park --

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A No.
Q -- with different characters?
A No.
Q You hadn't seen that on the sign?
A No.
Q Now, this incident that you're talking about with the meet and greet and the line, did Kennedi say anything about that?
A No.
Q Okay. She didn't notice what happened?
A No. I didn't -- I just told her, "Come on," and she was just excited and happy and she had a little candy and balloons, but I seen, you know.
Q Okay. So this particular situation you didn't -- she didn't ask like a question about why you didn't get in line?
A No.
Q Okay. I know we started off by talking about the Complaint allegations that you identify as Black.
A Okay.
Q Is Kennedi -- have you ever told the media

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that Kennedi is biracial?
A No.
MR. HARRIS: Object to form. You can answer.
THE WITNESS: No.
BY MS. PARDO:
Q No?
A They never asked me.
Q Okay. The 3 p.m. parade, what time did you actually get to the parade route?
A It was still early.
Q Okay. Do you recall if there was music at the parade?
A Yeah, there's a lot of music.
Q Was it loud?
A Yes.
Q Was it difficult to get characters' attention?
MR. HARRIS: Object to form. You can answer.
THE WITNESS: No. I mean if they're right there -- see everybody, what everybody try to

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do they try to get there first so they can be first or second in line so they get to touch them, because that's what they do. I mean there's -- and we happened to get -- we got there early enough to be like standing right there second, you know, because there's --

BY MS. PARDO:

Q So you guys were second in line?

A Yeah, there's people -- no, she was -- the guy was sitting down so Kennedi would be able to get a handshake too, and that's what -- he did that purposely, you know what I mean. So they just, they just walked away from my daughter, that's the only thing I can say.

Q Okay. Now, the characters in the parade, were they performing dance routines as they went by?

MR. HARRIS: Object to form. You can answer.

THE WITNESS: Yeah, they were all dancing.

BY MS. PARDO:

Q Okay. And the characters, did they have moments where they like stood still and danced, or

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were they constantly in motion going by?

MR. HARRIS: Object to form. You can answer.

THE WITNESS: Yeah, you got some that stand still and dancing, and all that stuff like that.

BY MS. PARDO:

Q Okay. In the Complaint you had stated that Elmo had refused to engage and ignored Kennedi; is that correct?

A Yes.

Q Okay. So can you explain for me the incident that happened with Elmo?

A Yes.

Q Okay.

A As he was, as he was dancing he looked our way and he came towards our way. My daughter was looking all excited and happy because he was looking, coming towards our way, and then he greeted people to the left, one of the, the guy that was sitting down on the ground, and the other person that was standing right on the, to the right --

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Q Okay.

A -- and he didn't greet her.

Q Okay. Do you have any video of Elmo not --

A Yes.

Q -- greeting your daughter?

A Yes.

Q Okay. Did you give that to us in this case?

A Yes.

Q In your line of sight how many people would you estimate were at the parade?

A You mean through the whole parade, the whole -- it was just crowded.

Q Just as far as you could see.

A There was a lot.

Q Was it like more than 100?

A Could have been.

Q Okay. It wasn't ten?

A No. In that case we would have been sitting up front.

Q Okay. And when Elmo didn't engage with

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your daughter, what did Kennedi do?

A She looked at me and called my name out, and I tried to tell her -- if you look at the video, if you look at the video you can see me telling her, "Go ahead, go ahead," because I thought that he was going to turn back around and come back to her, but he didn't.

Q Okay. And is it your position that Elmo ignored Kennedi because she's Black?

A At first thought I didn't, until the second one. At first thought I didn't.

MR. HARRIS: Just, Michelle, it's been -- next natural stopping point can we have ten? It's been an hour.

MS. PARDO: Sure. Sure. Let me just finish up with Elmo.

MR. HARRIS: Yeah, absolutely.

MS. PARDO: Okay.

BY MS. PARDO:

Q And is it your testimony that Elmo ignored Kennedi in favor of a nearby White child?

A Repeat that again.

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Q So is it your testimony that Elmo ignored Kennedi, but didn't ignore the nearby White child?
A Yes.
Q Okay. And do you remember what kind of interaction Elmo gave the White child nearby?
A Shook his hand.
Q Shook a hand?
A (Nods head up and down.)
Q Is this the kid in front that was sitting, or somebody else?
A Somebody else.
Q Okay. To the right or the left?
A The right.
Q Okay. Do you have any idea if that child you're referring to that got the attention to the right is White?
A They were White, because it was, it was an adult sitting with a little baby.
Q Okay. What about to the left, did Elmo interact with anyone to the left?
A Yes.
Q Okay. And describe to me the race of the

person to the left.
A She was White.
Q Okay. How do you know she wasn't Hispanic?
A I didn't ask. I'm sorry, I just didn't ask, you know.
Q Okay. All right. And you said you have video of this incident?
A Yes.
Q Do you have any still photos, like you just took a picture?
A No.
Q When Elmo ignored your daughter, did you say anything to Kennedi as to why that might have happened --
A No.
Q -- at the time?
A No, I didn't say anything to her.
Q Okay. If Elmo had interacted with a Hispanic child instead of Kennedi, would you consider that to be racial discrimination?
A I wouldn't --

MR. HARRIS: Object to form. You can answer.
THE WITNESS: I wouldn't know if they are Hispanic or White because I don't ask people their race. I mean I just look at them as complexion, like you guys, and that's it.
BY MS. PARDO:
Q But if Elmo had high-fived the Hispanic kid instead of Kennedi, would you consider that to be discrimination?
A I wouldn't know --
MR. HARRIS: Object to form. You can answer.
A -- if they were Hispanic because I wouldn't ask them.
Q Okay. Are you representing the legal interests of Hispanic people in this case?
MR. HARRIS: Object to form. You can answer.
THE WITNESS: I don't -- I'm representing my daughter.

BY MS. PARDO:
Q Okay. So you just have your daughter in mind in this case?
A I have my daughter in mind and the people, and the other people that went through the same situation as I have.
Q Okay. And I'm asking you does -- the people that you're representing in this case, does that include Hispanic people?
MR. HARRIS: Object to form. You can answer.
THE WITNESS: Anybody that's been discriminated against.
BY MS. PARDO:
Q Okay. Okay. Do you intend to advance the legal interests of Hispanic people in this case?
MR. HARRIS: Object to form. You can answer.
THE WITNESS: I don't know what you mean by that.
BY MS. PARDO:
Q Okay. Well, if a Hispanic kid got an

of the colors or features of the Abby costume?
A That's the one with the wings, if I'm not mistaken.
Q Wings, okay.
All right. All right. So turning your attention to the parade, back to the parade, when the characters ignored your daughter can you tell me everything that Kennedi said, if she had any comments when that happened?
A Yes, after, after that happened she turned to me and said, "Daddy," on the first, on the first character that ignored her, which is Ernie, and then when Telly Monster did it, you know, that really, that really upsetted her and that really upsetted me too.
Q And you think the Ernie incident happened before Telly?
A Yeah.
Q Okay. And this was upsetting to her?
A Very upsetting to her.
Q And what was the effect that that had on you?

A It had -- there's a -- it got me to the point the only thing that saved me from jumping over that line was my daughter, you know. And like I said to you before that that was like a slap in a child -- that's just like slapping my daughter in the face and me not doing anything about it. I felt vulnerable. I felt like, you know, I walked away from something, that I couldn't defend my daughter. That's how it made me feel, you know.
Q Tell me why you decided to go back the next day.
A Because --
MR. HARRIS: Object to form. You can answer.
THE WITNESS: I went back the next day because she wanted to continue to get on the rides, but she did not want to go to the -- she did not want to go over there where the parade was.
BY MS. PARDO:
Q Did she tell you she didn't want to go to the parade?

A Yeah.
Q Okay. What about the meet and greets in other places in the park?
A She just wanted to get on the rides.
Q She wanted to go on the rides, okay.
A That's all that -- she just wanted to get on the rides.
Q Okay. So on that second day do you recall taking any pictures?
A No, I don't recall.
Q Okay. What about videos the second day?
A No, I don't recall. We just wanted to get on the rides. I just wanted to just finish and get out of Philadelphia.
Q Okay. How is Kennedi doing now?
MR. HARRIS: Object to form. You can answer.
THE WITNESS: She's still -- it's still affecting her a little bit as I see -- they had, they had, they had Black History Month and the teacher was speaking about racism, and mind you before I get started with that two weeks

ago is when I first told her teacher what happened, what's going on with Sesame Place, that I was going to take my daughter out of school.
BY MS. PARDO:
Q Oh, for this deposition?
A For this deposition.
Q Okay.
A I asked her did she -- I told her the reason why, and she said she didn't have no -- she heard about it, but she had no idea what was -- she never really like paid attention to it. I said, "Well, Kennedi is involved in that lawsuit," and then she was amazedly surprised, and she said she'll look at the video. She went into her laptop to look at it and her face just dropped because she didn't know she had a student all this time that was involved in the Sesame Place thing.
And after that, two weeks later, you know, I -- she said, "Okay," you know. And then two weeks later they had a session on racism in Black History Month and she asked Kennedi -- no, she didn't ask

Kennedi, she asked the students, "Does anybody know what racism is?" One little boy blurted out, said, "I do, Sesame Place," and she said the expression on Kennedi's face said a whole lot. And I asked her, you know -- she didn't tell me, her teacher didn't tell me until -- she forgot to tell me when I came to pick up Kennedi, but the next, the following day that's when she came, "Oh, yeah, I forget to tell you, you know, we had this session about racism and stuff like that and," she said, "the expression on Kennedi's face after the little boy said that, you know, it was kind of really sad, you know." And I asked her, you know, "Please look out for Kennedi, you know, please don't stop what you're doing in the class. If you're going to have any sessions on Sesame Place, on Sesame Street in school, in the classroom, you know, please let me know, you know, what's going on with Kennedi," and that's what she did.

Q Okay. And you said this was around two weeks ago or so?

A Two weeks ago I told her teacher about it.

She didn't know anything about what happened.

Q Okay.

A But being that when she was talking about racism and then somebody in the class brought up Sesame Place, she immediately looked at Kennedi to see the expression of how she react. I didn't tell her to do it, but she thought about what I told her and she immediately looked at Kennedi, and that's how that happened.

Q Okay. And which teacher is this?

A That's her homeroom teacher, Ms. White.

Q Ms. White?

A Yeah.

Q Do you know her first name?

A No.

Q Okay. In kindergarten they have more than one teacher?

A They have another teacher, Ms. Caldwell. Like she helps Ms. White out in the classroom --

Q Okay.

A -- you know what I mean.

Q All right. Is Kennedi doing well in

school?

MR. HARRIS: Object to form. You can answer.

THE WITNESS: Yes, she's doing pretty good.

BY MS. PARDO:

Q All right. So after that parade ended on June 18th, on that day did you regard yourself as having suffered discrimination?

A Yes.

MR. HARRIS: Object to form. You can answer.

BY MS. PARDO:

Q You did?

A Yeah.

Q Okay. Why didn't you complain to Guest Services before you left the park that day?

A Because I know me.

Q What does that mean?

A I would have made a scene while I have my child with me, but, you know, I wasn't trying to get my daughter taken to jail, you know. So I had to

like smile in my daughter's face and be angry when she's sleeping, you know. So I had to make that day about her.

Q Okay. Now, when you got home, when you weren't in Kennedi's presence, did you consider calling or complaining to SeaWorld?

A No, I was talking to her mother, and when I was talking to her mother about it -- because I sent her mother the video, and the first thing her mother told me was, you know, "Quinton, that's not you. Why didn't you" -- she knows how I am. So I'm very protective of my daughter, you know, she's a daddy girl, and she was like wondering, surprised that I didn't engage in that situation even more, and I was like, "How could I, I'd have went to jail," you know. And she just told me that -- we just started talking about it and talking about it, and then when I took her over to her mother's house -- I didn't tell Kennedi what her mother was saying, but when I took her over to her mother's house she had all her family members.

Q She had what?

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Telly Monster to interact with every child that was standing around you?

MR. HARRIS: Object to form. You can answer.

THE WITNESS: I don't know. All I know is they didn't interact with my child.

MS. PARDO: Okay. All right. We're going to turn to exhibit -- to video, the second video which we will mark as Exhibit 9.

(Q. Burns Deposition Exhibit 9 was marked for identification and attached to the transcript.)

MS. PARDO: And this is the video that is in Footnote 2 of the First Amended Complaint and that was provided to us in discovery. So again we'll run it right through, and when we can stop it and ask questions.

(Video played.)

BY MS. PARDO:

Q Okay. And do you recognize that video?

A Um-hum.

Q Is that a video that you made?

A Yes.

Q Now, that video is 14 seconds, the same as the first one. Are these part of longer footage that you edited down?

A No.

Q Okay. This was the start and stop that you did with your --

A I stopped.

Q -- camera feature?

A Yeah.

Q Okay. There's not longer footage of this somewhere else?

A No.

MR. HARRIS: Object to form. You can answer.

BY MS. PARDO:

Q When Ernie came over the first pass there, how many kids did he interact with?

A Do that again.

Q Sure.

MS. PARDO: You can run it again from the front.

(Video played.)

THE WITNESS: That's one, two, three, four. I counted four, and then he went on the other side of the street.

BY MS. PARDO:

Q Okay. And is that your voice that we hear in the video?

A Yeah, when I tried -- remember I told you early on that I thought he was going to I said, "Go, go, go." I thought he was going to about face and come back to her, but he didn't.

Q Okay.

A But he didn't, he went across the street.

Q So you were telling her like --

A Turn back around, just to go back.

Q Okay. I understand that.

MS. PARDO: Can we watch it one more time.

(Video played.)

MS. PARDO: Okay. Pause there.

BY MS. PARDO:

Q Did Kennedi pop up after Ernie had turned his back to her?

A No.

MR. HARRIS: Object to form.

THE WITNESS: Nope.

MS. PARDO: Okay. Run it one more time.

(Video played.)

THE WITNESS: See that hand right there?

MS. PARDO: Yeah.

BY MS. PARDO:

Q It's your testimony that Ernie was, when she put her hand up that Ernie was facing her?

A Yeah.

MR. HARRIS: Object to form.

THE WITNESS: He was facing everybody that was standing up. She was standing up.

BY MS. PARDO:

Q Okay. And is it your testimony that Ernie intentionally ignored Kennedi?

A Yes.

Q Okay. What makes you think that Ernie intentionally ignored her?

A Because she was standing right there and gave everybody else a five, or shook everybody else

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hand.
Q Is it possible that Ernie didn't see your daughter?
A No, he seen her, if you seen everybody else standing up.
Q Do you know where that Ernie character sees out of that costume?
A I don't know what he sees at, but I know he seen everybody else.
Q Okay. All right. So we watched approximately 28 seconds of video. You had previously told me that you thought there was more video that you took that day.
A But that's not -- it's not to this.
Q It's not Telly; right.
A No, no, no, it's not -- this is probably like rides and all the other stuff.
Q Okay. You don't think you turned your camera on any other time during the parade?
A Yeah, I turned my camera on to the parade, but that's when they were first coming out.
Q Okay.

A Well, I turned it off, turned it on. You know, I turned it on and I turned it off.
Q How many times do you think you turned it on and off during --
A Twice.
Q -- the whole parade?
A Twice.
Q Okay. Just these two times?
A No, that's the third and fourth time.
Q All right. Okay.
MR. HARRIS: Are you going to do these collectively, or one by one exhibit-wise?
MS. PARDO: We're going to make it one exhibit.
(Q. Burns Deposition Exhibit 10 was marked for identification and attached to the transcript.)
BY MS. PARDO:
Q Okay. Mr. Burns, I'm handing you what's been marked as Exhibit 10 and these were produced to us in this case, and as we go through them I'll identify the Bates number that was given, that was

placed on them before they were produced to us. The first one, if you look at the first one this was produced as Burns 0001. Do you recognize this?
A Yes.
Q Okay. What is this?
A It's a picture of me and my daughter on a roller coaster.
Q Okay, roller coaster.
Who took the picture?
A I did.
Q All right. So that's kind of -- that's a selfie?
A Yeah.
Q Okay. Do you know what day you took this?
A I literally have to look to my phone.
Q Okay. So you're not -- just sitting here right now you don't know if it was the first or second day of your visit?
A I got to look through my phone. Look like -- I got to look through my phone.
Q Okay.
A It could have been the first or the second

day.
Q All right.
A It could have been the first day, because I think the second day we might have went swimming.
Q You think maybe the second day you just spent --
A I'm not going to --
Q -- in the water park?
A I'm not going to speculate. I just have to look through my phone.
Q Sure.
Okay. If you turn to the second page this was produced to us, and you can sort of see it in the right-hand corner, but Burns 0002. Did you also take this photo?
A Yes.
Q What is this a photo of?
A I think it's a photo of -- we might be in line for something.
Q Okay. And do you know whether this was taken on the first or the second day?
A I don't remember.

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A Yeah.
Q Okay. And you were asked some questions about the Legal Terms that we see on Exhibit 7, is that accurate?
A Yes.
Q And when you first saw these Legal Terms, was that before or after you had purchased the tickets?
A I just -- I saw it just now.
Q I'm sorry?
A You're talking about these here? I just saw these now.
Q So if we -- this is not 7. Can I look at -- so at the top of Exhibit 7 it says This Is Your Ticket Proceed To The Park. Did I read that accurately?
A Yes.
Q Is this something that you received after you paid for the tickets?
A Yes.
Q Okay. Now, you discussed an issue about being let into a line for a meet and greet. Do you

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remember that testimony?
A Yes.
Q And you mentioned that there was an employee who told you that the line was closed. Do you remember that testimony?
A Yes.
Q And you previously testified that after you were told that the line was closed you had walked away; correct?
A Correct.
Q And as you were walking away you testified that you saw a White family being allowed into the line. Do you remember that testimony?
A Yes.
Q Was the employee who told you the line was closed the same employee that let the White family in the line?
A Yes.
Q You mentioned in your testimony that you had seen some kind of indication that Sesame Place was sued in the past regarding a Muslim family. Do you remember that testimony?

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A Yes.
Q When you first saw that Sesame Place was sued in the past by that Muslim family, was that before or after you first talked with Malcolm Ruff?
A Before.
Q You were asked some questions about what you think that Sesame Place characters in costume would be able to see. Do you remember that testimony?
A Yes.
Q And specifically -- one second. I want to find it precisely so I don't misstate something. Okay, I was correct.
And you had provided testimony about a statement that Sesame Place had made. Do you remember that testimony?
MS. PARDO: Object to the form.
THE WITNESS: No.
MR. HARRIS: That's a fair objection.
BY MR. HARRIS:
Q You had talked about Sesame Place releasing a statement to the media that, and I'm

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generalizing here but essentially that the characters may not have been able to see the children. Do you remember that?
A Yes.
Q Okay. Do you believe that Sesame Place would allow its employees to wear costumes that would obstruct their view of people shorter than them?
MS. PARDO: Objection to the form.
BY MR. HARRIS:
Q You can answer.
A I don't believe they would let their costumes -- I believe they could see everything in front of them, put it like that.
Q Did you plan at some point in Kennedi's life to talk with her about racism?
A Yes.
Q When did you come up with a plan to talk with Kennedi about racism at some point in her life?
A When I feel she's ready.
Q Sure. And to be a little bit more clear about my question, I'm asking you when you decided

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that at some point in Kennedi's life you would have to talk with her about racism?
A I haven't decided exactly when, but I just got to understand -- I just got to feel that I think that she's ready, she understand everything that I say that she won't -- that she will understand what I'm telling her.
Q Understood, and I'm asking a slightly different question and it's my fault that I have to keep asking it.
When did you first realize that at some point you would have to talk with Kennedi about racism?
A At some point -- I couldn't even, I couldn't even answer that question.
Q When you heard that Kennedi was in her mom's belly, did you at that point think at some point you'd have to discuss with your child about racism?
A No.
Q Did you -- before Sesame Place occurred, did you decide when you were going to talk to

Kennedi about racism?
A No.
Q As of the time that the Sesame Place incident occurred Father's Day of 2022, did you believe that Kennedi was ready to have that talk with you about racism?
A You said prior or after?
Q As of that day in Sesame Place, did you think Kennedi was ready to learn about racism then?
A No.
Q A couple of times in the course of your testimony you were asked, you know, if you could remember where in the park certain things happened. Do you remember that testimony?
A Yeah.
Q And you were not able to remember where in the park certain things happened --
A Yeah.
Q -- correct?
Do you think that if you went back for an inspection of the park that might help you remember where something happened versus where something else

happened?
A If I went back to the park?
Q Yes, sir.
A I might remember some of it, but not all of it.
Q Earlier in your testimony you said that the music at the parade on day two was loud. What does loud mean to you in that context?
A Loud means when we can't hear each other talk. Like if we talking now, if that music was on blasting like crazy, you know, you got to read your lips.
Q Earlier in your testimony you had talked about a nearby White child that got an interaction with a costume character that had ignored Kennedi. Do you remember that testimony?
A Um-hum.
Q Were there any adults that got interaction with the same characters who ignored Kennedi?
A Yes.
Q Could you tell us about that, please.
A Well, when Ernie -- Ernie gave five to

four people that I counted, and two of them as adults.
Q Were those White adults?
A Yeah, White adults.
Q In your testimony earlier you mentioned that one of the White families nearby you had a little baby. Do you remember that testimony?
A Yes.
Q And when you say little baby, about how old was that child?
A I couldn't tell -- I couldn't tell how old the child was, but I know it was a baby.
Q So when you say baby, do you mean like infant and --
A I mean a toddler, toddler.
Q So able to walk and talk and so forth?
A (Nods head up and down.)
Q Okay. Earlier in your testimony you had talked about a conversation that you had with Ms. White after she started teaching about racism for Black History Month. Do you remember --
A Yes.

Q -- that testimony?
A Yes.
Q And approximately -- from right now, about how long ago did you have that conversation with Ms. White where she told you about Kennedi's reaction to the lesson?
MS. PARDO: Objection to the form. I think it misstates the testimony, but the record will reflect.
THE WITNESS: Repeat that question.
MR. HARRIS: Sure.
BY MR. HARRIS:
Q When did you have the conversation with Ms. White where Ms. White told you that Kennedi had a look on her face when a little boy said that Sesame Place is racism?
A That was last week.
Q Okay. So about a week ago was that, and then how long before that did you tell Ms. White that Kennedi would not be in school today for her deposition?
A That would be like two, two and a half

weeks ago from today.
Q Okay. Earlier you had testified that you're not going back to Sesame Place. Do you remember that testimony?
A Yes.
Q What if Kennedi asked you to go back, would you take her?
MS. PARDO: Objection to the form.
THE WITNESS: I does everything my daughter wants me to do, so if she just -- if she wants to go back I would take her anywhere she want to go.
BY MR. HARRIS:
Q Earlier you testified that you assumed that the issue with getting into the line was discrimination. Why do you assume that?
A Say it again one more time.
Q When you say that you assumed that being told the line was closed was because of racism, what made -- why do you assume that?
A That she said why the line was closed?
Q Yes.

A Oh, why I assumed why she said that?
Q Yes.
A Because I just went by what she told me. She said the line was closed, and then when I happened to look back, you know, and I seen another -- I'm sorry. He was asking the questions, so I was looking at him.
Q No, no, you're talking to the camera.
A Sorry.
Q No worries.
A I assumed that she -- when she told me the line was closed I assumed that it was really closed because it was getting close to them going back in, or something like that, I don't know, but --
Q Sure.
A -- I just walked away.
Q And then what made you think that she was being racist when she told you the line was closed?
A Well, I didn't think about -- I didn't think about that until after the incident with the handshake --
Q Okay.

A -- at the parade. So then when I went home and put all that together I figured that's probably why they did that to me, you know. That's what made me just put the pieces together.
Q Okay.
A It's like -- never mind.
Q Go ahead.
A I don't know, I just played naive just for that one moment.
Q Okay. So at the time that you saw the White family being let in, you didn't yet think it was racism?
A Just being naive. I just thought about -- I didn't think about it until I put everything together and I'm like, well, you know.
Q And sitting here today when you think about the line incident, you do think it's racism; correct?
A Now I think it was in addition to the racism, yeah.
Q And why do you think today that that was racism?

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A Because of the incidents. Because of everything that's going on right now.
Q If that individual did not let a White family in after telling you that the line was closed, would you think it was racism?
A No, I wouldn't have thought about it.
Q Do you remember being, talking about specifically Telly Monster and if you thought that he was able to interact with everyone?
A Yeah.
Q And you said -- do you remember what you said with that question?
A No.
Q But regardless, did you think it was possible for Telly Monster to interact with Kennedi at that time?
A Yes.
Q So there were -- as I understand it now, you were there for two days. On day one you go to a parade and then on day two you also go to a parade; correct?
A Day two I didn't go, we didn't go to the

parade, just day one.
Q Oh, so there were multiple parades on day one?
A There was a parade on day one and a parade on day two. There's like a parade every day, if I'm correct.
Q Okay. So we had looked at some pictures which I believe is Exhibit 10, and if we focus on the last two pages, the pictures that are sort of sideways instead of up and down.
A Okay, yeah.
Q Which it's so hard to read the Bates on here.
MR. HARRIS: Ms. Pardo, do you know what Bates numbers these last two were?
MS. PARDO: 5 and 6.
MR. HARRIS: 5 and 6, thank you.
BY MR. HARRIS:
Q So looking at Bates 5 and 6 which are part of the pictures which is Exhibit 10, these two pictures, you said these were taken at a parade; correct?

A Yeah, the same day.
Q And is this the same parade where Kennedi did not get the interactions?
A It could have been.
Q You're just not sure?
A I'm not sure. I got to look on my phone.
Q Okay. And you were asked some questions about who the people surrounding you were. Do you remember those questions?
A Yeah.
Q And you testified something about being short and holding your phone up. Am I remembering that correctly?
A Yes, yes.
Q Okay. And then do you know if this parade that we're looking at now was before or after the incident about being told the line was closed?
A Telling me the line was closed?
Q Right. Do you know if this was before or after you were told the line was closed that you took this picture?
A I don't remember. I have to look through

my phone real quick, I could figure it out. Do you mind?
Q Yeah, that will be fine.
A I don't, I don't want to like say things and I go back and be like --
Q That is a perfect response. If you're not sure, that's fine.
When you were asked if you had sought medical treatment you said no; correct?
A Correct.
Q Why not?
A Didn't have the money to.
Q When Kennedi turned around and looked at you after she did not get the high-five, what did the look on her face say to you?
A It told me that she wanted me to help. It's like her crying for help, you know. It's like, "Help me, Daddy."
Q Were you able to help?
A No.
Q How did that make you feel?
A Very angry.

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Q Tell me more about that.
A To relive that, to relive that situation it did to me it could have been bad. That's the thing, it could have been really, really bad, and I had to really sit there and take that and accept that if cross that red line that I don't want to lose my daughter.
Q How did it make you feel to sit there and take it?
A It's the worst feeling in the world.
MR. HARRIS: Nothing further.
REDIRECT EXAMINATION BY COUNSEL FOR DEFENDANTS
BY MS. PARDO:
Q Okay. I just have a few follow-up questions from Mr. Harris's. The Exhibit 10, the photos that Mr. Harris just had you look at --
A Yes.
Q -- No. 5, 005, so the top one, so can you identify the baby or toddler that you had mentioned --
A No.
Q -- in your earlier testimony?

A No.
Q That person, that toddler is not pictured in here?
A Actually this -- actually this looks like the same day but in a different spot. That's exactly as I'm looking at it because there was no STOP -- I know that the next, the second day we didn't go to the parade, so this STOP -- you see this STOP right here?
Q Yeah, you're --
A That was not -- that wasn't there.
Q You're referring to the STOP that's written on the pavement?
A Yeah.
Q Okay.
A That was not there. So we had to like move from right there and move further down to a different spot --
Q Okay.
A -- because if you look on the video it's not there.
Q Okay. So you think this is not the same

place you stood --
A No, it isn't.
Q You don't think this is the shame place that you stood where the Telly Monster ignoring incident happened?
A No, I don't think it was.
Q You think this is a different place on the parade route?
A Yeah.
Q Okay.
A We might have moved.
Q Okay. Do you think it could have been a different parade?
A No.
Q Okay.
A It could have been a different parade, I don't know, but they have one parade. I know they got one parade a day. So once they walk down the street and they go all the way down and there's a -- and they go inside their little thing over there.
Q Okay. Did you -- regardless of what your understanding is about how many parades they have in

a day, how many parades did you go to on the 18th?
A One.
Q Okay. And you said you went to none on the next day?
A No.
Q Okay. And now you're thinking that this is not the place where the video was filmed?
A It could not have -- I don't think it can be. I don't think it's the video where we filmed that because I don't remember seeing that STOP sign right there.
Q And you think that's because you can't find the toddler in this picture that you testified about?
A No, no.
Q Okay. Mr. Harris asked you about why you hadn't seen a, sought medical treatment. Do you remember that question?
A Yes.
Q Okay. When I was asking you questions we went through an interrogatory about a bunch of different symptoms and conditions and you stated

CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, Toni R. Thompson, RMR, Court Reporter, the officer before whom the foregoing proceedings was taken, do hereby certify that the foregoing transcript is a true and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 10th day of March 2023.

My Commission Expires:
January 18, 2025

_____
NOTARY PUBLIC IN AND FOR
THE STATE OF MARYLAND

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EXHIBIT 35

- Your Purchase Summary -

The following changes have been made to your order:

Credit card xxxx-xxxx-xxxx-6656 has been processed

Order Number	Order Date
202206175343903	6/17/2022

Bill To	Ship To
Quinton Burns	Quinton Burns
3312 saint ambrose ave	3312 saint ambrose ave
BALTIMORE MD 21215	BALTIMORE MD 21215
USA	USA

Item	Qty	Unit Price	Subtot
Sesame Place Philadelphia Two Day Ticket (6/18/2022) - 6/18/2022	2	$74.99	$149.9

Sub Total:	$149.98
Tax:	$0.00
Service Fee:	$9.99
TOTAL:	$159.97

Shipment(s) Status Tracking Number/URL

- E-Ticket Details -

EXHIBIT
Q. Burns #4
2/28/23 TG

The following changes have been made to your order:

Credit card xxxx-xxxx-xxxx-6656 has been processed

Order Number	Order Date
202206175343903	6/17/2022

Bill To	Ship To
Quinton Burns	Quinton Burns
3312 saint ambrose ave	3312 saint ambrose ave
BALTIMORE MD 21215	BALTIMORE MD 21215
USA	USA

Item	Qty	Unit Price	Subtotal
Sesame Place Philadelphia Two Day Ticket (6/18/2022) - 6/18/2022	2	$74.99	$149.98

Sub Total:	$149.98
Tax:	$0.00
Service Fee:	$9.99
TOTAL:	$159.97

Shipment(s) Status Tracking Number/URL

- E-Ticket Details -

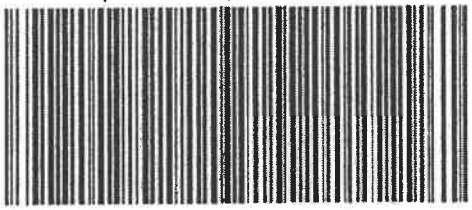
Product	Guest Name	Status
Sesame Place Philadelphia Two Day Ticket (6/18/2022)	Kennedi Burns	Active
Sesame Place Philadelphia Two Day Ticket (6/18/2022)	Quinton Burns	Active

EXHIBIT 36

THIS IS YOUR TICKET

PROCEED TO THE PARK

Sesame Place Philadelphia Two Day Ticket
(6/18/2022) - 6/18/2022



0721 80612 71679 9576

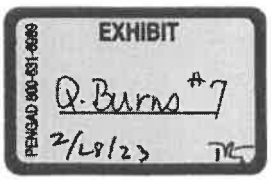
Redemption

THIS IS YOUR TICKET

Step 1: Print this ticket or download to your phone
Step 2: Proceed to the Park Entrance
Step 3: Scan printed or downloaded ticket at ticket scanner for entry to the park and show Photo ID to attendant.

Legal Terms

Valid for two visits to Sesame Place. First visit must be on the date printed on the ticket, check our website for our most up-to-date park hours. 2nd visit must be used by 1/1/2023. Does not include parking. Will be confiscated or revoked without restitution for misuse. Park may temporarily close due to capacity limitations. Park hours and content subject to change without notice. **NON-TRANSFERRABLE, NON-REFUNDABLE AND NOT FOR RESALE.**



THIS IS YOUR TICKET
PROCEED TO THE PARK

Sesame Place Philadelphia Two Day Ticket
(6/18/2022) - 6/18/2022

0772 98189 26749 6537

Quinton Burns

Redemption

THIS IS YOUR TICKET

Step 1: Print this ticket or download to your phone
Step 2: Proceed to the Park Entrance
Step 3: Scan printed or downloaded ticket at ticket scanner for entry to the park and show Photo ID to attendant.

Legal Terms

Valid for two visits to Sesame Place. First visit must be on the date printed on the ticket, check our website for our most up-to-date park hours. 2nd visit must be used by 1/1/2023. Does not include parking. Will be confiscated or revoked without restitution for misuse. Park may temporarily close due to capacity limitations. Park hours and content subject to change without notice. **NON-TRANSFERRABLE, NON-REFUNDABLE AND NOT FOR RESALE.**

EXHIBIT 37

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUINTON BURNS, et al.,

Plaintiffs,

vs.

CIVIL ACTION

NO. 22-cv-02941

SEAWORLD PARKS & ENTERTAINMENT, INC.; and SEAWORLD PARKS & ENTERTAINMENT LLC,

Defendants.
_____/

Video Deposition of NATHAN FLEMING

Baltimore, Maryland

Monday, February 27, 2023

9:15 a.m.

Job No.: 930887

Pages: 1 - 315

Reported by: Toni R. Thompson, RMR

- - -

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(Exhibits attached to the transcript.)

PROCEEDINGS

THE VIDEOGRAPHER: We are on the record. The time now is 9:15. This marks the beginning of Disc No. 1 for the videotape deposition testimony of Nathan Fleming in the matter of Quinton Burns, et al., versus SeaWorld Parks & Entertainment, et al. This case is pending in the United States District Court for the Eastern District of PA, Civil Action No. 22-cv-02 941.

Today's date is February the 27th, 2023. This deposition is being conducted at 100 International Drive, Baltimore, Maryland.

Will all attorneys present please identify themselves and who they represent.

MS. PARDO: Michelle Pardo on behalf of SeaWorld Parks & Entertainment, Inc., and SeaWorld Parks & Entertainment, LLC.

MS. BEECHNER: Laurie Beechner, Deputy General Counsel and Vice President of Litigation for SeaWorld Parks & Entertainment.

MR. RUFF: Malcolm Ruff on behalf of all

Plaintiffs.

THE VIDEOGRAPHER: My name is Michael Gay and I am with Magna Legal Services. Our court reporter today is Toni Thompson, also with Magna Legal Services, and will now swear in the witness.

NATHAN FLEMING,

having been duly sworn, testified as follows:

EXAMINATION BY COUNSEL FOR DEFENDANTS

THE VIDEOGRAPHER: You may proceed.

BY MS. PARDO:

Q Good morning, Mr. Fleming.

A Good morning.

Q Can you state your full name for the record.

A Nathan, N-a-t-h-a-n, Orrezz, O-r-r-e-z-z, Fleming, F-l-e-m-i-n-g.

Q And what, where do -- excuse me. Where do you live?

A York, Pennsylvania.

Q Can you state your address for the record?

A 1025 West, W-e-s-t, Poplar, P-o-p-l-a-r,

Street, 17404.

Q Have you ever been deposed before?

A No.

Q Okay. I'm going to go through just a couple of the logistics and ground rules so that you're familiar with what we'll be doing today.

A Okay.

Q I'll be asking you questions on the record and you'll provide answers. As you can see the court reporter is going to be taking everything down, so we'll try our best not to talk over each other. I ask that you provide verbal answers as it's difficult for the court reporter to record head nods or things like that.

A Understood.

Q Mr. Ruff may have the opportunity to lodge an objection to a particular question. Just pause or so a beat after my answer if he has an objection, then that way we'll try not to talk over each other.

A Understood.

Q If you need a break today just let me know, that's fine. All I ask is that if there's a

today.
BY MS. PARDO:
Q So on what day did you visit Sesame Place?
A July 4th, 2022.
Q For that particular visit to Sesame Place were your tickets single-day admission?
A Yes.
Q Have you ever had a season pass to Sesame Place?
A No.
Q Has Olivia ever had one that you know of?
A No.
Q And where were your tickets purchased for the visit on 7/4/2022?
A I'm not sure if they sell through like any third parties, so I'm guessing it was online.
Q Okay.
A I would assume directly through the website.
Q Okay. Did you purchase the tickets?
A I paid for the tickets, but Doniesha purchased them.

Q Okay. Doniesha purchased the tickets, so is that why you're not really sure on what website you purchased them, or are you sure?
MR. RUFF: Objection. You can answer.
THE WITNESS: I'm sure that we purchased the tickets, yes.
BY MS. PARDO:
Q Okay. From what website?
A I would naturally assume Sesame Place.
Q Okay. But you don't know for sure?
A That they were purchased or that, is that specifically where she purchased them, what are you asking?
Q Well, I'm asking where you did purchase them from.
A It was online through what I would assume to be Sesame Place.
Q Okay. And is there -- do you have any understanding of whether you bought them through a third-party ticket seller?
MR. RUFF: Objection. You can answer.
THE WITNESS: I'm not sure.

BY MS. PARDO:
Q Okay. Did you personally go to Sesame Place's website before the tickets were purchased?
A No.
MS. PARDO: 13?
THE COURT REPORTER: Yes.
(Fleming Deposition Exhibit 13 was marked for identification and attached to the transcript.)
BY MS. PARDO:
Q Okay. I'm handing you what's been marked as Fleming Exhibit 13. It has a Bates number on it of Fleming 0011 that was produced to us in this case. Mr. Fleming, do you recognize this document?
A Yes.
Q Okay. And you produced this to us in this case?
A Not directly.
Q Okay. But you are -- okay. You're not taking issue with the fact that it was produced on your behalf in this case?
A No, I don't have an issue with that.

Q Okay. Do you know what this is?
A Yes.
Q What is it?
A A receipt.
Q Okay. And what's it a receipt for?
A Our admission to the park and parking passes.
Q All right. And in the Bill To column it says Doniesha Sanders. Do you see that?
A Yes.
Q Okay. And in the Ship To column it says Doniesha Sanders?
A Yes.
Q All right. And this appears to be a purchase of three single-day tickets, do you see that?
A Yes no.
Q The total cost of the tickets was $184.41; is that correct? Excuse me, it also includes general parking. Do you see that?
A Yes.
Q All right. And the total cost of this

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purchase was $184.41; is that right?
A Yes.
Q And if you go down to the bottom there are names listed here under Guest Name. Do you see that?
A Yes.
Q Okay. So you went to the park that day?
A Yes.
Q And Olivia Fleming also had a ticket; is that correct?
A Yes.
Q And Doniesha Sanders also had a ticket?
A Yes.
Q Did you bring anyone else with you who didn't require a ticket?
A No.
Q Okay. No one under the age of two?
A No.
Q And these were purchased with a card ending in the number 7799; is that correct?
A Yes.
Q And is that a credit card or a debit card?

A That one I'm not 100 percent sure, but I would say debit card.
Q Okay. And where -- what bank account is that debit card attached to?
MR. RUFF: Objection. You can answer.
THE WITNESS: I'm not sure.
BY MS. PARDO:
Q Okay. You don't know what bank account the debit card is linked to --
MR. RUFF: Objection. You can answer.
Q -- is that what you're saying?
A No.
Q Okay. But you -- but is it your testimony that this debit card is connected to a bank account that you're an account holder of?
MR. RUFF: Objection. You can answer.
THE WITNESS: I'm not too sure.
BY MS. PARDO:
Q Okay. So you don't know whether this card is connected to a bank account that you're an account holder to?
MR. RUFF: Objection. You can answer.

THE WITNESS: That's not like a black or white answer honestly.
BY MS. PARDO:
Q Why is that?
A Because Doniesha told me to transfer the money to her via Cash App and she secured the payment for these tickets.
Q Okay. So so that I understand how this occurred, Doniesha purchased the tickets online; is that correct?
A Yes.
Q Okay. She used some sort of card for this, credit or debit?
A Yes.
Q Okay. And you're saying that you transferred money via Cash App to her to cover this purchase; is that correct?
A Yes.
Q Okay. Do you know what day you transferred money from Cash App?
A That was the same day.
Q Same day, okay.

And do you know how much money you transferred to her?
A For this purchase?
Q Yes.
A I want to say it was like $185.
Q Okay. Do you have records of Cash App transactions?
A Yes.
Q Okay. And that's something that you have control over?
A Yes.
Q Is that something that you can provide to us?
A Yes.
MR. RUFF: We'll make sure you get that today.
BY MS. PARDO:
Q Do you share any bank accounts with Ms. Sanders?
A Yes.
Q And is that a checking or a savings account?

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A She's an authorized user on my -- I forget which credit card it is, but it's one of my credit cards.
Q All right. At any time did you review any terms or conditions of the tickets that you, that were purchased for your 7/4/2022 visit?
MR. RUFF: Objection. You can answer.
THE WITNESS: No.
BY MS. PARDO:
Q Now, I believe in your interrogatory answers you had indicated that you received a promotional deal for the tickets. Do you recall making that statement?
A Yes, but that wasn't pertaining to this purchase.
Q Okay.
A We -- I purchased more tickets the same day.
Q Oh, okay. So tell me about that purchase.
A There was like a promotion thing going on. I don't, I don't want to quote like the wrong numbers, but it was like each ticket was like at a

discounted rate.
Q Okay.
A And at the time we were there with just Olivia because the other kids were in Virginia --
Q Okay.
A -- and we wanted to bring the other kids back for, you know, to, you know, enjoy Sesame Place, so we purchased tickets while we were there.
Q Oh, so did you purchase tickets at the park that day?
A No, it was like a, kind of like -- it was like on their like online.
MR. RUFF: Counsel, can you clarify what you mean by purchase tickets at the park? Are you saying physically at the counter --
MS. PARDO: Well, yeah --
MR. RUFF: -- or were you located at the park when you purchased those tickets?
MS. PARDO: Well, I'm going to try to break that down a little bit.
MR. RUFF: Thanks.
BY MS. PARDO:

Q So we have this purchase that we're talking about that Doniesha made online for three tickets; correct?
A Um-hum. Correct.
Q Okay. But you're saying that same day you made a separate purchase of tickets; is that right?
A Yes.
Q Okay. And was that a purchase that you made online?
A Yes, that was online. It wasn't at a concession stand or anything, so.
Q Okay. And did you physically make that purchase or did Doniesha?
A It was the same process. Doniesha found it, and she told me how much to send her through Cash App so she could secure payment for the tickets.
Q Okay. And how many tickets were purchased?
A Six.
Q Six.
And do you recall the price of the

tickets?
A Not each one. I'd say the grand total with fees and maybe a parking pass was probably in the ballpark of 250.
Q Okay. And were those -- the tickets that you're speaking of, the six tickets, were they to return for a particular day?
A It may have been for like a particular date, or we might have got a chance to pick certain dates, but I know the tickets were discounted and they were only like -- there was like a holiday promotion that you can only like lock that price in that day.
Q Okay. So that's why you made a second transaction on that day?
A Yes.
Q Okay. Do you have the purchase summary for those six tickets that you recall purchasing?
A I'm not 100 percent sure if I have the purchase summary, but I know I got a refund for those tickets.
Q Okay. Tell me how that purchase of the

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six tickets was made. Was that with a credit card?
A I'm not 100 percent sure. I know she told me how much to send her through Cash App. So I'm not sure if it was like on my credit card or if it was on her debit card, I'm not 100 percent sure.
Q Okay. Now, we had requested that you produce records that you have of all of your ticket purchases to SeaWorld, to Sesame Place. So did you search for this particular purchase in connection with your obligations to provide documents to us?
A Could you rephrase that?
Q So did you make a search of your records to find purchase records related to this six tickets?
A Are you asking like in general, or for today?
Q Well, you were asked to produce records in this case; is that right?
A Yes.
Q Okay. And you produced records that related to your July 4th visit; is that correct?
A Yes.

Q And we're talking about one of those right now, the one that's marked 0011?
A Yes.
Q Did you also search for such records for your second purchase of the six tickets?
A I sent the, I want to say it was like a refund confirmation. There should have been like a snapshot that that was sent to, I want to say, one of the paralegals or something.
Q Okay. But before you asked for the refund did you get a proof of your transaction of buying them?
A I'm not 100 percent sure if I sent that or not. I'm not too sure.
Q Okay. Do you know if you still have that in your email or otherwise?
A I have proof of the funds that were transferred. I also have the email confirmation that was sent for the refund.
Q Okay.
A But I'm not 100 percent sure like what all if I might have missed something, I'm not -- I don't

know.
Q Okay. And for this purchase of the six tickets, did you also give Doniesha money through Cash App for that purchase?
A Yes.
Q Okay.
MS. PARDO: So if we could, Counsel, the Cash App transactions for both purchases, as well as what you're saying documents related to a refund such as confirmation or other email.
BY MS. PARDO:
Q With respect to the refund, tell me how you went about getting a refund.
A It was a phone call to Sesame Place. I don't know if it's like ticket holders or I don't know, I don't know how that stuff works.
Q Okay.
A Somebody on the phone, like one of the departments issued a refund.
Q Where -- did you -- were you the person that requested the refund?
A I requested it as a discussion between

myself and Doniesha.
Q Okay. Who actually made the call to request the refund?
A She did because she made the purchase.
Q Okay. So Doniesha, as far as you know, contacted someone to get a refund for the six tickets that you purchased?
A Correct.
Q All right. Were you present when she made the phone call?
A Yes.
Q All right. And what was said on the phone that you could hear?
MR. RUFF: Objection. You can answer.
THE WITNESS: She explained the circumstances of our last visit as well as, you know, the lack thereof. There was no response when I reached out in concern to what Olivia encountered, so she requested a refund.
BY MS. PARDO:
Q Okay. And do you know if she obtained a refund?

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A Yes.
Q Okay. Was it for all of the six tickets?
A Yes.
Q Do you know the mechanics of the refund? Like did it come back to her credit card, or how did that work?
A It goes back to whichever card she used.
Q Okay. What date did Doniesha request the refund?
A I can't give you like a specific, I could just try to map it on the timeline. I'd say July of 2022.
Q Okay. So your visit to the park took place on July 4th; is that right?
A Yes.
Q Okay. Approximately how long after that visit was the refund requested?
A Maybe a week or two weeks, maybe.
Q Okay. When you made this purchase that we're looking at, Exhibit 13, when Doniesha made this purchase do you know if she printed out anything else in connection with this purchase?

A No, she didn't have to print anything. It's all, it's all on your phone.
Q Okay. And do you know whether Doniesha printed out anything from the Sesame Place website prior to your visit on July 4th?
A Pertaining to?
Q Anything.
A No.
Q Okay. Mr. Fleming, are you aware that one of the claims in your lawsuit is based on a contract that you had with SeaWorld?
A Yes.
Q Did you yourself have a contract with SeaWorld for the visit to Sesame Place at issue?
MR. RUFF: Objection. You can answer.
THE WITNESS: Yes, I accepted the -- I accepted my ticket and entered the park, so, yes.
BY MS. PARDO:
Q And this contract that is the basis of your lawsuit, what were the terms of that contract?
MR. RUFF: Objection. You can answer.

THE WITNESS: Could you rephrase that?
MS. PARDO: Yeah.
BY MS. PARDO:
Q So what is it that you were supposed to get from SeaWorld, or Sesame Place related to that contract?
MR. RUFF: Same objection, but you can answer.
THE WITNESS: I mean the same experience that everybody else would assume that they would get; a fun, family-oriented, happy time.
BY MS. PARDO:
Q So the nature of the contract that you're suing about, you paid money -- you or Doniesha paid money for a ticket on your, on your behalf; right?
A Yes.
Q Okay. And what were you supposed to receive in return?
MR. RUFF: Objection. You can answer.
THE WITNESS: A family-oriented experience.

BY MS. PARDO:
Q What else were you supposed to receive?
MR. RUFF: Objection. You can answer.
THE WITNESS: I'm sorry. It's the same answer. A family experience, a good time. It was 4th of July.
BY MS. PARDO:
Q Okay. Well, I'm just trying to get to the nature of the contract, like when --
A Yeah, I wasn't trying to laugh at you. It's just that I felt like you asked the same thing three times.
Q Sometimes we do that. I just would like to know if there are specifics of this contract that you were promised as part of your ticket purchase, that's what I'm trying to get to the bottom of.
A I mean it's Sesame Street. I grew up on Sesame Street, so. I wouldn't say nobody verbally promised anything, but, you know, it's like we all look forward to a magical time, a great experience with our kids, memories, things we can look back on, a good time.

Q Okay. And you said nobody verbally promised you anything. Did they promise you anything in writing?

MR. RUFF: Objection. You can answer.

THE WITNESS: Without me reading the context of what's on their website, terms and conditions, I don't know.

BY MS. PARDO:

Q Okay. Because you didn't read any terms and conditions on the website; is that right?

MR. RUFF: Objection. You can answer.

THE WITNESS: No, I didn't. Not personally, no.

BY MS. PARDO:

Q If you can turn back to the Complaint, I want to go over to paragraph 48 on page 8.

A Mine doesn't go back that far.

Q I'm sorry, page 8 and the paragraph number is 48. Do you see that?

A Yes.

Q And it states: By the terms of the contract between the Flemings and SeaWorld,

SeaWorld's costume character performers were obligated to not refuse to, on the basis of race interact with SeaWorld's customers including the Flemings. Did I read that right?

A Yes.

Q And then it goes on to say: Similarly, the Flemings were entitled to SeaWorld's performance of the contract by way of its costume character performers to interact with the Flemings. Did I read that right?

A Yes.

Q Now, are you stating in this paragraph that you believed the costume characters were required to interact with your family?

MR. RUFF: Objection. You can answer.

THE WITNESS: Personal interaction just like exclusive to us?

BY MS. PARDO:

Q Yeah.

A No, not exclusive, no.

Q Okay. So you didn't expect that you would have an interaction with a character one-on-one when

you went to the park that day?

MR. RUFF: Objection. You can answer.

THE WITNESS: I did expect that, yes.

BY MS. PARDO:

Q Okay. You did expect that, okay.

But you hadn't read anywhere that you were guaranteed to have that just by purchasing a ticket?

A I didn't read it myself personally, no.

Q Okay. Did someone else read that?

A I'm not aware. I'm not too sure.

Q Okay. Do you know if Doniesha had read that somewhere before purchasing the ticket?

A I don't know.

Q And what type of personal interaction did you expect to have, you or Olivia, at the park that day?

A Basic meet and greets.

Q And what is a basic meet and greet in your mind?

A Well, I've been to several different theme parks with my kids, so if you're asking me to define it I would say, you know, high-fives, waves,

pictures.

Q Okay. So on the July 4th visit day, did Olivia get any of those types of interactions that you just listed?

A Towards the conclusion of the parade.

Q Okay. Can you tell me about that?

A Like the experience?

Q Yeah, that interaction in particular.

A I can't remember the character's name. It has pigtails.

Q Okay.

A It's a female character.

Q Okay.

A After she was like rejected, or what I perceived to be rejected from the other like Telly Monster, like the bigger one, the robust one, the other one I kind of like, you know, kind of like nudged her to go and get like just a high-five. Like, you know, kids are -- she's five, she's like looking forward to like doing her thing, you know what I mean.

Q Right.

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A So that was like -- that was the only interaction that she had from one of the characters.
Q Okay. So she did have an interaction with a character on your visit on July 4th?
A Yeah, but it was almost forced.
MS. PARDO: Are we on 13?
THE COURT REPORTER: 14.
(Fleming Deposition Exhibit 14 was marked for identification and attached to the transcript.)
BY MS. PARDO:
Q I handed you, Mr. Fleming, what's been marked as Fleming Exhibit 14. Take a minute and let me know if you've seen this document before.
A Yes.
Q Okay. What is it?
A It's questions and like my responses.
Q Okay. And if you can go to the back page, actually page -- yes, the very last page, do you see that?
A (Indicating.)
Q Yes. It says: I solemnly affirm under

the penalties of perjury that the information contained in these Answers to Interrogatories are true and correct to the best of my knowledge, information and belief. Did I read that correctly?
A Yes.
Q And you had signed that document; is that correct?
A Yes.
Q Do you recall signing it electronically?
A Yes.
Q And are in fact the answers in these responses true and correct to the best of your knowledge, information and belief?
A Based on how they were asked, yes.
Q Okay. So I want to take you over to interrogatory No. 1 and your answer to that. It starts on page 2. All right. In this interrogatory the question's above and then your answer comes below. It asks: For each visit you have made to Sesame Place in the last five years state, and then it goes through the different things we wanted you to state.

If you go down to your answer do you see where under answer No. 1(b) you say: Mr. Fleming does not recall when he purchased the tickets for 10/25/19. So you had gone on an earlier visit to Sesame Place; is that right?
A Yes.
Q Okay. What do you recall about the October 25th, 2019, visit?
A All four of the kids were present, as well as Doniesha. So as a family of six we were all there together.
Q And how was the -- how was that visit?
A It was Halloween time. It was like a Halloween style. Like everything at the park was like Halloween decorated. So I can't remember if they were like doing candy or not, I'm not 100 percent sure. I don't know, that's a while ago. My kids do so much. I mean overall like the kids enjoyed theirself.
Q Okay. Did you experience any discrimination at the park when you visited in 2019?
A There was a lot less going on around that

time. It was cold, so, no, none that I was aware of.
Q Okay. And you weren't able to find any purchase, documents that reflect that purchase for the Halloween tickets?
A Not a purchase. Not for 2019, no.
Q If you go down to subsection (c) there, you can see the (c) part of your answer, it says: Mr. Fleming purchased the tickets on the morning of 7/4/2022. It was a promotional deal. Do you see where I read that?
A Yes.
Q It's actually the fact that Doniesha Sanders purchased those tickets; is that right?
A Well, she made the physical purchase on her own, but we purchased them together. We both were in agreement to buying the tickets and I transferred the money to her.
Q All right. And then you'll see in subsection (f) on the next page at the top it says: Mr. Fleming purchased the tickets for 7/4/22 with a debit card. Do you see that?

A Yes.
Q Okay. Now, sitting here today do you still think it was a debit card?
A I don't know the last four digits of that card. I'm not sure if that's mine's that she's an authorized user on or if that might be her personal debit, I'm not 100 percent sure.
Q Okay. So you're not sure if this part of the answer is correct; is that right?
A It's correct to my knowledge. It was purchased with a card.
Q Okay. Put that to one side for just a minute if you will.
MS. PARDO: 15.
(Fleming Deposition Exhibit 15 was marked for identification and attached to the transcript.)
BY MS. PARDO:
Q All right. Mr. Fleming, I've handed you what's been marked as Fleming Exhibit 15. Take a minute to look at that and tell me if you recognize this.

A Yes, this is our tickets for the park.
Q Okay. And this was what you showed to gain entry to the park on July 4th; is that right?
A Yes.
Q And is there also -- on the last page was that your voucher for general parking?
A Yeah, general parking, yes.
Q All right. So turn back to one of the tickets under -- you'll see the black box where it says Legal Terms.
A Any page?
Q Yeah.
A Yes.
Q Okay. And take a look at that paragraph there for me and tell me where it says that you are entitled to interaction personally with a character.
MR. RUFF: Objection, but you can answer.
THE WITNESS: That does -- that's not specific. That says to -- this is in regards to just the tickets.
BY MS. PARDO:
Q Okay. So are there any promises made

under the Legal Terms portion that you just looked at that reference interactions with a costume character?
MR. RUFF: Objection. You can answer.
THE WITNESS: For purchasing the tickets, the Legal Terms on it for these are for the tickets.
BY MS. PARDO:
Q Okay. So it doesn't mention anything about that, does it?
MR. RUFF: Objection to the form. You can answer.
THE WITNESS: Are you asking does it mention that for your website in general, or are you asking just for these tickets?
BY MS. PARDO:
Q Okay. Well, right here in these Legal Terms is it mentioned?
MR. RUFF: Objection. You can answer.
THE WITNESS: No, not pertaining to the tickets, it does not.
BY MS. PARDO:

Q Okay. So you made reference to the Sesame Place website as well; is that right?
A If asking you for clarification is a reference, yes.
Q Okay. So is there a place on the website that says your ticket will guarantee an interaction with a costume character?
MR. RUFF: Objection. You can answer.
THE WITNESS: I'm not 100 percent sure.
BY MS. PARDO:
Q Okay. Have you ever gone on the Sesame Place website?
A Other than to get a contact number for like to give Sesame Place a phone call, no.
Q Okay. Prior to purchasing tickets for the 7/4/2022 visit, did you go on the Sesame Place website?
A Not myself personally, no.
Q Okay. Did Doniesha go on the Sesame Place website?
A I'm sure she did to purchase the tickets.
Q Okay. But you don't know for sure?

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A I'm not 100 percent certain. I can't speak for her.
Q All right. So turning back to that visit on July 4th, do you recall what time you arrived at the park?
MS. PARDO: Go off the record for a minute.
MR. RUFF: Can we go off the record?
MS. PARDO: Sure.
THE VIDEOGRAPHER: The time is 10:34, we are going off the record.
(Recess 10:34-10:42 p.m.)
(Mr. Harris and Ms. Yatsko are now present.)
THE VIDEOGRAPHER: The time now is 10:42, we are back on the record. This is the beginning of Disc No. 2.
BY MS. PARDO:
Q All right. So I think before the break we were talking about, starting to talk about your visit to Sesame Place on July 4th. Can you give me an idea of what time you arrived that day?

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A Before lunchtime.
Q Okay. And do you recall when you left?
A Between I'll say 6 and 7 maybe. It was getting dark outside.
Q Do you remember what time the park closed that day?
A I'm not 100 percent sure, no.
Q Okay. Was it getting dark between 6 and 7 in July?
A When we were driving I want to say it was getting, it was getting dark.
Q Okay. So in your words describe to me what happened at Sesame Place on July 4th, 2022, that you're suing about.
MR. RUFF: Objection to form. You can answer.
THE WITNESS: Could you rephrase that, please.
MS. PARDO: Sure.
BY MS. PARDO:
Q Tell me about your visit that's the basis of the lawsuit. I'd like to know what your

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experience was like that day.
MR. RUFF: Same objection. You can answer.
THE WITNESS: Well, up until the parade everything was fine, it was a good time.
BY MS. PARDO:
Q Okay. So are you suing about events that occurred during the parade?
A Yes.
Q Okay. Tell me about that. What's the basis of your lawsuit?
A The experience with the parade specifically?
Q Yeah, tell me about that in your own words.
A Well, there was probably at least like a 15-minute period during the parade where I felt like Olivia was being overlooked, and what I mean by overlooked I mean as far as like basic waves, gestures, high-fives, and then up until the Telly Monster that's when I decided to start getting a little bit more proactive with, you know, asserting

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my role as her dad trying to like get the attention on her.
Q Do you recall the time of the parade?
A These aren't specifics because July was a long time away, so I'd say maybe, maybe 5.
Q Now, you mentioned about Telly Monster. Tell me about what happened with Telly Monster.
A Specifically to Olivia; right?
Q Sure, yes.
A Well, there was a period where I was, you know, signaling and recording and doing gestures and trying to like, you know, get the eye line on me to point towards Olivia, which is what I was doing, and Telly Monster from what I perceived had her attention and he walked towards her, and soon as he got like within I'd say roughly 2 feet maybe he veered, in the video it would have been right but it would have been his left and he acknowledged an Asian kid and like kind of like brushed Olivia off and just kept walking, doing his routine.
Q You say he brushed Olivia off. What do you mean by that?

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A Like I said, he was walking towards her in her line of sight with his hand out and then he went this direction, which would have been his left but our right, and gave the high-five to the Asian kid, and on his return back towards the parade he kind of went like that, like flagged her down. It wasn't like a double high-five or wasn't like a high-five this way, which would be like acknowledging both kids. He kind of like turned and just brushed his hand back.

Q And you had mentioned before the phrase in her line of sight, and what you mean is -- what do you mean by that?

MR. RUFF: Objection. You can answer.

THE WITNESS: What I mean by her line of sight is, you know, with the previous costume characters I was being dismissive thinking maybe they couldn't see. So that's why I got proactive with being, you know, in dad mode and I'm like, all right, if you don't see them, or if you don't see her you're going to see me. So that's when I started kind of like, you

know, jumping around and doing all the gestures and pointing at my daughter, and he visibly -- you know, he's at least like at the time 20 feet away from her when he looked her direction and started walking towards her.

BY MS. PARDO:

Q Okay. You mentioned that you weren't sure if other characters had seen Olivia; is that right?

MR. RUFF: Objection. You can answer.

THE WITNESS: I was just giving the benefit of the doubt honestly, so, at that time.

BY MS. PARDO:

Q You have no way of knowing exactly what each character can see out of the costume?

A Could you rephrase that?

Q Do you have any way of knowing what they actually can see while in the costume?

A No, it's just an assumption. I've never been in a costume.

Q Okay. And when you said that Telly Monster brushed your daughter off, is it your

testimony that he did not touch her?

A Based on my position, the angle, it looked like her hand was brushed, but it wasn't like a high-five. It wasn't a pat or a respectful acknowledgment. It looked more like just like a downward motion this way.

Q But he acknowledged Olivia?

MR. RUFF: Objection. You can answer.

THE WITNESS: I wouldn't consider that acknowledgment, no.

BY MS. PARDO:

Q Okay. Would you consider it like a low-five?

A No.

Q And, Mr. Fleming, do you identify as Black?

A Yes.

Q That's your race?

A Yes.

Q Okay. What about Olivia, how does she identify?

A Black.

Q And you mentioned that the child that Telly Monster touched is Asian, do you recall that testimony?

A It was a high-five specifically, yes.

Q Right, and it was an Asian child, was that your testimony?

A Yes.

Q Okay. Where was the child standing in relation to Olivia?

A Approximately maybe 5 to 6 feet from Olivia.

Q Okay. How close was Olivia standing to the Asian boy that you referenced?

A It's the same distance.

Q 5 to 6 feet from him?

A Yes.

Q Okay. And how did you feel about this experience at the time it occurred?

A Pertaining to me feeling like she was being ignored during the parade, or the experience with Telly, Telly Monster?

Q The experience with Telly Monster.

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A I mean she turned around with a look of sadness and it made me feel helpless. Like I wanted to do something, but I couldn't do anything except for continue with my antics, which was signaling for other characters which, again, went ignored, as well as frustration not just for her but for myself, because I felt like I was like disappointing her.

Q So Olivia turned around to you after this, what you called the brushoff from Telly Monster; is that right?

A Yes.

Q Okay. Did she say anything to you at the time?

A She didn't verbalize it, so, no.

Q Was Doniesha also in attendance at the parade?

A Yes.

Q Okay. And was she present at the time of the Telly Monster interaction that you just described?

A She was sitting down on her phone.

Q Okay. Where was she in relation to Olivia

at the time of the Telly Monster incident that you just described?

A She was sitting on the curb because it's like a street style. So she was sitting on the curb in between Olivia, which was like positioned in front of me, and then the Asian family, which was like a dad and I think a daughter and a son. They were on the right-hand side about 5 feet from us.

Q Was Doniesha taking any video?

A I'm not 100 percent sure. All I know she was on her phone.

Q Was she taking any photos, still photographs?

A I can't answer that. I'm not 100 percent sure. She just had her phone out.

Q Okay. And you were taking video; is that correct?

A I was filming Olivia, yes.

Q Okay. And how did you decide when to turn on your video during this parade?

A Could you rephrase that?

Q Yeah.

How did you decide when to turn the video camera on?

A Well, most phones eventually run out of storage so I wasn't filming the entire parade, so what I would do is little snapshots. So any time I seen like a character walking, you know, maybe 20 feet out, 30 feet out I would like be filming hoping that she would get some sort of acknowledgment or interaction.

Q Okay. And then if she didn't get the interaction, would you stop filming after?

A Yes.

Q Okay. So you didn't continuously keep your camera on?

A No, I wasn't filming continuously, no.

Q Okay. And can you tell me some of the other characters that you had filmed in the manner that you just described?

A Seen or filmed?

Q Filmed.

A Some I do know, some I don't know, so I'm just going to be specific to the ones I do know. So

I'd say Big Bird, Elmo, Grover, I think that's the name, and Bert and Ernie.

Q Okay. And there might have been others, but you just don't know the characters' names; is that right?

A There were others, I just don't know their names.

Q Okay. And at the time of this experience you had mentioned that Olivia turned around and looked at you helpless. Would you describe -- did you describe her as disappointed -- would you describe her as disappointed at the time?

MR. RUFF: Objection to form. You can answer, sorry.

THE WITNESS: Could you rephrase that, please.

MS. PARDO: Sure.

BY MS. PARDO:

Q Would you describe Olivia as being disappointed at the time of the Telly Monster brushoff, as you described it?

A Yes, but it was beyond disappointment.

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Q Okay. Tell me what made you think it was beyond disappointment.
A Well, it was a sense of hurt, confusion. She was like -- I don't know specifically how you would word it, but she was like, you know, looking at me like what do I do, like what are you going to do, like one of those looks.
Q Okay.
A I've seen that in her face before, so usually it's associated with, you know, kind of like panic.
Q So you thought she looked panicked after the Telly Monster incident?
A Yes.
Q But she still hadn't said anything to you about that right after it; is that correct?
A She didn't verbalize it in that moment, no.
Q Now, when Telly brushed your daughter's hand at the time you didn't think much of it, did you?
MR. RUFF: Objection to form. You can

answer.
THE WITNESS: I did think much of it.
BY MS. PARDO:
Q You did at the time?
A Yes.
Q Okay. Tell me what you thought about it at the time.
A Well, I noticed it, but like I said earlier it was more of just giving the benefit of the doubt.
Q After the parade ended, did you regard yourself as having suffered discrimination?
A Could you rephrase it?
Q Yeah.
So the parade concludes, did you think at that time that you had suffered discrimination?
A Yes, but I chose not to act on it immediately.
Q And what is the basis of you thinking that you suffered discrimination after the parade?
A I mean there's several kids, there's hundreds of kids that are there, most of them don't

look like Olivia and there's a lot of acknowledgment, you know, whether it had been touch or waves, that Olivia didn't get that same experience.
Q Did you try to speak to someone at Sesame Place about this incident that happened with Telly Monster during the parade?
A Not initially. Not at that time of the parade, no.
Q Okay. So you didn't complain to guest services about the lack of the interaction --
A No.
Q -- between Telly and Olivia?
A No. We have a two-hour car ride, so we were -- at the time we were just focused on getting in the car.
Q So you were more focused on leaving?
A Yes.
Q Okay. And you didn't ask to speak to a manager at the park?
A Not at the park, no.
Q And when that parade ended, what did you

do?
A There was a firework display.
Q Okay. Did you go on any other rides after the parade?
A No.
Q Okay. Did you do any purchases at the gift shop before leaving?
A I don't think so. I would say no.
Q All right. If you could turn back to Exhibit 14 that I handed you before. These are the Answers to Interrogatories and if you could turn to page 4. Okay. In the middle of the page under (b), this is your response, it says: On 7/4/22 OF attempted to interact with Telly Monster at the 7 p.m. Parade. Do you see that?
A I don't see (b). I see (a). Okay, I see it.
Q Okay.
A Yep, I see it, yes.
Q Okay. So does that refresh your memory about what time the parade was?
A Well, this is -- when I did this it was

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closer to that date, so, yes.
Q Okay. The incident with Telly Monster that you describe in this written answer is the same incident that we're talking about today; is that right?
A Yes.
Q Okay. So there's only one incident with Telly Monster; is that right?
A Yes.
Q Down in (f) you say: Mr. Fleming's girlfriend, Doniesha Sanders, witnessed the instance described in response to subparagraph 2(e). Did I read that correctly?
A I'm trying to find (f).
Q Right at the bottom.
A And you said subparagraph (e)?
Q Just I read (f) out loud: Mr. Fleming's girlfriend, Doniesha Sanders, witnessed the instance described in subparagraph 2(e). Is that accurate?
A What's sub -- what's subparagraph 2(e)?
Q So if you look a few lines up (e) says: During the Parade, OF was trying to get

acknowledgment from the costume characters with high-fives. OF was being overlooked, and so forth. So was Ms. Sanders a witness to that?
A She was present, so I would say yes because she was there.
Q Okay. Did you write these responses?
MR. RUFF: Objection. You can answer the question.
THE WITNESS: No.
BY MS. PARDO:
Q Okay. Do you -- did you review them before you signed them?
MR. RUFF: Objection. You can answer.
THE WITNESS: Yes.
BY MS. PARDO:
Q And these are your responses; is that right?
MR. RUFF: Objection, but you can answer.
THE WITNESS: Based on my understanding of the question these are my, these are my responses, yes.
BY MS. PARDO:

Q Was there music at this parade?
A Yes.
Q Was it loud?
A I wouldn't say extremely loud. I live in a city, so city music's louder.
Q Did you find Olivia to be intimidated by any of the characters?
A No.
Q Were there other people present at the parade who didn't get a high-five?
A I can't speak for everyone else, so I'm not -- I'm not sure.
Q Okay. So you have no way of knowing if Olivia was the only one or one of 100 that didn't get a high-five?
A Specific to that day and that time within my proximity we were the only Black couple, Black family, and right across the street, because like I said it's a street, there was another Black family which would have been a little bit to my left. From my knowledge looking at them they appeared to be ignored as well.

Q Sitting here today, can you say whether other Black children along the parade route got an interaction with a costume character?
A I can't speak for the entire parade route. I can only speak for what I saw.
Q Okay. Can you say one way or the other whether Hispanic children along the parade route got an interaction with a costume character?
MR. RUFF: Objection to form. You can answer.
THE WITNESS: Once again, I can't speak for Hispanic families as well because in my area we were the only Black family, colored family.
BY MS. PARDO:
Q Okay. How can you tell if someone's Hispanic?
A Typically, you know, language, their looks.
Q Did you think it was possible for Telly to high-five everyone at the parade?
A Could you rephrase that, please.

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A Yes, that's what I said, yes.
Q And you consider that to be discriminatory against Olivia?
A Based on the conduct of how it happened, yes.
Q You didn't think the way in which Telly Monster touched Olivia's hand was enough of an interaction?
A No.
Q Okay. You were expecting a high-five?
A It could have been a low-five. She didn't get that either, so, no.
Q Okay. If it was a high-five would you be suing for discrimination?
MR. RUFF: Objection to form. You can answer.
THE WITNESS: Hold on, could you rephrase that?
MS. PARDO: Yeah.
BY MS. PARDO:
Q If Telly Monster had given Olivia a high-five, would you be suing for discrimination?

MR. RUFF: Same objection, you can answer.
THE WITNESS: No, because she would -- it would have never happened.
BY MS. PARDO:
Q Now, if Telly Monster had interacted with a Hispanic child instead of Olivia, would you consider that to be racist?
MR. RUFF: Objection to form. You can answer.
THE WITNESS: There's different variables that go into -- it's not a black or white answer. If you could rephrase it, I mean.
BY MS. PARDO:
Q Well, I'm just, I'm just wondering if, you know --
A Is this specific to just that day or is this in general?
Q Yeah, I'm talking about the parade. So if Telly Monster had interacted with a Hispanic child instead of Olivia would that, would you consider that character to be racist?
MR. RUFF: Same objection. You can

answer.
THE WITNESS: I mean, like I said, it's not black or white. So I mean as far as like yes or no colorism is part -- that's racism, so it just -- it all depends.
BY MS. PARDO:
Q Now, in paragraph 50 of the Complaint, The First Amended Complaint you allege that Telly Monster intentionally refused to engage with Olivia. Do you recall that?
A Where is this at?
Q Paragraph 50.
A What page?
Q Page 9.
A I don't have a page 9.
Q I'm sorry, the thicker one, the Complaint. That would be -- your sticker will say No. 12.
A Okay. All right. So what was the question?
Q So paragraph 50 says that Telly Monster intentionally refused to perform by refusing to engage. What makes you think Telly acted

intentionally in refusing to engage with Olivia?
A I don't want to answer that with another question, but did you watch the video?
Q I did watch the video, and I'd like to know what makes you think it was intentional.
A Well, he walked towards her, he had his hand out for a brief period walking her direction, and then when he noticed the Asian kid he walked and he veered off and gave the Asian kid the acknowledgment.
Q Okay. How do you know what Telly Monster noticed?
A Because he's looking right at her line of sight and I'm the one that's on video performing to get his attention.
Q Okay. And when you say Telly Monster was looking right at her, are you referring to Telly's, the character's, eyeballs?
A The body.
Q The body was pointed toward her?
A Visibly the body of the costume was what I perceived to be looking at me or looking towards

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Q Okay. Did Olivia ask to go to one of the other meet and greets and stand in the line for a photo?
A No, she was just excited to wait for the parade.
Q Okay. That wasn't something that she asked you to do?
A To go back?
Q To go to one of those meet and greets where you stand in line to have the one-on-one interaction.
A Not to return, but going in she was looking forward to taking a picture.
Q All right. Did you go to any of the Dine With Elmo events that day?
A No, but actually I did -- we did do -- there was like a, I want to say like a play or like a sing-along type thing, it's a stage, we did do, we did do that.
Q Okay. So you went to some kind of show that day?
A Yep.

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Q What about Photos with Elmo and Friends, did you go to anything that was called that?
A No, because everything's like time, from my knowledge everything's time specific. So some of the stuff that we were -- we were already like at the pool area, then we were doing food. So like you had to be in certain areas for certain things at certain times.
Q Okay. So then you made choices about what you wanted to go to and not go to throughout the day?
A Yeah, we were limited because the park was like -- it was crowded that day.
Q Have you been to Sesame Place since July 4th, 2022?
A No.
Q Have you been since these interrogatory answers were provided to us?
A No.
Q Did you complain to any Pennsylvania government agencies about what occurred during your visit on July 4th?

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A Like legal agencies?
Q Like, for example, the Pennsylvania Human Relations Commission.
A I reached out to Sesame Place, but if that considers an agency.
Q Okay. So nothing part of the Pennsylvania government?
A No.
Q Okay. In interrogatory No. 3 you identify complaints that you made to Sesame Place about your visit. Do you recall that?
A What page is this on?
Q So No. 3, your answer is on page 5. Do you see that answer?
A Yes.
Q All right. So you said you made several calls. Can you tell me the first call that you made?
A I don't know. Are you asking for like a time?
Q Yeah, what's the, what's the first call that you made to Sesame?

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A I want to say somewhere in the ballpark of third week of July maybe --
Q Okay.
A -- fourth week of July.
Q All right. So earlier you had testified that you asked Doniesha to make a call to Sesame Place.
A No, that was in regards to canceling the ticket.
Q Okay. That was the canceling, all right. So that's not a part of this Mr. Fleming made several calls portion of your answer?
A No.
Q All right. So tell me about that first call. Third week of July who did you contact?
A It was like an 800 number. It was like the 800 number.
Q How did you find the number?
A That's online.
Q Online on what website?
A Sesame Place.
Q Okay. So you went and searched for it?

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identify your economic losses that you're claiming in this lawsuit. You stated that: Economic losses include the cost of tickets to Sesame Place. Is that correct?

A Correct.

Q All right. I think earlier we went over that ticket purchase summary; is that correct?

A For the family tickets, or just the tickets pertaining to the actual visit?

Q The tickets pertaining to the July 4th visit.

A Yes, we talked --

Q That's what you're claiming as economic damages; is that correct?

A Yes.

Q All right. You're not suing over the other six tickets that you bought because you had, you got a refund; is that right?

A To the best of my knowledge; correct.

Q All right. Are there any other economic losses that you're suing over, money that you lost in connection with the events that you talk about in

this case?

A Money that was spent at the park, overpriced food --

Q Okay. What is --

A -- gas.

Q What is the -- can you itemize for me what you spent in the park on food?

A I'd say roughly, this isn't an exact number, maybe $100.

Q Okay. Why didn't you include that in the interrogatory response?

A I answered it based on how it was presented. So I thought I answered it to the best of my knowledge.

Q Okay. Do you have receipts for the food that you purchased during the park?

A No.

Q Okay. But are you going to claim those as a damage in connection with this case?

MR. RUFF: Objection. You can answer.

THE WITNESS: Based on what you asked me, I mean, yes, but if it's part of this case -- I

don't think it's part of the case, so, no.

BY MS. PARDO:

Q Yeah, it's up to you, and that's just what I -- I just want to make sure I cover everything that you claim is related to this case in terms of money loss.

A Okay.

Q All right. Apart from the ticket costs and the parking costs, are you claiming any other economic damages on behalf of Olivia that you're trying to recover in this case?

MR. RUFF: I'm going to object, but you can answer.

THE WITNESS: She can't really suffer financial losses, she's a child.

BY MS. PARDO:

Q Okay. I'm just asking.

Interrogatory No. 5 asks you to identify other noneconomic injuries, so not money. In response you stated: Plaintiffs experienced racial trauma as a result of Defendants' discriminatory practices. Do you recall that answer?

A Yes.

Q Okay. What do you mean by racial trauma?

MR. RUFF: And I'm going to object, but you can answer.

THE WITNESS: You want my opinion, or something I perceive to be facts?

BY MS. PARDO:

Q Well, I'd like to know what it is you mean by racial trauma since it was included in your response.

A Well, racial trauma associated with myself, or racial trauma associated with Olivia?

Q Let's start with you.

A Okay. So I mean racial trauma is something that has an instant negative effect. I suffer from hypertension, so there's elements that I have to deal with associated with, with that incident that elevates my blood pressure. I can feel it physically, whether it comes in the form of stress, tightness in my chest, tingling in my hands. Depending on what level I'm at as far as like being overwhelmed I might need to have a seat.

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Doniesha to attend Sesame Place on July 7th, 2022?
A July 4th?
Q What day did I say?
A 7th.
Q Sorry, July 4th, my apologies.
A Yeah, that's what we did. She told me how much and I sent it to her on Cash App and she took care of the rest.
Q Okay. By you guys making this purchase, was it your understanding that you were entitled to the full and equal --
MS. PARDO: Objection to the form. Sorry, finish.
BY MR. RUFF:
Q Were you guys entitled to have a equal experience as other members -- excuse me, as other attendees of the park?
MS. PARDO: Objection to the form.
BY MR. RUFF:
Q Was that your understanding?
A Could you rephrase it?
Q Yeah.

Based on the fact that you guys were given permission by the purchase of your tickets to attend the park, was it your understanding that by making that purchase you were entitled to have an equal experience to other folks that were visiting the park?
MS. PARDO: Objection; leading.
BY MR. RUFF:
Q You can answer.
A I'm getting confused, I'm sorry.
Q She's allowed to object just as much as I am as well.
A Oh, I'm sorry. I thought when there's an objection I thought it was like -- okay, my bad.
Q You can answer the question.
A Yes, I thought that I would have the same opportunity as everybody that was in the park that day.
Q Okay. What kind of services did you understand would be offered, or goods or facilities that would be offered at the park when you attended?
A Well, it was summertime, so the water

park's open; rides that are weather permitted, all the rides were open; food, games, different shows. What do you call that, the opportunities for meet and greets when they're available, and the parade and the firework display afterwards.
Q Okay. And it was -- and so it was your belief that you were entitled to an equal experience for all of those items; correct?
A Yes.
Q Okay. Do you feel like you got an equal experience as to every item you just listed based on your race?
MS. PARDO: Objection. Objection to the form.
THE WITNESS: No, I don't feel like I got an equal experience based on race, no.
BY MR. RUFF:
Q Okay. You said that you were able to see the race of people that were around you during the parade. Do you remember saying that?
A Correct.
Q Okay. Can you tell us again if you

remember seeing other African American attendees in your general vicinity during the parade?
A In my plain view there was a family of Black people that were on the other side of the street, which would be like on my left-hand side.
Q And that's because the parade was coming from right to left?
A So if I'm looking at it in real time, yeah, it would be coming from right to left.
Q Okay. Do you remember seeing them ever -- and when I say them I mean the family, the African American family across the street from you, do you remember ever seeing them get any personal acknowledgment from any of the costume characters during the parade?
A No, I didn't. I didn't see any type of interaction or exchanges or acknowledgment on their behalf either.
Q Okay. Would you admit that you weren't watching them the entire time?
A Excuse me, sorry. Could you repeat that?
Q Well, I think you said something earlier

about, you know, you were really focused on your child. So you would have to admit that you weren't watching all the other families at, you know, every moment; correct?

A Not at -- not in every moment, no, but I could see what's going on. I'm very observant.

Q Okay. And from what you saw, your testimony is that you didn't see the other Black family that was in your vicinity receive any personal acknowledgment from the costume characters during the parade?

A No, I didn't. They were in plain view.

Q Okay. Now, let's go back to the video that you say was the second video where Olivia turns around to you. You stated that you had seen her face look like that before. Do you remember saying that?

A Yes.

Q In what context had you seen Olivia's face resemble that, the way she presented in that video?

A More specifically to an event when she was attempting to learn how to ride her bike. She fell

off her bike onto the cement, you know, and upon her connection with the ground, you know, she looked up at me instantly and she had what I perceived to be the identical look. It's like fear, shock, also like if I'm going to be reactive, if I'm going to do something. There's a lot of similarities to that situation.

Q Did you make that connection in that moment when you saw her face?

MS. PARDO: Objection to the form.

MR. RUFF: I'll rephrase.

BY MR. RUFF:

Q What was your reaction to her facial expression after Telly, as you said, brushed her off?

A Seeing her face, you know, the upside down frown, or smile, which is a frown. She's looking at me like -- you know, like she can't articulate it the same way I would articulate it so it's a lot more as far as like expressions go, but she gave me a look like, you know, borderline panic, like she wanted me to do something. You know, at one point

she gave me a shoulder shrug, and it was completely different from falling off a bike so it wasn't like I had to be the helicopter parent. I kind of like, you know, just tried to encourage her to keep pushing forward, keep your hand out, get a high-five, it's okay.

Q What kind of emotions were you going through when you observed her face?

A There was a moment of helplessness because I wanted to react a different way and I didn't. I think a lot of times some people get caught up in their emotions and they do that. I'd say a certain level of embarrassment, especially when people are reaching out after the fact saying about, you know, this is what's going on with your daughter, this is what happened to your daughter, too.

I also would say a little bit of shame, because even though that happened we decided to, you know -- we didn't cancel the tickets right away and I figured like maybe, maybe we can try it again. Like maybe it wasn't that bad, we could might possibly give it another shot, but then nothing ever

happened as far as a response.

Q Now, you've mentioned a few times that during, during the parade when the incident with Telly Monster happened you were, I think what you were saying was dismissive or you were giving the benefit of the doubt. Can you explain that more as far as your reaction in the moment to what was happening with Olivia?

A I don't want to say it's like a complete dismiss because like, you know, when things happen you feel it, you see it, you're obviously a witness to the fact, but it's just a matter of like do you write it off as a loss, do you just like, all right, well, you know, it was just a bad moment. You know, it's like, you know, the self-talk, going through the motions trying to figure out like, you know, like what was that situation.

I don't know if that satisfies the answer or not, but.

Q Did you have any physical reaction to seeing your daughter's face after she was brushed off by Telly Monster?

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this deposition has concluded.

(The following proceedings were held on the steno record only.)

THE COURT REPORTER: Would you put your transcript orders on this record, please.

MR. RUFF: Yes, I would like to order a etrans, regular delivery, please.

MS. PARDO: Regular delivery is fine.

THE COURT REPORTER: Do you both want the statement regarding the other two depositions as well transcribed?

MS. PARDO: I would like that one.

MR. RUFF: Yes, please.

(Signature having not been discussed, the video deposition of NATHAN FLEMING concluded at 2:46 p.m.)

CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, Toni R. Thompson, RMR, Court Reporter, the officer before whom the foregoing proceedings was taken, do hereby certify that the foregoing transcript is a true and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 9th day of March 2023.

My Commission Expires:
January 18, 2025

_____

NOTARY PUBLIC IN AND FOR
THE STATE OF MARYLAND

EXHIBIT 38

Summary -

The following changes have been made to your order:

Credit card xxxx-xxxx-xxxx-7799 has been processed

Order Number	Order Date
202207045801177	7/4/2022

Bill To	Ship To
Doniesha Sanders 1025 W.Poplar St York PA 17404 USA	Doniesha Sanders 1025 W.Poplar St York PA 17404 USA

Item	Qty	Unit Price	Subtotal
Sesame Place Philadelphia Single-Day Ticket (7/4/2022) - 7/4/2022	3	$44.99	$134.97
Sesame Place Philadelphia General Parking	1	$30.00	$30.00

Sub Total:	$164.97
Tax:	$9.45
Service Fee:	$9.99
TOTAL:	$184.41

Shipment(s) Status Tracking Number/URL

- E-Ticket Details -

Product	Guest Name	Status
Sesame Place Philadelphia Single-Day Ticket (7/4/2022)	Olivia Fleming	Active
Sesame Place Philadelphia General Parking	Doniesha Sanders	Active
Sesame Place Philadelphia Single-Day Ticket (7/4/2022)	Doniesha Sanders	Active
Sesame Place Philadelphia Single-Day Ticket (7/4/2022)	Nathan Fleming	Active

Purchase Ahead & Save Time

Pre-Paid

EXHIBIT
Fleming #13
2/21/23

EXHIBIT 39

THIS IS YOUR TICKET
PROCEED TO THE PARK

Sesame Place Philadelphia Single-Day Ticket (7/4/2022) - 7/4/2022

1098 66515 31325 2729

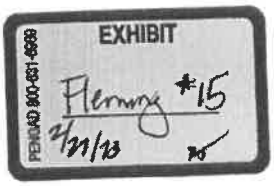
Olivia Fleming

Redemption

Step 1: Verify your date selected and park hours prior to arrival
Step 2: Print this eTicket or show on your mobile device
Step 3: Proceed directly to the park entrance and present your eTicket and a Photo ID to enter the park.

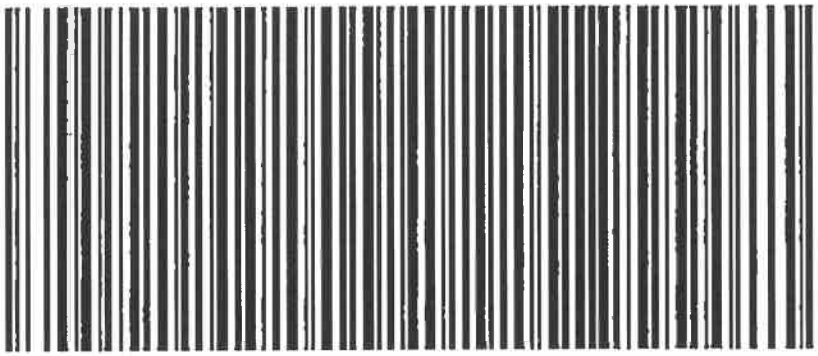
Legal Terms

Valid for one visit to Sesame Place on the date selected. This ticket is only valid for person listed on the Ticket. This ticket may not be transferred or resold. Tickets are nonrefundable. Ticket void if altered. In order to ensure our guests' comfort and safety, Sesame Place may be subject to capacity limitations. Admission into the park may be suspended during the day. Admission is not guaranteed. Ticket value expires 1/2/2022.



THIS IS YOUR TICKET
PROCEED TO THE PARK

Sesame Place Philadelphia Single-Day Ticket (7/4/2022) - 7/4/2022



2909 35216 39620 7443

Doniesha Sanders

Redemption

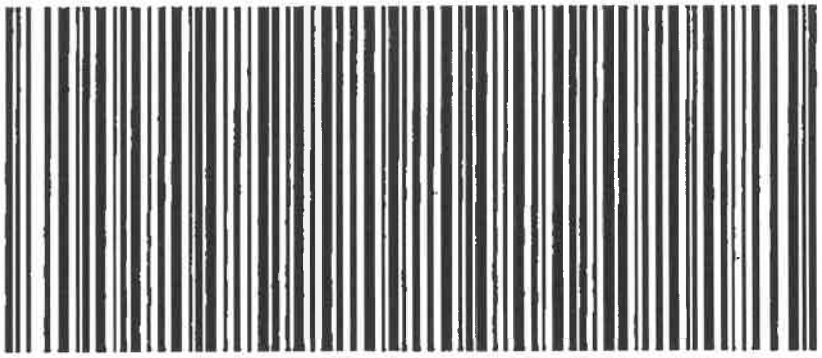
Step 1: Verify your date selected and park hours prior to arrival
Step 2: Print this eTicket or show on your mobile device
Step 3: Proceed directly to the park entrance and present your eTicket and a Photo ID to enter the park.

Legal Terms

Valid for one visit to Sesame Place on the date selected. This ticket is only valid for person listed on the Ticket. This ticket may not be transferred or resold. Tickets are nonrefundable. Ticket void if altered. In order to ensure our guests' comfort and safety, Sesame Place may be subject to capacity limitations. Admission into the park may be suspended during the day. Admission is not guaranteed. Ticket value expires 1/2/2022.

THIS IS YOUR TICKET
PROCEED TO THE PARK

Sesame Place Philadelphia Single-Day Ticket (7/4/2022) - 7/4/2022



2252 54302 82511 4921

Nathan Fleming

Redemption

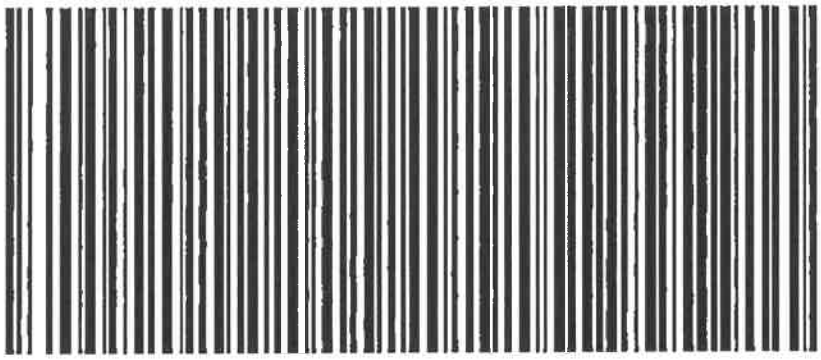
Step 1: Verify your date selected and park hours prior to arrival
Step 2: Print this eTicket or show on your mobile device
Step 3: Proceed directly to the park entrance and present your eTicket and a Photo ID to enter the park.

Legal Terms

Valid for one visit to Sesame Place on the date selected. This ticket is only valid for person listed on the Ticket. This ticket may not be transferred or resold. Tickets are nonrefundable. Ticket void if altered. In order to ensure our guests' comfort and safety, Sesame Place may be subject to capacity limitations. Admission into the park may be suspended during the day. Admission is not guaranteed. Ticket value expires 1/2/2022.

THIS IS YOUR TICKET
PROCEED TO THE PARK

Sesame Place Philadelphia General Parking



2909 65216 39620 7447

Donjesha Sanders

Redemption

Step 1: Verify our days and hours of operation prior to arrival.
Step 2: Print this eTicket and present at the General Parking Toll Plaza.
Step 3: Retain parking receipt for re-entry into the lot based upon availability.

Legal Terms

Parking voucher is valid for one vehicle for one operating day. This voucher does not guarantee parking. Parking is based on availability, it is recommended to arrive early. Not for re-sale. Non-refundable. Non-transferable. Not valid on purchase of Merchandise or Admission Tickets. Lost or Stolen Vouchers will not be replaced. Not redeemable for cash. Vouchers may not be copied. Tickets and Season Passes are non-refundable.This ***Eticket*** expires 7/5/2023 Ticket void if altered.

EXHIBIT 40

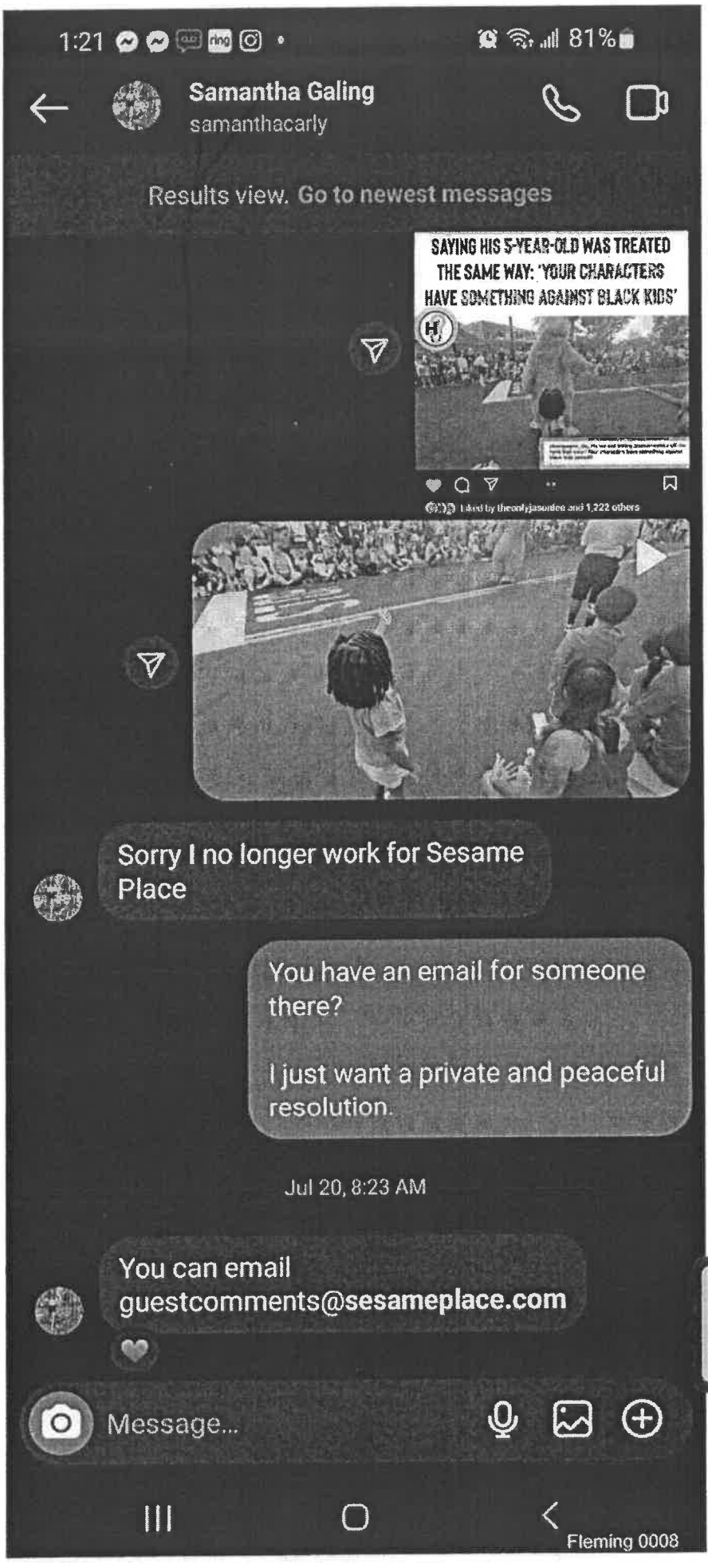


EXHIBIT
Fleming #18
2/21/23
PENGAD 800-631-6989

Instagram

Search

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champagne_tio_ • Follow
Sesame Place

champagne_tio_ Na we aint letting @sesameplace off the hook that easy!! Your characters have something against black kids period!!
•
•
My 5yr old daughter experienced the same type of treatment at the same park! After being ignored by several characters I finally did the noble dad thing and got ones attention and pointed at my daughter, the character walked towards my daughter who was expecting a high five, just for him to turn and blow her off once he seen an Asian kid with his hand out and gave him the high five instead... then brushes my daughters hand off... I dismissed this behavior until I seen @__jodiii__ video of a similar situation

33,816 views

JULY 18, 2022

Log in to like or comment.

EXHIBIT
Fleming #24
2/27/23

Case 2:22-cv-02941-WB Document 97-43 Filed 11/27/23 Page 3 of 3

EXHIBIT 41

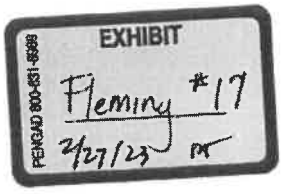
---------- Forwarded message ---------
From: **Mr. 717** <bestbarber717@gmail.com>
Date: Tue, Jul 19, 2022, 12:29 AM
Subject: Incident report
To: <socialmedia@sesameplace.com>

This video shows your staff has some sort of issue towards certain groups of children.

After being blown off by several characters I finally got ones attention while pointing at my child so she can have her magical moment all she wanted was a high 5 and he proceeded to talk towards her just to turn away and focus on a Asian kid... I'm not saying this is racially motivated but sheesh if you watch my video is heartbreaking my daughter is still upset

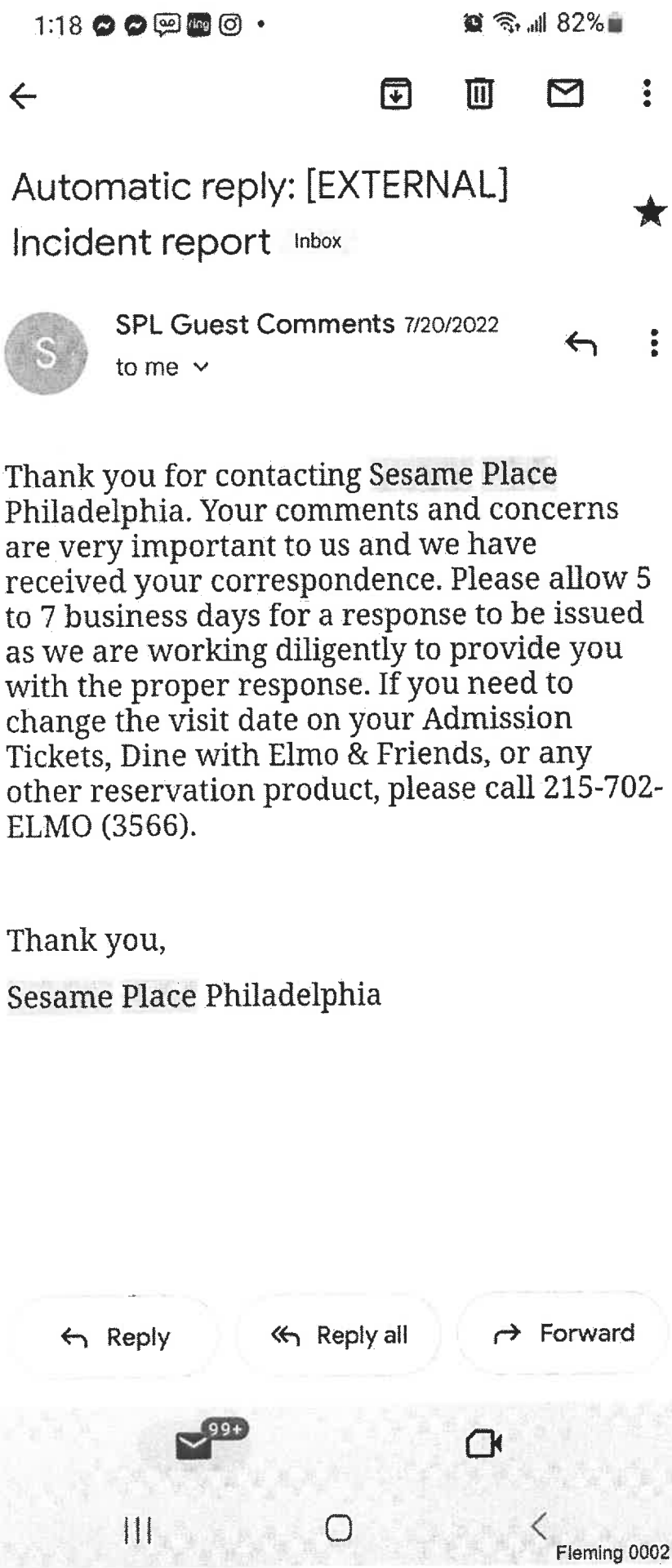
I already posted on my Instagram but I would love a response back and possibly some sort of acknowledgement and a resolution

https://www.instagram.com/tv/CgKPoXzlk-E/?igshid=YmMyMTA2M2Y=



---------- Forwarded message ---------
From: **Mr. 717** <bestbarber717@gmail.com>
Date: Wed, Jul 20, 2022, 8:29 AM
Subject: Incident report
To: <guestcomments@sesameplace.com>

Resolution?



1:18 • 82%

Automatic reply: [EXTERNAL] Incident report Inbox

SPL Guest Comments 7/20/2022
to me

Thank you for contacting Sesame Place Philadelphia. Your comments and concerns are very important to us and we have received your correspondence. Please allow 5 to 7 business days for a response to be issued as we are working diligently to provide you with the proper response. If you need to change the visit date on your Admission Tickets, Dine with Elmo & Friends, or any other reservation product, please call 215-702-ELMO (3566).

Thank you,

Sesame Place Philadelphia

EXHIBIT
Fleming # 20
2/21/24

Reply Reply all Forward

99+

Fleming 0002

---------- Forwarded message ---------
From: **SPL Guest Comments** <SPLGSTCM@sesameplace.com>
Date: Wed, Jul 20, 2022, 8:30 AM
Subject: Automatic reply: [EXTERNAL] Incident report
To: Mr. 717 <bestbarber717@gmail.com>

Thank you for contacting Sesame Place Philadelphia. Your comments and concerns are very important to us and we have received your correspondence. Please allow 5 to 7 business days for a response to be issued as we are working diligently to provide you with the proper response. If you need to change the visit date on your Admission Tickets, Dine with Elmo & Friends, or any other reservation product, please call 215-702-ELMO (3566).

Thank you,

Sesame Place Philadelphia

EXHIBIT 42

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUINTON BURNS, et al., :
Plaintiffs:
v. :
SEAWORLD PARKS & ENTERTAINMENT, INC.; :
and SEAWORLD PARKS & ENTERTAINMENT LLC,:
Defendant : NO. 22-cv-02941

- - -

Thursday, March 30, 2023

- - -

Videotaped deposition of LASHONDA MILES, held in the offices of Duane Morris, 30 South 17th Street, 12th Floor, Philadelphia, Pennsylvania 19103, at 10:09 a.m., on the above date, before GIANNA IACONELLI, a Court Reporter and Notary Public of the Commonwealth of Pennsylvania.

MAGNA LEGAL SERVICES
866-624-6221
www.MagnaLS.com

Q. Do you review case filings?
A. No.
Q. Do you know when the trial date for this case is set for?
A. No.
Q. In what year were you born?
A. 1995.
Q. And what is your address?
A. 8552 Marsden Street, Apartment 10, 19136, Philadelphia, PA.
Q. Are you currently married?
A. No.
Q. Have you ever been married before?
A. No.
Q. Do you have a significant other?
A. Yes.
Q. And what is that person's name?
A. Carl Christian.
COURT REPORTER: Can we spell the first name?
THE WITNESS: C-A-R-L.
BY MS. BAZAN:
Q. Does Mr. Christian live with you?
A. Yes.

Q. Is Mr. Christian M.C.'s father?
A. Yes.
Q. Do you have any children, other than M.C.?
A. Yes.
Q. How many?
A. One.
Q. What is their name?
A. Melakhi Christian.
COURT REPORTER: Could we spell that?
THE WITNESS: M- E-L-A-K-H-I.
BY MS. BAZAN:
Q. And that's a girl?
A. Boy.
Q. A boy. Sorry.
How old is he?
A. One. He's a baby.
Q. Is Mr. Christian also his father?
A. Yes.
Q. Does anyone else live with you?
A. London Christian. She comes on the weekend. She is Carl's daughter.
Q. Carl's daughter?
A. (Indicating).
Q. And how old is she?

A. Nine.
Q. Did you graduate from high school?
A. Yes.
Q. When?
A. 2013.
Q. Did you go to high school in Philly?
A. Yes.
Q. After that, did you go to any college or any professional or trade schools?
A. Yes. I went to school for cosmetology.
Q. Did you graduate?
A. Yes.
Q. When did you graduate?
A. 2014.
Q. Do you have any professional licenses or certifications?
A. I'm working on my CDA.
Q. Do you know what CDA stands for?
A. It's child development.
Q. Are you going to school for that?
A. I took a class. I just have to work towards my license.
Q. So other than your cosmetology school and that class, have you had any other education after

high school?
A. No.
Q. Do you have any legal training?
A. No.
Q. Are you currently employed?
A. Yes.
Q. Where do you work?
A. I work with the School District of Philadelphia as a special ed assistant teacher.
Q. For how long have you had that job?
A. Since November. Well, working with the school district since February of 2022.
Q. So you've been working with the school district since February of 2022, but your current role you've had since November of 2022; is that right?
A. Yes. I was a bus attendant.
Q. I'm sorry. Can you say that one more time?
A. I was a bus attendant before.
Q. Bus attendant before. Okay.
What did you do -- if you were employed outside the home before February of 2022, what was your job?

A. I was home, a stay-at-home mom.
Q. Since M.C. was born?
A. No. Since Melakhi was before. Before that, I was in a daycare.
Q. When did you work at the daycare?
A. My last day was in March of 2021.
Q. Do you know when you started working at the daycare?
A. September 19th -- September 2019. Sorry.
Q. And did you stop working at the daycare because you had Melakhi?
A. Yes.
Q. Okay. What about before you started at the daycare in September of 2019? Did you work before then?
A. Yes, I did.
Q. Where did you work before then?
A. I was working at Dollar Tree.
Q. And when did you work at the Dollar Tree? What years?
A. I worked there for three months because I realized it wasn't for me.
Q. It wasn't for you?
A. Yeah.

Q. What about before the Dollar Tree?
A. I was doing hair. Working in the salon from the time I graduated all the way up.
Q. What salon?
A. It was the Glam Bar. That was a while ago. That was a while ago.
Q. A while ago?
A. Yes.
Q. So if I'm following this right, like, from 2014 until sometime in 2019? Is that --
A. I was just doing hair. It was, like, a timeframe. I was working from 2014 to 2016, and then I was just doing, like -- like, just doing hair, like, on my own. Like, I wouldn't say my own business, but, like, I was just doing hair and that's how I was making...
Q. I see.
Do you still do hair?
A. Yes, I do.
Q. Do you do it out of your home now?
A. Yes.
Q. Have you ever worked at Sesame Place?
A. No.
Q. To your knowledge, do you know anyone who

has worked at Sesame Place?
A. Yes.
Q. And who is that?
A. Ijane Hughes.
COURT REPORTER: Can we spell that?
THE WITNESS: I-J-A-N-E. Hughes, S -- I mean, H-U-G-H-E-S.
BY MS. BAZAN:
Q. How do you know Ms. Hughes?
A. She is a cousin.
Q. Does Ms. Hughes still work for Sesame Place?
A. No.
Q. Do you know when she stopped working for Sesame Place?
A. No.
Q. What was her job at Sesame Place?
A. She was a clerk. A clerk.
Q. A clerk?
A. (Indicating).
Q. Do you know how long she worked there?
A. It was for a couple of months. I can't remember. It was around the time when they opened up for, like, the spring, summer thing. I can't

remember.
Q. Do you know in what year?
A. Last year, 2022.
Q. 2022.
Have you ever worked for Seaworld?
A. No.
Q. Do you, to your knowledge, know anyone who has worked for Seaworld?
A. No.
Q. Have you ever worked for any theme park or amusement park?
A. No. I always wanted to. Sorry. Go ahead.
Q. Sorry. What was that?
A. I always wanted to.
Q. Why did you want to?
A. Because I thought it was fun. I had fun. I thought it was something that I might wanted to do, but never, like, applied for it.
Q. So I think we already mentioned the date, but just to make sure, the event that you're suing about, the Sesame Place trip you're suing about, was on June 24th, 2022?
A. Yes.

Q. At Sesame Place in Pennsylvania, right?
A. Yes.
Q. Did you have a contract with Seaworld or Sesame Place for that June 24th, 2022 visit to Sesame Place?
A. Yes.
Q. What was the contract?
A. It was a ticket to enter the place.
Q. Who was the contract between?
A. Me and Mah'ki and Sesame Place.
Q. And what consideration did you provide for that contract?
MR. O'CONNELL: Objection.
THE WITNESS: Consideration, being what?
BY MS. BAZAN:
Q. Did you provide anything to get the contract?
A. No.
Q. Did you pay Seaworld or Sesame Place any money for the ticket that you used for your Sesame Place visit on June 24th, 2022?
A. No.
Q. What about for M.C.'s visit on June 24th, 2022? Did you pay Seaworld or Sesame Place any

money for that ticket?
A. No.
Q. You got your tickets that you used for your June 24th, 2022 visit from Ms. Hughes, right?
A. Yes.
Q. Is that part of her employment at Sesame Place --
A. Yes.
Q. -- she got free tickets to give out?
(Exhibit Miles-4 marked for identification.)
MR. O'CONNELL: Thank you.
BY MS. BAZAN:
Q. All right. I'm going to show you what we've marked as Exhibit 4, which is a document called Plaintiffs' Answers to Defendant's First Set of Interrogatories. You can take your time to look at it.
But my question is going to be do you recognize this document?
A. Yes.
Q. You've seen it before?
A. Yes.
Q. When have you seen it before?

A. I'm not sure.
Sorry. I was covering the mic.
Q. Have you seen it before this week?
A. Yes.
Q. Have you seen it last year?
A. Yes.
Q. Okay. If you turn to the last page, do you see that it says, "I sol-" -- I'll let you get there.
On that last page, it says, "I solemnly affirm under the penalties of perjury that the information contained in these answers to interrogatories are true and correct to the best of my knowledge, information, and belief."
And then it has your signature, right?
A. Yes.
Q. So you know that you acknowledged that your answers were made under the penalty of perjury, right?
A. Yes.
Q. Do you know what the penalty of perjury means?
A. Basically, like, if you don't tell the

truth, you will be convicted or somewhat...
Q. So you understand that you swore to tell the truth in these answers, like you swore to tell the truth today?
A. Yes.
Q. Did you have the opportunity to read the answers in this document before you signed it?
A. Yes.
Q. Were the answers in this document truthful?
A. Yes.
Q. Okay. Go to page 2, where it says, "Interrogatory Number 1." It's kind of in the middle of page 2.
A. Yes. I see it.
Q. Okay. So interrogatory number 1 asks for some details about each visit you made to Sesame Place in the last five years.
Do you see where it says, "Answer to Number 1" beneath that?
A. Yes.
Q. In that answer, you say the visit that you and M.C. made to Sesame Place on June 24th, 2022, that the type of ticket you used was a single-day

Q. When did you see it?
A. Last time I seen it was -- was Monday.
Q. Was Monday?
A. Mhm.
Q. When was the first time that you saw it?
A. Back when I filed, when we were talking about filing -- I mean, oh, my God. I'm getting confused. I'm getting a little frustrated.
Q. Would you like to take a break?
A. If I can, please.
Q. Sure.
VIDEOGRAPHER: Going off the record. The time is 11:01 a.m.
(Recess taken from 11:01 a.m. to 11:10 a.m.)
VIDEOGRAPHER: Okay. We are now back on the record. The time is 11:10 a.m.
BY MS. BAZAN:
Q. Still looking at Exhibit 6, Ms. Miles.
Do you know whether you saw this before it was filed on September 28th, 2022?
A. No.
Q. No, you didn't see it, or no, you don't know?

A. I did see it.
Q. Did you see it before September 28th, 2022?
MR. O'CONNELL: Objection.
You can answer.
THE WITNESS: No, I didn't.
BY MS. BAZAN:
Q. I just want to quickly go back to a couple of things that I forgot to ask earlier.
The Ms. Hughes who gave you the complimentary tickets --
A. Mhm.
Q. -- what is her address?
A. Who? Ijane's?
Q. Yes.
A. She is currently in a family home, so I don't know the exact address to that building.
Q. Is that something that you think you could get?
A. Probably so. Yeah. I could ask her, but I don't know the address of that place.
Q. Okay. I'll just request on the record that you get that later and followup with us.
Okay?

A. Okay.
MR. O'CONNELL: Ijane's address.
MS. BAZAN: Yes.
BY MS. BAZAN:
Q. And do you know her phone number?
A. Yes, I do.
Q. Could you tell us her phone number?
A. Do you mind if I pull my phone out?
Q. That's fine.
A. Okay. 267-269-7089.
Q. Thank you.
And I know earlier when we were talking about Ranesha, you said you didn't know her last name.
A. Mhm.
Q. And wasn't sure on her address.
So I would also like to make a request on the record --
A. Okay.
Q. -- for you to find out her last name and address.
MR. O'CONNELL: Who is this, again?
MS. BAZAN: Ranesha.
BY MS. BAZAN:

Q. And do you know her phone number?
A. I have her phone number. 215-000-1549.
Q. Thank you.
What were the terms of the contract that you contend existed between you and Seaworld or Sesame Place?
A. Say that again. I'm sorry.
Q. Sure. What were the terms of the contract between you and Seaworld or Sesame Place?
A. For me to visit and to -- I can't find the word. You know, enjoy the park.
Q. Anything else?
MR. O'CONNELL: Objection.
You can answer.
THE WITNESS: That's about it. To enjoy the park and whatever comes with it.
BY MS. BAZAN:
Q. What, specifically, did Seaworld or Sesame Place promise to give you in the contract?
A. To gain entrance into the park and to ride rides and, you know, go to the stands and eat the food and stuff like that.
Q. So I think the first thing that you said was to enter the park.

And you were able to enter the park, right?
A. Like, admission, yes.
Q. Okay. Were you able to ride the rides?
A. Yes.
Q. Were you able to eat the food?
A. Yes.
Q. Were you able to go to shows?
A. Yes.
Q. Was there anything that Seaworld or Sesame Place promised you that it didn't provide?
A. They promised me that they were showed, you know, recognition, and show love and fun and, you know, entertainment.
Q. Seaworld or Sesame Place promised to show you love and fun and entertainment.
Is that what you said?
A. (Indicating).
Q. Okay. And how did you form the impression that they promised you those things? Did you read it anywhere?
A. What do you mean?
Q. Did you read that Seaworld or Sesame Place promised to show you love and fun and entertainment

anywhere?
A. I mean, by broadcasting it on television and whatnot.
Q. When you say, "broadcasting it on TV," do you mean Sesame Street the show?
A. No. On the show as well, and on, like, the commercials of, like, visitation of -- I mean, like, you know, the commercials of showing the parks and stuff.
Q. Commercials for --
A. And ads and --
Q. Sorry. I thought you were finished.
Please finish your answer.
A. And ads.
Q. Ads?
A. Mhm.
Q. So what commercials had you seen that promised love and fun and entertainment?
A. The Sesame Street commercials, the Sesame Place commercials where they show the park and, you know, that's all. That's what they showed in the video, in the commercial.
Q. Okay. What words did they use in the commercial?

A. I'm not sure. I just know that's what it supposed to mean. I'm not sure.
Q. How do you know that that's what it's supposed to mean?
A. Because I think that's what it's supposed to -- you want customers to visit your park, that's what you would want to be shown.
Q. Did you read anywhere that Seaworld or Sesame Place promised love and fun and entertainment? Did you read it anywhere?
A. TV screen.
Q. Those words were on the TV screen?
A. Well, not the words, but that's my words. I don't know their exact, you know, wording, but that's what it's supposed to mean.
Q. Do you remember any exact words from the commercials?
A. No, I don't.
Q. When did you see the --
A. I can --
Q. Sorry.
A. No. Go ahead. I'm sorry.
Q. Please finish your answer.
A. I don't remember what I said. Go ahead.

You can finish.
Q. Okay. Do you remember when you saw these commercials?
A. No. I just know they come across the TV. Or even when I'm scrolling on Instagram, they have ads of it.
Q. What do the ads on Instagram say?
A. "Come join us and have fun."
Q. Did you ever read anything by Seaworld or Sesame Place that said everybody in the Sesame Place park would get a personal interaction with a costume character?
A. Yes. I saw that, but don't they -- they do that, so.
Q. Where did you see that?
A. I don't know. I can't remember. I really can't. I just know Sesame Place. Like, it's a theme park, and the show, we all watched it. So we would want to expect the same as you see on the show and inside the park.
Q. Did you ever read anything in writing that said everybody at Sesame Place gets a personal interaction with a Sesame Street costume character?
A. No.

Q. Staying with Exhibit 6, if you go to paragraph 57, that paragraph starts by saying, "By the terms of the contract between the Miles and Seaworld." And it ends by saying, "The Miles were entitled to Seaworld's performance of the contract by way of its costume characters performers to interact with the Miles."

Do you see that?

A. Yes.

Q. Do you believe that you were entitled to a personal interaction?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: Yes.

BY MS. BAZAN:

Q. Did you read that anywhere, that you were entitled to a personal interaction?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: No. But it should be given, especially if sought.

BY MS. BAZAN:

Q. Especially if what? I'm sorry.

A. If sought.

Q. If sought?

A. Mhm.

Q. Do you believe that M.C. was entitled to a personal interaction at Sesame Place?

A. Yes.

Q. And how did you form that impression that he was entitled to that?

A. Because he was in the front row so he can be -- so he could get that interaction with the character.

Q. So do you think every child is entitled to be interacted by the characters that they want to be interacted with in the way each child wants to be interacted at the time they want to be interacted with in that way?

MR. O'CONNELL: Objection. Multiple grounds, including form.

You can answer.

THE WITNESS: Yes.

BY MS. BAZAN:

Q. Where is the promise that the costume character performers would interact with the Miles located? Where is that located?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: It's not located anywhere, but he deserved it. I mean, all kids deserve it.

BY MS. BAZAN:

Q. Do you think that any particular type of interaction is promised?

A. A high five.

Q. A high five?

A. (Indicating).

Q. Okay. Do you think a hug is promised?

A. Yes.

Q. Any other type of interaction you think is promised?

A. Recognition and waving.

Q. Is there anything in the contract that says you'll get a hug as opposed to a high five?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: (Indicating).

BY MS. BAZAN:

Q. There is?

A. No, not in the contraction [sic], in the contraction [sic], but -- I'm saying the wrong word.

I'm so sorry. I'm just bunched up.

Q. Is there anything in the contract that says you get a hug as opposed to a high five or a wave?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: No.

BY MS. BAZAN:

Q. If you could, quickly look at Exhibit 5 again, the ticket.

MR. O'CONNELL: This one.

THE WITNESS: Oh.

BY MS. BAZAN:

Q. Because that's what you said the contract is, right? Your ticket?

A. Yeah.

Q. There's no promises on the ticket about personal interactions with Sesame Street characters, right?

A. Mhm. Yes.

Q. Correct?

A. Yes.

Q. You could put that document away.

A. Mhm.

Q. So focusing on the June 24th, 2022 visit that you're suing over, do you remember what day of the week it was?
A. Okay. So I don't even know where I left off at.
Oh, is it here?
MR. O'CONNELL: She's asking you a question.
THE WITNESS: Oh, no. I was making sure I was at the right part on the paper.
BY MS. BAZAN:
Q. So I'm not asking you about any document right now.
A. I believe it was a Friday.
Q. What time did you arrive to Sesame Place on that day?
A. 10 o'clock.
Q. What time did you leave the park that day?
A. About 4:00.
Q. In your own words, please walk us through what happened at Sesame Place on June 24th, 2022 that you're suing about.
A. Well, we -- after we finished most of the day, we thought we would catch the parade at

3 o'clock. And we found a spot -- because it was already crowded. We found a spot for Mah'ki to go to the front where he's able to be seen. And as characters are approaching, this one particular character hugged a child that was literally next to Mah'ki, and basically walked past flagging -- I don't know if it was, like -- I believe it was a flag. So I feel like that person and that character walked past my son without acknowledging him or giving him a hug where his hands are out and visible for him to be seen, and he was able to be seen.
Q. When you say, "flagging," what do you mean by that?
A. Flagging is like a shoo, like you're shooing off a fly. That's, like, a flag.
Q. And you think a character was doing that to M.C.?
A. I don't think. I know.
Q. How do you know?
A. By me and my own two eyes seeing it happen.
Q. Did M.C. say anything about how he felt about the experience at the time he occurred?
A. Yes. He said he was sad because of the

character not giving him a hug.
Q. Do you know which character it was?
A. Rosita.
Q. When did he say to you that he was sad because the character didn't give him a hug?
A. It was after the parade was over because they were still out there.
Q. And how did you respond when he said that?
A. I can't remember what I said.
Q. Did you communicate M.C.'s experience at Sesame Place to anyone at the time that it occurred?
A. No.
Q. Did you talk about it that day with M.C.'s father?
A. Yes.
Q. Did you talk about it in person or text message or?
A. In person.
Q. And what did you tell him?
A. That the character ignored Mah'ki.
Q. Anything else?
A. And then I told him that Mah'ki felt some type of way of him being ignored by a character that he was visibly seen by in trying to give him a hug,

but treated like a fly.
Q. At the parade when the incident with Rosita happened, was anyone there with you, other than M.C. and London?
A. They were at the parade, but they wasn't where we were. It was just me and them. They were on, like, farther down, like, in the back.
Q. So they didn't see it?
A. No.
Q. Before you left the park on June 24th, you didn't complain to Seaworld or Sesame Place, right?
A. No.
Q. Did you go to guest relations?
A. No.
Q. Did you ask to see a manager?
A. No.
Q. Why not?
A. Because I didn't want to ruin the day.
Q. After the trip, did you ask Seaworld or Sesame Place for any kind of a refund?
A. No.
Q. Did you complain to any kind of governmental agency about yours or M.C.'s experience at Sesame Place?

A. Governmental agencies, like what?
Q. Any governmental agency.
A. No.
Q. Did you post anything on social media about yours or M.C.'s experience at Sesame Place?
A. Yes.
Q. What did -- on what platform did you post?
A. Instagram.
Q. What did you post on Instagram?
A. My video.
Q. What is your Instagram handle, your name on Instagram?
A. Shondaaaaa, S-H-O-N-D-A, it's five As and two underscores.
Q. (Indicating).
A. Five As and two underscores.
Q. Two underscores.
A. I'm sorry. That was, like, my page when I was young.
Q. At first I heard, "five As and two dinosaurs." I was going to be very impressed.
So you posted your video to Instagram.
Was it one videos or multiple?

A. It was that specific video because it cuts down. I don't know if you have Instagram. When you record, after a certain time, it will make another video. So that specific video was able to be downloaded. I guess that all happened in one video, so it was able to be downloaded, just that one clip.
Q. Did you post it on Instagram, like, live as it was happening or later after it happened?
A. Are you talking about on the day of? What do you mean?
Q. Yes, I do mean on the day of.
A. Of the park?
Q. Yes.
A. Oh, I didn't know -- I thought you was saying, like, after.
Q. Well, my first question was: Did ever you post anything on social media?
A. I'm sorry. I misunderstood that. I'm thinking you said afterwards. But yes, I did post those videos on Instagram. Like, I was recording the whole time.
Q. The whole time when you were at the parade?
A. At the parade, yes.

Q. Okay.
A. I'm thinking you're talking about afterwards. I'm sorry. I got it mixed up.
Q. Not a problem.
When you say you're recording the whole time at the parade --
A. Yes.
Q. I may not be using the right words because I'm not an Instagram user, but what I'm trying to figure out is, were you, like, broadcasting it live to Instagram as it was happening?
A. Oh, no. It was on my story. On the story.
Q. Oh. So you put it up on your Instagram as a story after the park?
A. No. It was posted as the day on -- like, after I was finished, then I posted it.
Q. While you were still at the parade -- while you were still at Sesame Place?
A. Yes.
Q. Okay.
A. I don't know. After it was over, then you just press update -- upload. That's how it was.
Q. Okay. I think I understand it, but I'm

going to try to say it back. You correct me, if I got it wrong.
So you were recording the whole parade on your phone as a video?
A. Yes.
Q. And then after the parade was over --
A. But from Instagram.
Q. From Instagram?
A. Yes.
Q. That's an important thing.
So not on the camera app on your phone?
A. Yes.
Q. So you were recording from Instagram, when it finishes, then it uploads to Instagram?
A. Uploads, yes.
Q. Okay. Other than that video on Instagram we've just been talking about, have you posted anything else on social media about yours or M.C.'s experience at Sesame Place?
A. Later on. Like, not that day.
Q. Okay. On what platforms?
A. It was still Instagram.
Q. And what did you post?

A. That clip.
Q. Did you have any comments? Did you have a caption on it when you posted it?
A. I can't remember.
Q. And when did you post that clip?
A. I can't remember what day that was. I can't. I'm thinking. Sorry.
Q. Was it after your visit to the park? It wasn't that day?
A. Yeah, no.
Q. Do you know if it was, like, in a few days after that or month after that?
A. It was probably around the time where I filed with the lawyer.
Q. Do you remember if it was -- I know you said it was around the time that you filed with the lawyer.
A. Yeah.
Q. Do you remember if it was before you had gotten with the lawyer or after?
A. Yeah. It was before.
Q. It was before.
So why did you post the clip on Instagram at that point?

A. Because it was -- a lot of people were sharing the same experience that I experienced there at Sesame Place.
Q. You had seen other people's videos by then?
A. Yeah. And they were exactly like mine.
Q. Do you remember seeing a viral video in July of 2022 involving Rosita, that wasn't your video?
A. Yeah. No. That wasn't my video, but I seen that video.
Q. Okay. Did you show M.C. that video?
A. Yes, I did.
Q. When did you show him that video?
A. Not around that time because it was, like, a lot going on. I didn't really show him that. I showed him probably, like, months and months after.
Q. Why did you show it to him?
A. I mean, it's just like he don't -- he don't -- I can't even remember if I did. Like, he just -- he's 5. It's not like he's going to pay -- not really going to pay any attention, like, the video. I can't even recall if I did, to be honest with you. It's been so much, so.

Q. All right. Let's go back to the complaint, which is the document you have in front of you.
A. Mhm.
Q. On page 10.
A. Okay. I'm here already.
Q. Okay. Good.
So I would like to draw your attention to paragraphs 59 and 60. So starting on the, sort of, second line of paragraph 59, you allege that, "Rosita intentionally refused to perform Seaworld's contract with the Miles and the class by interalia refusing to engage with them and ignoring them."
And then the next paragraph says, "the Miles took videos documenting some of these discriminatory interactions."
Do you see that?
A. Yes.
Q. And then there's that footnote 5 after the word "interactions" --
A. Mhm.
Q. -- and do you see down at the bottom, there's a YouTube link.

Do you see that?
A. Mhm. Yes.
Q. Were there any other discriminatory interactions that you are suing about that are not part of the video that's linked here in the complaint?
A. No.
Q. Have you or M.C. been back to Sesame Place since June 24th, 2022?
A. No.
Q. Do you have any plans to go back to Sesame Place?
A. If there's a change, yes.
Q. But as of now, do you have any tickets to go?
A. Nope.
Q. No --
A. No.
Q. -- plans?
A. No.
MR. O'CONNELL: Objection.
THE WITNESS: Sorry. I said, "no" too many times. I don't know if I was saying, "nope" or "no." I'm sorry.

BY MS. BAZAN:
Q. Right now it's not on the calendar, correct?
A. No.
Q. I'm going show you the video that's linked in the complaint --
A. Yes.
Q. -- right here that's linked as footnote 5. It's on a thumb drive marked as 7.
(Exhibit Miles-7 marked for identification.)
MR. O'CONNELL: This one for me?
MS. BAZAN: Yes.
MR. O'CONNELL: Can I have a sticker? Otherwise, it's just another thumb drive in my bag. I appreciate it.
You said 7?
MS. BAZAN: Yes.
Could you play the video?
(Whereupon, video recording was played.)
MS. BAZAN: Could we take a quick break to work on the volume?
VIDEOGRAPHER: Going off the record. The time is 11:40 a.m.

(Discussion held off the record.)
VIDEOGRAPHER: Back on the record. The time is 11:41 a.m.
MS. BAZAN: Could you please play the video with the sound?
(Whereupon, video recording was played.)
BY MS. BAZAN:
Q. Did you record this video?
A. Yes.
Q. On your phone?
A. Yes.
Q. What kind of phone did you use to record it?
A. An iPhone.
Q. Do you still have that same phone?
A. No.
Q. You have a different phone now?
A. Mhm. Well, I still have -- yes, I do still have the phone. I just have a new phone.
Q. It's not the phone you use?
A. But yes, I have that phone. Yes.
Q. Does this video show the incident with Rosita that you're suing about?
A. Yes.

Q. Did you put this on YouTube?
A. YouTube? No.
Q. Do you know how it got on to YouTube?
A. No, I don't.
Q. Did you give permission for someone to post the video with your son's name on YouTube?
A. No.
They used his name? Did they use his name for real? Like, is his name on there? Because I didn't know it was posted on YouTube.
Q. Has this video been edited in any way since you took it?
A. No.
Q. Is this just a piece of a longer video that you took?
A. Yes.
Q. Okay. Did you see M.C. in this video?
A. Yes.
Q. What was he wearing?
A. He was wearing a black shirt and swimming trunks.
MS. BAZAN: Alek, can you scroll to where M.C. and his sister are in the frame?
MR. SMOLIJ: (Indicating).

MS. BAZAN: Can you go back a little bit?
MR. SMOLIJ: (Indicating).
MS. BAZAN: Back a little bit more. All right. Stop. Go forward a little bit.
MR. SMOLIJ: (Indicating).
BY MS. BAZAN:
Q. Okay. Is that little girl in the bottom right, is that London? Is that M.C.'s sister?
A. Yes.
Q. Okay. So from this vantage point, she's between M.C. and the camera, right, so she's, kind of, blocking him, from your perspective?
A. Yes. Mhm.
Q. So did you start filming on your phone, like, at the very beginning of the parade and kept it going until the end?
A. No. I didn't record the whole parade.
Q. Okay. How did you decide to start recording?
A. I don't know. I just pulled my phone out. It was kind of hard anyway. I just pulled my phone out. I had the little neck thing. I pulled it out and started recording. So whatever time this is in the parade, that's when I recorded.

Q. Okay. Is this the very beginning of the video?
A. I can't even tell you.
You said the video or the parade?
Q. I'm trying to get at both.
A. Okay.
Q. Is this when you first started filming?
A. Yes.
Q. Okay.
A. No. Not at this direct part. I can't remember. It was, like -- I'm sorry. I'm getting locked up. This is a part of the video. I just can't -- it was just like -- they were just going by, and that was just a part of that, the recording.
Q. Okay.
A. I can't tell you -- I can't really relay which part -- I just know it was just captured as I was recording.
Q. Okay. Were there any particular Sesame Street characters that you wanted to make sure you videoed?
A. Whoever comes to -- you know, whoever comes by.
Q. Was Elmo in the parade?

A. Yes, he was.
Q. Did you video Elmo in the parade?
A. Did I? I -- I think he went by already. I don't know. I can't remember.
Q. Was Elmo M.C.'s favorite Sesame Street character at this point in time on June 24th?
A. No.
Q. No.
It was before that that Elmo was his favorite?
A. Yeah. When he was little.
Q. All right. Could we go back to Exhibit 4, which are the interrogatory answers?
MR. O'CONNELL: This one. This one right here.
THE WITNESS: This one?
MR. O'CONNELL: Yeah.
THE WITNESS: Okay. I see it.
BY MS. BAZAN:
Q. And if you could, go to page 2. I want to look at interrogatory number 2, which starts at the bottom of page 2?
A. You said number 2? Yes.
Q. So the question says, "For each instance

in which you contend that Sesame Street costume characters refused to engage with you or ignored you" and then it asks you to provide six pieces of information, A through F, which goes on to the next page.
Do you see that?
A. Yes.
Q. Okay. So the first part -- first piece of information, it asks you little A on the bottom of page 2 is to, "Identify the Sesame Street costume character with whom you were attempting to interact."
Do you see that?
A. Mhm.
Q. And then if you look at your answer, for answer number 2, there's a lot of -- a lot of words, but if you go to page 4, then we see your answer to little A. It's, like, five lines down.
A. Yes.
Q. Okay. And it says, "M.C. was attempting to interact with Rosita."
A. Mhm.
Q. Is that accurate?
A. Yes.

Q. How was M.C. attempting to interact with Rosita?
A. He was trying to give her hugs.
Q. How was he trying to give Rosita a hug?
A. By putting his arms out.
Q. And that was during the 3:00 p.m. parade, right?
A. Yes.
Q. Do you know if he asked Rosita for a hug?
A. No. It's loud. Can't hear.
Q. How do you know M.C. wanted a hug, as opposed to a wave or high five or something else?
A. Because both his arms was out for a hug.
Q. And you know, as his mom, that means he wants a hug?
A. Yes.
Q. So back to the question on interrogatory 4. If you go to the top of page 3, I'm looking at the question that's little E. It asks you to described -- "Describe the attempt to interaction," but it should say "interact," "or the interaction, and state all facts that show why you contend this interaction was racially discriminatory or otherwise racially offensive."

MR. O'CONNELL: You're talking about interrogatory number 2 on Exhibit 4?
MS. BAZAN: Yes. I misspoke. I'm sorry.
MR. O'CONNELL: That's all right. Just want to make sure we're --
MS. BAZAN: Yes. I'm sorry. Thank you for the clarification.
BY MS. BAZAN:
Q. Interrogatory number 2, and I'm looking at little E.
A. Mhm.
Q. Where it's asking you why the conduct was discriminatory, basically.
A. Because he gave a white little girl -- she, a hug, and basically walked past Mah'ki.
Q. Okay.
A. And visually seen him.
Q. Okay. So if you look on page 4 of this same exhibit, your answer, little E, so this is your written answer to that same question, where you say --
A. Where is it at? I'm sorry.
Q. Sure, sure, sure.
It's page 4. It's on the top half of

the page, right after the little E in the paragraph.
A. Oh.
MR. O'CONNELL: I'm going to help her find little E.
MS. BAZAN: Sure.
MR. O'CONNELL: Little E is right here. It's broken out into the little --
THE WITNESS: I see C, I don't see D.
MR. O'CONNELL: E starts right here. Why don't you read it to yourself, and then she could ask you questions?
THE WITNESS: Mhm.
MR. O'CONNELL: Ready?
THE WITNESS: Yes.
BY MS. BAZAN:
Q. Did you read it?
A. Yes.
Q. So it says, "M.C. and his sister were at the parade in the front row ahead of the crowd. Rosita approached M.C., but hugged the white child next to him. Rosita then looked at M.C.'s answer" -- sorry -- "Rosita then looked at M.C.'s sister and swiftly walked away."
Do you agree with that answer?

A. (Indicating).
Q. "Yes"?
A. Yes. I'm sorry.
Q. Are there any other facts that make you think the interaction was racially discriminatory?
A. No. Other than him hugging the white little girl. That's it.
Q. Did Rosita say anything derogatory to M.C.?
A. No.
Q. Did Rosita say anything to M.C. about race?
A. Nope.
Q. So you believe the interaction was discriminatory because Rosita hugged the white child next to M.C. and then walked by, right?
A. Yes. The actions were shown.
Q. Okay. How do you know the child next to M.C. that Rosita hugged was white?
A. Because of her skin complexion and hair.
Q. You didn't know her, right?
A. No.
Q. You didn't ask her or her family how she identifies racially?

A. No.
Q. So how do you know she's not, for example, Hispanic?
A. Because she just -- she looks white.
Q. So you're just assuming her race?
A. No. I'm not assuming. I mean, I went to cosmetology school. So I know different types of hair texture. Therefore, her hair is straight and doesn't have, like, a curl pattern. But yeah, she's a white little girl.
Q. So you can tell by looking at her hair she's white?
A. And skin.
Q. And skin.
If you knew that that little girl actually was Hispanic, would you still think that interaction was racially discriminatory?
MR. O'CONNELL: Objection. That's a hypothetical question. This is a fact witness. This is not an expert. It's an improper question. You can't ask hypotheticals.
MS. BAZAN: Of course I can.
MR. O'CONNELL: Well, you can. They're just not --

BY MS. BAZAN:
Q. So you said, "Yes"?
MR. O'CONNELL: They're not appropriate questions for a fact witness.
BY MS. BAZAN:
Q. Was your answer yes, you would still consider it to be discriminatory?
A. Yes.
Q. Why?
A. Because she still would be another race.
Q. Are you representing the legal interests of Hispanic people in this case?
A. I'm representing whoever was discriminated.
Q. I'm going to ask you the same question again because you didn't actually answer the question.
Are you representing the legal interest of Hispanic people in this case?
A. Yes.
MR. O'CONNELL: Objection. Asked and answered.
(Exhibit Miles-8 marked for identification.)

MR. O'CONNELL: Thank you.
THE WITNESS: Thank you.
BY MS. BAZAN:
Q. I'm showing you what we've marked as Exhibit 8, which is a screenshot of a moment in the video that we just watched.
Is that Rosita giving M.C. a high five or attempting to touch his hand?
A. No.
Q. "No"?
A. (Indicating).
Q. What's going on in this picture, do you think?
A. That hand looks like it's London's hand raised. Mah'ki is shorter than London, so his arms would be under.
Q. Okay. And so Rosita is touching Logan's hand then?
A. London, no.
Q. Sorry. London.
A. She's not touching either one of them. It's blur, so you really can't see anything. But she didn't touch neither one of them.
Q. Whose hand is showing there --

A. That may be London's.
MR. O'CONNELL: Hold on. Let her finish her question.
THE WITNESS: I'm sorry; I'm sorry; I'm sorry.
MR. O'CONNELL: That's okay.
Go ahead.
BY MS. BAZAN:
Q. That's showing right there on Rosita's hand.
MR. O'CONNELL: Objection.
BY MS. BAZAN:
Q. You can answer.
MR. O'CONNELL: Objection.
You can answer.
THE WITNESS: It's London's hand.
BY MS. BAZAN:
Q. Okay. Can you circle on the exhibit where London's hand is?
THE WITNESS: Thank you.
(Indicating). I'm giving -- oh, I'm so sorry. I'm tired.
Do you want me to show you?
BY MS. BAZAN:

Q. Sure.
A. (Indicating).
Q. Okay.
A. I'm sorry. The ink was running out.
Q. So that's London's hand, not M.C.'s hand?
A. (Indicating).
Q. What do you think London was doing there?
A. Trying to get some type of high five or she was waving.
Q. Okay. So Rosita is not ignoring London there, right?
MR. O'CONNELL: Objection. She testified that this costume character would not touch either of her children. I see what you're doing with your questions. You're trying to confuse this witness. It's improper.
Objection.
MS. BAZAN: I'm not trying to confuse the witness. What's improper is --
MR. O'CONNELL: Yes, you are.
MS. BAZAN: -- you testifying on behalf of your client. You could make form objections, and that's it, Mr. O'Connell.
MR. O'CONNELL: I'm not testifying. She

testified clearly as to what the interaction was or lack thereof between this character and her kids.

Ask your questions.

BY MS. BAZAN:

Q. Do you think this image right here in Exhibit 8 is Rosita refusing to interact with your children?

A. Yes.

Q. Because what do you think is happening there?

MR. O'CONNELL: Objection.

THE WITNESS: She's --

COURT REPORTER: I'm sorry. Can you say that again?

THE WITNESS: She's walking by.

BY MS. BAZAN:

Q. Is "she" Rosita?

A. Yes.

Q. And what, if anything, is Rosita doing as she's walking by right there?

A. She's, like, looking down. She's choosing who to give attention to.

Q. And was it your expectation that the

characters can personally interact with everybody on the parade route?

A. If you're in the area, you know it's children going to be there, you have to show some type of recognition.

Q. When you say, "You have to show some type of recognition" --

A. Mhm.

Q. -- who is the "you" in your sentence? Who are you talking about?

A. The characters.

Q. So the characters have to interact with every single person?

A. Either if it's a high five, a hug, or a wave. You know, show some type of -- like, you're working with kids. That's just like me working in a daycare. I have to interact with all of the childrens [sic]. So she is at a parade where there's a bunch of children on the sidelines, so she has to do something. Not walk past like you have an attitude or something or you don't like your job.

Q. So a wave counts as an interaction?

A. Huh?

Q. Does a wave count as an interaction?

A. Yeah, it does. It's, like, recognition, an interaction. I'm waving at you. You see me, you wave back.

Q. Do you think it's possible for Rosita to hug everybody along the parade route?

A. If not a hug, you know, show some attention.

Q. And the parade is moving down the street, right?

A. Yes.

Q. And the characters are also dancing in the parade?

A. Yes.

Q. From your vantage point at the parade, could you see everybody else along the parade route?

A. What you mean? Like, the people or the characters?

Q. The people.

A. Yes.

Q. You could see everybody, the whole length of the parade?

A. Not everybody, but my children, which are in my sight, and whoever else was standing in my sight.

Q. Is the parade route longer than what your sight was?

A. Yes.

Q. So you don't know for sure whether Rosita interacted with every single person along the parade route because you couldn't see it, right?

A. No.

Q. So you can't say whether there were other black children along the parade route who had interactions with Rosita, right?

A. No. I'm not sure.

Q. Does M.C.'s sister identify as the same race as M.C.?

A. Yes.

Q. And what race is that?

A. Black.

Q. Black.

And it's your testimony that Rosita ignored her as well, right?

A. Yes.

Q. But she is not a plaintiff in this lawsuit, correct?

MR. O'CONNELL: Objection. It's a class action.

BY MS. BAZAN:
Q. You can answer.
A. Can you repeat that? I'm sorry. I just went out for a little bit.
Q. Yes. Is M.C.'s sister a named plaintiff in this lawsuit?
A. She is a member.
Q. Do you know whether she is a class representative?
A. She is a member.
Q. It's fine if your answer to my question is "No."
But do you know if she's a class representative?
A. No.
Q. Do you know the race of the person in the Rosita costume during the event we've been discussing?
A. No.
Q. Would you consider that person's actions towards M.C. to be discriminatory, if the person in the suit was black?
A. Yes.
Q. And the video we just watched, you posted

that to Instagram, right?
A. Yes.
Q. Did you provide it to anyone in the media?
A. Yes.
Q. Who did you provide it to in the media?
A. NoGunZone and ShadeRoom and Hollywood Unlocked.
Q. What was the first one? Was it NoGunZone?
A. Yes.
Q. What is NoGunZone?
A. He is, like, a page that, you know, he spreads awareness of everything that's going on, like, within the City, with, like, shootings or any type of situations, shootings, you know, missing person. It's, like, a news type of page.
Q. And so how did you send him your video?
A. A DM.
Q. Excuse me?
A. Through his messages, the DM. Direct message. I'm sorry. Using the short term. Direct message.
Q. So why did you put it in the NoGunZone direct messages?
A. Because that was -- I believe he posted

most of the videos as well. So I just gave him mine.
Q. So you had seen other Sesame Place videos on his site?
A. Yep. Yes. I'm sorry. I said, "Yep."
Q. About when did you send your video to the NoGunZone?
A. I can't remember. It was around the time -- I think it was around the same time. I can't -- I can't remember that. That was, like, before I contacted the lawyer.
Q. So between the time you went to Sesame Place and you contacted the lawyer, sometime in there?
A. Mhm.
Q. But it was after you had already seen other people's videos on the Internet?
A. (Indicating).
Q. How about TheShadeRoom? When did you send your video to TheShadeRoom?
A. TheShadeRoom asked me for the video. Hollywood Unlocked came through NoGunZone. NoGunZone asked me for information for the video to send it to them.

Q. How did TheShadeRoom know to reach out to you for your video?
A. I guess it was because of my name, the tag. The name on my Instagram. I guess they went through -- I guess NoGunZone, somebody, whoever they saw it from, had tagged my name.
Q. So they contacted -- so TheShadeRoom contacted you on Instagram?
A. Mhm.
Q. And asked you for the video?
A. Yes.
Q. And you gave it to them?
A. (Indicating).
Q. And that was around the same time, the summertime of 2022?
A. Yes.
Q. Okay. Other than the three we've talked about, NoGunZone, ShadeRoom, and Hollywood Unlocked, did you provide your video to anyone else in the media?
A. No.
Q. After this interaction with Rosita we watched, you and your family stayed and watched more of the parade, correct?

A. No.
Q. You purchased tickets for that one?
A. Yes.
Q. Do you have any receipts or bank statements, credit card statements showing that purchase?
A. No. I don't remember. No.
Q. Do you have access to online banking?
A. Yes.
Q. Where you could see your statements?
A. Yeah. I just don't remember. Like, I would really have to, like, do some digging.
Q. But you haven't looked to see if you could find those?
A. No.
MR. O'CONNELL: Find the charge? I'm not sure. You're talking about bank statements --
MS. BAZAN: Reflecting the charge that she's talking about.
MR. O'CONNELL: So you're talking about either a credit card or bank statement that reflects a charge for a ticket? Is that what you're talking about?
MS. BAZAN: That is what I'm talking

about.
MR. O'CONNELL: Okay. Did you understand the question?
THE WITNESS: Yes.
BY MS. BAZAN:
Q. At your previous visit to Sesame Place --
A. Mhm.
Q. -- did you take any pictures?
A. Yes.
Q. Did you make any videos?
A. Did I? No. No, I didn't.
Q. Have you given the pictures from that previous trip to your lawyers?
A. No.
Q. Have you looked for the pictures from that previous trip?
A. No. Just know they're in my phone.
MS. BAZAN: Okay. I will state for the record that proof of purchase of the previous trip is responsive to RFP 2, and pictures from previous trips are responsive to RFP 6. So those documents should have been produced, and we request they be produced as soon as possible.

BY MS. BAZAN:
Q. Other than Instagram, which we've already talked about, do you have any other social media accounts?
A. I have Facebook and TikTok, Twitter.
Q. What is your name on Facebook?
A. Shonda Renee.
Q. What about on Twitter?
A. I think it's Shonda Renee, too.
Q. And what about on TikTok?
A. Shonda with five As and an underscore, X16.
Q. Shonda with five As, two underscores, and what?
A. One undersore, X16.
Q. One underscore, X16.
Did you post on your Facebook, TikTok --
A. No.
Q. -- or Twitter about Sesame Place?
A. No.
Q. Have you ever commented or posted on anybody else's social media about Sesame Place?
A. No.

Q. Would you like to take a short break? We're moving into a different section. I'm happy to keep going, if you want to, but we could also take a break.
A. It's going to be longer?
Q. It's going to be a little bit longer. Not too much longer.
A. I guess we could get to, like, half of it. I'm just ready to get to done. I'm tired.
MR. O'CONNELL: Want to take five minutes?
THE WITNESS: It's going to push the time. I'm tired. I guess we could take a break.
MR. O'CONNELL: Okay. Five minutes? That's probably a good idea. Thanks.
VIDEOGRAPHER: Going off the record. The time is 12:26 p.m.
(Recess taken from 12:26 p.m. to 12:42 p.m.)
VIDEOGRAPHER: Okay. This begins media number 2 in the deposition of Lashonda Miles and C.M. The time is 12:42 p.m.
BY MS. BAZAN:
Q. Ms. Miles, what economic damages have you suffered as a result of your June 24, 2022 trip to

Sesame Place?
A. Hurt. Like, the sense of fear that it will happen again. It was a little bit of nerve wracking because I didn't know how Mah'ki would take it.
Q. Have you lost any money?
A. Yes. My ticket. The value of my ticket.
Q. How much did you pay for your ticket?
MR. O'CONNELL: Objection.
THE WITNESS: Nothing. Just my ticket.
BY MS. BAZAN:
Q. So what money did you lose on your ticket?
MR. O'CONNELL: Objection.
THE WITNESS: No money. Just the value of my ticket.
BY MS. BAZAN:
Q. Well, I'm asking you what money you lost. So I'm confused when you're saying, "Nothing. Just the value of my ticket."
MR. O'CONNELL: Objection. Multiple grounds, including form.
BY MS. BAZAN:
Q. So what money have you lost as a result of your June 24th, 2022 trip to Sesame Place?

MR. O'CONNELL: Objection.
THE WITNESS: I could still answer?
MR. O'CONNELL: Oh, I'm sorry. Yes. Go right ahead.
THE WITNESS: No money was lost.
BY MS. BAZAN:
Q. Let's go back to the interrogatory answers, which are Exhibit 4, and we're going to look at number 5.
MR. O'CONNELL: That one.
THE WITNESS: Okay. This one. Am I on the right page?
MR. O'CONNELL: You're going to go to page 4. I think she wants to talk about interrogatory number 5 at the bottom.
MS. BAZAN: Correct.
THE WITNESS: Okay.
BY MS. BAZAN:
Q. We're looking at interrogatory number 5 starting at the bottom of page 4.
It says, "If you contend that you've suffered humiliation, embarrassment, mental anguish, psychological stress, depression, anxiety, loss of self-respect, or post-traumatic stress or other

mental illness or injury as a result of incidents described in the amended class action complaint, to describe in detail each that you have experienced and include," and it includes a list of items.
Do you see that?
A. This is the next page, right?
Q. Yes.
A. Yes.
Q. And your answer to number 5, you did not answer that you experienced any of those things; is that accurate?
MR. O'CONNELL: Objection.
THE WITNESS: Say that again. Repeat it. I'm sorry.
BY MS. BAZAN:
Q. Sure. So interrogatory 5 says, "If you contend you have suffered," and then a list of things, to describe in detail your experience, and includes some information about them.
Looking at your answer, you did not say that you experienced any of those things that are listed in interrogatory 5, for example, humiliation, embarrassment, mental anguish, et cetera.

MR. O'CONNELL: Objection. You're telling her what her answer is. Her answer is --
MS. BAZAN: I'm asking her if her answer is accurate.
MR. O'CONNELL: Hold on. Let's go one at a time. Her answer is stated right there on page number 5. You could ask her about her answer. But telling her what her answer is is objectionable, including form.
Go ahead. Sorry.
BY MS. BAZAN:
Q. Ms. Miles, do you see your answer to number 5 on page 5?
A. Yes.
Q. Is that answer accurate?
A. Yes.
Q. And these answers were served on us back in December.
So is it still accurate today?
A. Yes.
Q. Do you have any plans to seek any mental or psychological treatment for yourself in the future as a result of your visit to Sesame Place?
A. No.

Q. Your answer to number 5 says, "Plaintiffs experienced racial trauma as a result of defendant's discriminatory practices."

What do you mean by "racial trauma" in that answer?

A. That I feel -- I definitely feel -- I feel sick. I feel hurt. Definitely embarrassed. That was definitely my result.

Q. What does trauma mean to you?

A. Like, a traumatic event.

Q. Have you been diagnosed by a professional with racial trauma as a result of this incident?

MR. O'CONNELL: Objection.

THE WITNESS: No.

BY MS. BAZAN:

Q. Have you sought any treatment for racial trauma?

MR. O'CONNELL: Objection.

THE WITNESS: (Indicating).

BY MS. BAZAN:

Q. Are there any parts of daily life that you can't do because of this trauma?

A. No.

Q. You could still take care of your kids?

A. Yes.

Q. Have you ever experienced racial trauma before this trip to Sesame Place?

A. No.

Q. Have you suffered any of the other conditions listed in interrogatory 5?

A. Where?

Q. The bottom of page 4 on to the top of page 5.

MR. O'CONNELL: What was your question again? I'm sorry.

MS. BAZAN: Has she suffered any of the conditions listed in interrogatory number 5.

MR. O'CONNELL: Ever in her life? Is that your question?

MS. BAZAN: That's an important clarification.

BY MS. BAZAN:

Q. Have you suffered any of the conditions in interrogatory number 5 as a result of your June 24th, 2022 visit to Sesame Place?

A. Yes.

Q. Which ones?

A. Embarrassment.

Q. Anything else?

A. Humiliation. Definitely, like -- no. That's it.

Q. Were those embarrassment and humiliation things that you experienced in the moment, or are they things that continue?

A. Definitely in the moment.

Q. Did you have any physical symptoms of either of those things?

A. I was angry.

Q. Have you sought any treatment for embarrassment or humiliation?

A. No.

Q. Are there any parts of your daily life that you can't do now because of the humiliation and embarrassment?

A. No.

Q. Why did you not describe the embarrassment and humiliation in your answer to interrogatory number 5?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: Because I didn't really -- I didn't need to, like, seek any type of help.

I'm a strong person. I can handle it myself.

BY MS. BAZAN:

Q. Does M.C. have any money damages as a result of his June 24th, 2022 trip to Sesame Place?

A. No.

Q. Looking, again, at the list of conditions in interrogatory number 5, has M.C. suffered any of those as a result of his June 24th, 2022 trip to Sesame Place?

A. Definitely probably -- I don't know. He was probably confused. I don't -- definitely confused. Definitely was upset, too. That was -- that's what I could just say.

Q. Okay. Did he exhibit any symptoms of anything as a result of the Sesame Place visit?

A. No.

Q. Okay. And you haven't sought any treatment for him as a result of what happened at Sesame Place on June 24th, right?

A. No.

Q. Do you have any plans to seek any treatment for M.C. in the future because of what happened at Sesame Place on June 24th?

A. No.

Q. Do you contend that M.C. has suffered racial trauma as a result of what happened at Sesame Place on June 24th, 2022?
A. I'm sorry. Repeat that.
Q. Sure.
Do you contend that M.C. has suffered racial trauma as a result of your June 24th, 2022 visit to Sesame Place?
A. Yes.
Q. What are his symptoms of racial trauma?
A. He was -- he was sad and confused.
Q. Has he been diagnosed by a professional with racial trauma?
MR. O'CONNELL: Objection.
THE WITNESS: No.
BY MS. BAZAN:
Q. "No"?
A. No. Sorry.
Q. Are there any parts of his daily life that M.C. can't do because of his experience at Sesame Place?
A. No.
Q. Has M.C. ever experienced racial trauma before his visit to Sesame Place?

A. No.
I hope I was not covering the speaker.
Q. Are you seeking damages in this case for anything we haven't already talked about?
A. What do you mean?
Q. Are you seeking money damages in this case for anything that we haven't already discussed?
A. No.
MR. O'CONNELL: Objection.
You can answer.
BY MS. BAZAN:
Q. Staying with this exhibit, but going to interrogatory number 7, which is on page 5.
Are you on page 5 of the document?
A. Yes.
Q. Okay. Great.
So interrogatory number 7 asks you to describe in detail any interviews you have given to any member of the media regarding the incidents alleged in the amended class action complaint.
And you see your answer there is "None"?
A. Yes.

Q. Is that answer true?
A. Yes.
Q. You didn't give an interview to Shawnette Wilson to FOX 29 Philadelphia?
A. Yes, I did, but not about this. That was, like, way before. I'm confused with the timeline, so no. I did speak with her, but not -- you're saying, like, with the class action, about the class action?
Q. Regarding --
A. I'm sorry. Can you, like, resay -- repeat the question?
Q. Yes.
The answer to your interrogatory says that you have not given any media interviews -- I'm paraphrasing here -- about what happened to you at Sesame Place.
MR. O'CONNELL: Objection.
BY MS. BAZAN:
Q. Is that answer correct?
MR. O'CONNELL: Objection.
You can answer.
BY MS. BAZAN:
Q. You can answer.

A. I did have an interview with Shawnette.
Q. Okay. When did you give that interview?
A. I really don't know; I really don't know. I didn't keep track of the time. I really didn't. I just know I did have a talk with her.
Q. Was it after your June 24th, 2022 visit to Sesame Place?
A. Yes. Mhm.
Q. Was it before you retained your lawyer for this case?
A. Yes.
Q. How did that interview come about?
A. She reached out to me.
Q. On Instagram?
A. Yes.
Q. And what did she say when she reached out to you on Instagram?
A. She, basically, was, like, apologizing that this had happened to us, and she asked if we can -- if she could do an interview with me.
Q. How did she know that anything had happened to you?
MR. O'CONNELL: Objection.
THE WITNESS: She saw it on a social media

COURT REPORTER: Thank you.
BY MS. BAZAN:
Q. Do you know which viral video that's talking about?
A. Yes.
Q. Is that the Browns' Rosita video?
A. I believe so. I think that was her name. I can't remember.
This was from July? I don't remember none of these dates. That is crazy.
Q. I think you testified before that you have seen that viral video, right?
A. Yes. I just had to -- I didn't know the name of the, like, family. I just remember seeing the video.
Q. Mhm. It was somebody else's Rosita video, right?
A. Yes.
Q. Okay. And had you seen that other person's Rosita video before this July 19th article?
A. Yes.
Q. How did you first see that viral video?
A. On Instagram.
Q. Down at the bottom of page 1, the article

says, "Since the now-viral incident, other parents have come forward with similar stories about how their children were allegedly ignored or mistreated by Sesame Place characters during other visits."
Does that describe you?
A. Yes.
Q. And then the next sentence says, "Lashonda Miles said her son and stepdaughter were denied a hug from the character after it just hugged another child."
Was that referring to you?
A. Yes.
Q. Did you tell that to Ms. Wilson during your interview, that your son and stepdaughter were denied a hug from a character after it just hugged another character?
A. Yes.
Q. And was that you describing the incident that we've been talking about today and the video we looked at?
A. Yes. Mhm.
Q. Then on the next page at the top, there's a quote. It says, "You see it happening, repeatedly happening to the same type of children, so it's

obviously something." And then the article says, "Miles told FOX 29's Shawnette Wilson."
Did you tell Shawnette Wilson that?
A. Yes.
Q. So it's an accurate quote?
A. Yes. Sorry.
Q. When you talk about seeing it happening repeatedly, are you talking about videos that you had seen or things you've seen in person?
A. The videos I've seen.
Q. What did you mean by "the same type of children," in that quote?
A. The same type of children, meaning the black children. The children, black children.
Q. And then it quotes you as saying, "I really think it's in that category of either discrimination or racism."
Did you say that?
A. Yes.
Q. Did you think that it was in the category of either discrimination or racism before you saw the other videos?
A. Yes.
Are you talking about my video,

right?
Q. Yes.
A. Yes.
Q. Did you think what happened to M.C. was either discrimination or racism before you saw the other videos?
A. Yes.
Q. Have you ever spoken to the parents of the children in the viral video?
A. No.
Q. This quote, this last quote of yours, "I really think it's in the category of either discrimination or racism," what is the difference to you between discrimination and racism?
A. I wouldn't say it's a different. It's, like, the same. Or, in ways, I guess, discrimination is just, like, you're talking about the way -- you're looking or describing someone looking different than you or some sort. And racism is just, like, you know, hating -- like, I feel like it's, like, a sign of hate. Hating another, you know, race.
Q. Why didn't you include this interview with Ms. Wilson in your interrogatory response that asked

time today. I don't have any questions on my direct exam, pending if Mr. O'Connell has any questions for you.

MR. O'CONNELL: We have no questions. We will read and sign.

VIDEOGRAPHER: This concludes the deposition Lashonda Miles and C.M. The time is 1:16 p.m.

COURT REPORTER: You both need copies of both, right?

MS. BAZAN: Yes, please.

MR. O'CONNELL: Yes.

(Deposition ended at 1:17 p.m.)

CERTIFICATION

I, Gianna Iaconelli, Court Reporter and Notary Public, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first sworn by me at the time, place and on the date herein before set forth.

I further certify that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

_____

Gianna Iaconelli
Court Reporter
and Notary Public

CERTIFICATE OF DEPONENT

I, LASHONDA MILES, have read the entire transcript of my testimony taken on Thursday, March 30, 2023, contained within Pages 1 through 143, and it is true, correct, and complete to the best of my knowledge, recollection and belief, except for the list of corrections, if any, attached on a separate sheet herewith.

_____ _____

LASHONDA MILES DATE

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2023, in the jurisdiction aforesaid.

_____ _____

My commission expires Notary Public

ERRATA SHEET

CASE CAPTION: BURNS, et al. VS. SEAWORLD ENTERTAINMENT, et al.

PAGE	LINE	CORRECTION
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SIGNATURE:_____ DATE:_____

LASHONDA MILES

EXHIBIT 43

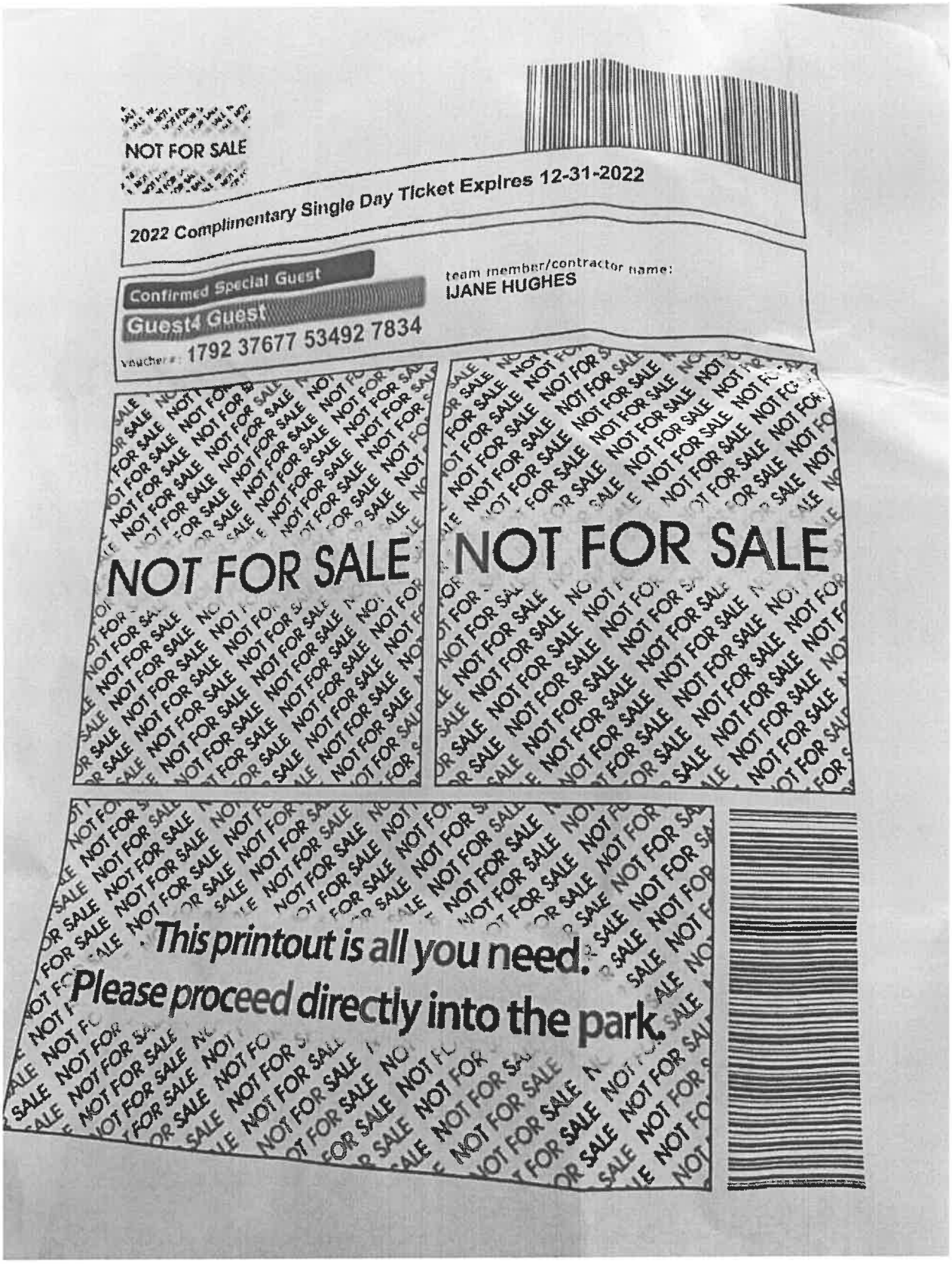
NOT FOR SALE
2022 Complimentary Single Day Ticket Expires 12-31-2022
Confirmed Special Guest
Guest4 Guest
team member/contractor name:
IJANE HUGHES
Voucher #: 1792 37677 53492 7834
NOT FOR SALE
NOT FOR SALE
This printout is all you need.
Please proceed directly into the park.

EXHIBIT 44

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUINTON BURNS, et al., :
Plaintiffs:
v. :
SEAWORLD PARKS & ENTERTAINMENT, INC.; :
and SEAWORLD PARKS & ENTERTAINMENT LLC,:
Defendants: NO. 22-cv-02941

- - -

Tuesday, February 14, 2023

- - -

Videotaped deposition of INGRID MORALES, held in the offices of Duane Morris, 30 South 17th Street, 12th Floor, Philadelphia, Pennsylvania 19103, at 10:05 a.m., on the above date, before GIANNA IACONELLI, a Court Reporter and Notary Public of the Commonwealth of Pennsylvania.

MAGNA LEGAL SERVICES
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2673?
A. Yes. 2673, yes.
Q. If you look at the top, it's small, but do you see that is a statement from 6/18/2022 to 7/18/2022?
A. Yes.
Q. If you look down where the transactions are listed, one of the ones that is visible is a transaction on 7/9 for Sesame Place.
Do you see that one?
A. Yes.
Q. It's for $181.15?
A. Yes.
Q. And was that for the purchase of the tickets to Sesame Place?
A. Yes.
Q. And those are the same tickets that is the basis for your lawsuit, correct?
A. Yes.
Q. Did you make other purchases from Sesame Place on this card on this billing cycle?
A. There's one for parking and one for the food stand.
Q. Do you recall who made the parking charge?

A. My husband.
Q. And did your husband also make the food service charge?
A. Yes.
Q. Did you make any purchases from Sesame Place on the visit the day you went to the park?
A. No.
Q. Cash or credit card, did you, personally, make any purchases?
A. No.
Q. And I think you already told me that you're not a joint card holder on this Visa; is that right?
A. Yes.
Q. You're not one?
A. I'm not, yes.
Q. Do you know whether this bill was ever paid?
A. Yes.
Q. And what bank account were they paid with, were these charges paid with?
A. I believe this is a debit card.
Q. Debit card?
A. Yes.

Q. And what is that debit card linked to? Is it a checking account, savings account?
MR. RICHARDSON: If you know.
THE WITNESS: I don't know.
BY MS. PARDO:
Q. Okay. It's not one of your banking accounts?
A. No, it's not mines.
Q. I understand. Okay.
Okay. You could put that one aside.
(Exhibit Morales-6 marked for identification.)
BY MS. PARDO:
Q. This is marked Morales Exhibit 6.
Ms. Morales, take a minute to look over the document. Just tell me when you're ready.
A. I'm ready.
Q. Do you recognize this document?
A. Yes.
Q. Okay. What is this document?
A. I believe these are the questions and answers -- whatever I was asked was, kind of, put in here.
Q. Okay. I'll read the title into record.

Titled, Plaintiff's Answers to Defendants' First Set of Interrogatories.
Do you see that?
A. Yes.
Q. If you flip all the way through to the last page...
A. Is it the one with my signature?
Q. Yes. The page with your signature.
A. Okay.
Q. This is, "I solemnly affirm under the penalties of perjury that the information contained in these answers to interrogatories are true and correct to the best of my knowledge, information, and belief."
Did I read that accurately?
A. Yes.
Q. Okay. And did you sign this document?
A. Yes.
Q. And you provided an electronic signature?
A. Yes.
Q. Did you actually see this document in its current form before you signed it?
A. Yes.
Q. Did you have the opportunity to read the

Q. Was it a busy day?
A. It was very busy, yeah.
Q. I want to turn your attention back to an original question.
If you turn back to page 3, that is the second portion of your supplemental answer to interrogatory number 1 that starts on the page before, but on the top of page 3, you say, "Ms. Morales believes Nadir Munir purchased the tickets approximately two days ahead of the trip." I'm focusing on the word, "believes."
Were you unsure in any way that he purchased the tickets two days ahead?
A. I was unsure of the actual date, not whether he purchased the tickets or not.
Q. Okay. I understand.
Now, you had stated that Nadir, your husband, purchased the tickets on the website; is that correct?
A. Yes.
Q. Do you know whether he had to agree to anything in connected with his purchase of the tickets?
A. I'm not sure.

Q. Do you know whether he had to sign anything or provide an electronic signature in connection with his purchase?
A. I do not.
Q. And did Nadir print out anything from the website when he was buying tickets?
A. Just the tickets.
Q. Just the tickets.
So he didn't print out any other content from the website that you know of?
A. I don't think so.
Q. Are you aware that one of the claims in your lawsuit is based on a contract you had with Seaworld?
A. Yes.
Q. What were the terms of that contract?
MR. RICHARDSON: Objection.
You can answer, if you understand.
THE WITNESS: Can you rephrase it? Like, are you asking what I believe my experience is supposed to be?
BY MS. PARDO:
Q. So yeah. I'm just trying to understand, you know, in your words, what does it mean to have a

contract with Seaworld? What were you contracting for?
MR. RICHARDSON: Objection.
You can answer.
THE WITNESS: For my children to have a good time, to enjoy the park, and just the whole entire park had to offer.
BY MS. PARDO:
Q. What, specifically, did Sesame Place promise to give you in that contract that you're referring to?
MR. RICHARDSON: Objection.
THE WITNESS: Are you referring to what I believe?
BY MS. PARDO:
Q. Yes.
A. Like I said, having a good time, getting on the rides, just having that full experience. You know, children get to Sesame Street on television, so for them to actually be there and feel like they're in the TV show, I guess.
Q. Okay. And how did you form the impression that these things were promised to you by Sesame Place or Seaworld?

A. On the commercials, you see the kids, you know, interacting with everyone, getting on the rides, enjoying themselves.
Q. Did you get on any rides that day?
A. Yes.
Q. Okay. What about your daughter?
A. Yes.
Q. Tell me all of the promises that you thought were not kept with respect to your visit to Seaworld on July 11th, 2022.
A. I would say my daughter not being able to interact with the characters.
Q. And are you referring to the characters in the parade or somewhere else?
A. In the parade.
Q. Have you ever read any terms of a contract that you had with Sesame Place or Seaworld?
A. No.
Q. And have you read any promises that were provided in connection with a ticket purchase? Had you read anything like that before your visit?
A. No.
Q. So I want to turn your attention to the events on July 11th, 2022 when you visited Sesame

Place, Philadelphia.
Do you recall what day of the week that fell on?
A. I think it was a Monday.
Q. What time did you arrive at the park?
A. Between the hours of 10:30 and 11:00.
Q. Do you recall what time you left that day?
A. Right before 8 o'clock.
Q. 8:00 p.m.?
A. Yes.
Q. In your own words, describe what happened at Sesame Place on July 11th, 2022 that you're suing about.
A. Well, me and my daughter went to see the 7 o'clock parade. We were -- well, she was excited because we was right in the front. There was no one in front of us. The parade was getting ready to start. As the characters came out, you know, the floats, kind of, come out and everything. And I think the first character that, kind of, came extremely close to her was Big Bird. I tried to pick her up so she could give him a high five. He, kind of, ignored her. Kept going. He high five the family before us and the family after us and kind of

kept going.
And then after that, we was just, you know, still waiting for the other characters to come. I believe the next one was Grover, I believe. Grover was high fiving, doing all of those other things. She keeps waving, waving, trying to get their attention, still the same thing. Kind of skip over her and continue, you know, down the line.
And I believe the last character was Baby Bear. She likes Elmo. When she saw Baby Bear, she was all excited. All right. Cool. Baby Bear is coming. She keeps waving, waving, waving. Still the same things. They literally, like, high fived the family right next to us and then the family on the other side of us. Still ignored her.
Q. Okay. And you described the incidents with three characters just now.
A. Yes.
Q. Big Bird, Grover, and Baby Bear; is that right?
A. Yes.
Q. Were there any other characters in the 7:00 p.m. parade that you claim either skipped or didn't interact with your daughter?

A. No.
Q. It was just those three?
A. Yes.
Q. Now, in the complaint you described this as discrimination based on the fact that your daughter is Hispanic; is that right?
A. My daughter is -- she is a mixed race. She is Afro-Latina. She is African-American and Hispanic.
Q. Do you identify as Hispanic?
A. I identify as Afro-Latina as well.
Q. And does your daughter identify as Afro-Latina as well?
A. Yes.
Q. What is your race?
A. I am also mixed race. I am Puerto Rican and Dominican.
Q. What about N.? What is her race?
A. She is African-American and Hispanic.
Q. So tell me about this experience at the time it happened. Tell me how you felt about the experience, you, personally.
A. Me, personally, with the first character, I, kind of, said, "Okay. All right. Maybe it was,

you know, just something that happens." But when it happened more than once, that's when I -- it was, kind of, obvious what was happening. It was a little frustrating for my daughter to have to experience that. She kept saying, "Why they're not saying hi to me? Nobody wants to give me a high five." She was saying those types of things.
Q. You just said, "It was kind of obvious what was happening."
Can you explain that to me? What do you mean by that?
A. So to be very honest, we were, like, the only colored family in that area. Everyone was white on both sides of us. And it wasn't just us and then a white family, Hispanic family. It was just all white families and then us. And everyone else was getting high fives and hugs and all of those other things, and she just was ignored.
Q. How did that experience -- how did you react to that experience?
A. Well, I'm the adult. So I can't, you know, make a show. My daughter was already feeling some type of way. So I'm not going to make things any worse. So I just -- you know, she's a child.

She's innocent. I just told her, you know, "It's okay. Maybe next time."
Q. And you were saying you saw your daughter was feeling a type of way.
Describe to me how you knew that.
A. She would turn around and she'll say -- you know, like I said before, "Why they're not shaking my hand? Why they not giving a high five?" She was just sad. She made a pout, like she pouted. Her lip was sticking out. She was kind of upset.
Q. Okay. Now, you had indicated that she asked you, "Why am I not getting a high five?" She asked you a question.
A. Yes.
Q. At what point in the parade did she ask that question?
A. I would say after the second character. After that one, that's when it was, "Okay. This is, kind of -- it keeps happening."
Q. And in response to that question, what did you tell her?
A. I just -- like I said before, I didn't want to overreact because, you know, she is a child. I said, "It's okay." You know, "Maybe next time."

And just try to move her up a little bit. She was already at the line. She couldn't go past the yellow line. For her safety, I don't want to push her up closer. I told her just keep waving, waving. That's when the last character was coming by.
Q. Did you tell her at any point that the characters were skipping her because of her race?
A. No. I don't ever want my daughter to feel like she's different.
Q. And this incident that you're describing, your boys weren't -- your two sons were not present for this; is that correct?
A. No.
Q. After you had this experience, did you communicate with anyone about what happened during that 7:00 p.m. parade?
A. I talked to my husband on the way home.
Q. Okay. Anyone else?
A. No.
Q. What about friends?
A. No.
Q. What about other family members?
A. I just, you know, kind of, kept it to myself.

Q. And was Mr. Richardson's law firm the only firm that you had discussed being represented by?
A. Yes.
Q. No firm before his?
A. No.
Q. What about in terms of e-mail? Do you have any e-mails with friends or family about this incident?
A. No.
Q. What about social media?
A. No.
Q. Did you post about it?
A. I don't have social media.
Q. Okay. You have no social media at all?
A. No.
Q. No Facebook?
A. Nope.
Q. Have you visited Sesame Place since July 11th, 2022?
A. No.
Q. Has N.?
A. No.
Q. What about your husband?
A. No.

Q. What about your two boys?
A. Nope.
Q. Now, had you ever visited Sesame Place, Philadelphia before July 11th?
A. Only when my older son was smaller. When he was maybe three or four.
Q. And was that --
A. D.
Q. That was D. Okay.
Did you have this experience similar with the characters similar to what you experienced on July when you went there with D.?
A. I don't remember.
Q. Do you remember attending parades when you went with D. when he was small?
A. It was so long ago. I don't remember.
Q. Okay. I want to turn your attention back to the document we've marked as Exhibit 7. That's the supplemental --
A. Mhm.
Q. -- answers to interrogatories.
And if you could, turn to the second part of -- actually, turn to answer number -- answer number 2. So mostly on page 4 is what we're going

to focus on.
A. Okay.
Q. Now, do you see in the middle of the page, there's a portion of this labeled as E. There's A, B, C, D, E.
Do you see that in the middle of the paragraph?
A. Yes.
Q. So I want you to look at E, and it says, "N.M."
N.M. is your daughter, N.?
A. Yes.
Q. "N.M. was in the front row of the parade with white families located on both sides of her."
A. Yes.
Q. Do you see that?
A. Mhm.
Q. So is it your testimony that on either side, on the right and left, there were both white families?
A. Yes.
Q. Okay. And is it also your testimony that the families on either side of you both received high fives and hugs?

A. Yes.
Q. And, again, where it says, under F, "N.M.'s father, Nadir Munir, Senior, as well as N.M.'s two minor brothers witnessed the instance," that's not correct?
A. Yeah. I think that was supposed to be crossed out as well.
Q. Okay. As you'll see down in the supplemental answer, it is crossed out right there?
A. Yes.
Q. And you said that was based on a miscommunication?
A. Yeah.
Q. So sitting here today, you're not saying that the discrimination happened with respect to your son, D., or your other son, N.?
A. No. Because they weren't present at the second parade where the incident occurred.
Q. Where were you standing during this parade?
MR. RICHARDSON: The 7 o'clock parade.
BY MS. PARDO:
Q. The 7:00 p.m. parade.
A. Behind her.

Q. You were right behind her?
A. Yes.
Q. Okay. Did you know either of the families that were standing on either side of you during that parade?
A. No.
Q. Now, when you refer to this -- in this same interrogatory, number 2E, you refer to the white families located on both sides of you.
Do you recall if the family on the left side received a high five or a hug?
A. Yeah. Because the lady was sitting on the floor. Yeah.
Q. Okay. And by, "lady," you're saying, that's an adult person?
A. Yeah. She might have been, like, a mid -- like a teenager, maybe. Yeah. I don't know her exact age. I don't know who she is.
Q. Okay. And you thought her race is white; is that correct?
A. Yes.
Q. And do you recall her getting a high five?
A. Yes.
Q. Do you recall her getting a hug?

A. I don't remember.
Q. Now, in terms of the family on the right side of you, can you describe that family?
A. They were white as well. I remember they had a child in a stroller.
Q. And who -- was there a member of that family to the right-hand side that got a hug or a high five?
A. The child.
Q. Do you remember which she got?
A. I know she definitely got a high five. I don't remember if she got a hug or not.
Q. Okay. I want to turn back to the lady or person who was on the left-hand side.
A. Mhm.
Q. Was she by herself or a member -- with a group?
A. Yeah. She was with the -- I don't remember how many people, but she was with a group of people.
Q. She was with other people?
A. Yes.
Q. Okay. Do you recall any of the races of the people that you thought were with the woman

sitting to the left?
A. They were white as well.
Q. What were you -- were you wearing the same head covering that you're wearing today --
A. Yes.
Q. -- when you were at Sesame Place?
A. Yes.
Q. And was the head covering in the same style as you are wearing now, where your eyes are exposed?
A. I don't remember. Sometimes I wear one that's half, but you only see my eyes anyway.
Q. Okay. So even if it wasn't the same color or style, you think it --
A. I always wear black, so yeah.
Q. Okay. But you think it was one that just exposed your eyes?
A. Some of my face, some of, like, my forehead and stuff was, kind of, showing, but basically the same.
Q. Now, at that same parade at 7 o'clock, did N. try to get any of the characters' attention?
A. Yes. You know, she was waving, saying, "Hi, hi, hi." I think at one point in the video,

you see it scramble because I pick her up to try to get her a little more higher. I don't know. For some reason, I just thought the characters are up higher maybe, but they still was coming down to the child. So I'm like, "Oh, okay. She could just stand there."
Q. And were you filming this while you were watching the parade?
A. Yes.
Q. Okay. What did you film it with?
A. My phone.
Q. What kind of phone do you have?
A. Now or at the time?
Q. At the time.
A. It was an iPhone. I don't remember which one.
Q. Some version of iPhone?
A. Yes.
Q. Did you tell N. to try to get the characters' attention?
A. Yes.
Q. Do you remember what you said to her?
A. I would say, "Say, 'hi.' Say, 'Hi,' Nami. Say, 'Hi.'"

Q. And does she have a nickname?
A. Yeah. We call her Nami.
Q. Nami?
A. Yeah. Ever since she was a baby, we, kind of -- it, kind of, stuck with her.
Q. I thought at one point I heard her called, "Nasi"?
A. Yes. We call her nasi, too.
Q. Nasi as well?
A. Yeah.
Q. Was N. scared at all by the parade?
A. No.
Q. Intimidated by the characters?
A. No. She kept waving and trying to get their attention.
Q. Now, in the first amended complaint that I showed you and it's marked as Exhibit 2, you had stated that Big Bird, Grover, and Baby Bear intentionally refused to engage with and ignored N.
Do you see that?
A. Yes.
Q. What made you think that this was intentional?
A. She was skipped over. It wasn't like one

of the characters said, "Hi" to her or no one around us got a high five or anything like that. You would see them come to the family on their left, skip over her, go to the family on the right. It was just -- she was just skipped over.
Q. So it was your impression that that was intentional?
A. Yeah.
Q. And not that they just --
A. By accident? No.
Q. -- some other reason?
Did you have any conversations with the characters about refusing to engage with your daughter?
A. No. Because they, you know, did the high five with the other families and kept you can walking.
Q. Kept walking?
A. Yeah.
Q. Okay. And were they constantly moving or did they actually stop?
A. Yeah. They had to stop to come and give a high five, do those things. I think at one point Grover was dancing and he, kind of, kept walking.

A. -- price that was on there, yes.
Q. Okay. Okay. And I think earlier we saw that was $45?
A. Yes.
Q. Okay. Are there any other monetary or economic losses you're claiming in connection with this lawsuit?
A. No. Those were the only things that we, kind of, paid for. Oh, and the food. But that was only $5.
Q. Okay.
A. Yeah.
Q. Okay. So you don't have any economic losses that aren't stated in either the original answer or this supplement; is that right?
A. No.
Q. Apart from the ticket loss, are you claiming any economic losses on behalf of N.?
A. No.
Q. Now, interrogatory number 5 asked you to identify other types of injuries that aren't economic.
Do you see that?
A. Yes.

Q. All right. And I'm just going to read this out here. It says, "If you contend that you have suffered humiliation, embarrassment, mental anguish, psychological stress, depression, anxiety, loss of self-respect, or post-traumatic stress or other mental illness or injury as the results of incidents described in the amended class action complaint," and then it says, "Describe in detail."
Do you see what I where I read that?
A. Yes.
Q. There lists conditions and other things in that paragraph I just read.
And you did not answer that you experienced any of those things; is that accurate?
A. Yes.
Q. And is that still accurate today?
A. Yes.
Q. Okay. You also stated that you have not sought any professional, medical, psychologic, or other healthcare provide as a result of defendants' discriminatory practices.
Do you see where I read that?
A. Yes.
Q. Okay. And you have not supplemented that

to say that you've seen such providers since you wrote that, right?
A. Yes.
Q. Have you, indeed, sought treatment since you wrote this answer?
A. No.
Q. Okay. Now, you say in answer number 5, "Plaintiffs' experienced racial trauma as a result of defendants' discriminatory practices."
Did I read that right?
A. Yes.
Q. Describe to me what you mean by "racial trauma."
A. Just to have that feeling of feeling discriminated on.
Q. Okay. Tell me about that feeling.
A. It makes you feel less than or unworthy of.
Q. Okay. What does the word "trauma" mean to you as you used it here?
A. Something that -- you know, something that you, kind of, carry on for years. You, kind of, think about it, refer back to it.
Q. Since the -- your visit to Sesame Place on

July 11th, have you still been able to go to school?
A. Yes.
Q. Have you still been able to go to work?
A. Yes.
Q. And going back to that list that I read at the beginning of interrogatory number 5, some of these are actual conditions.
Have you ever been diagnosed -- excuse me.
Since your visit on 7/11/2022, have you been diagnosed with anything that's listed in this paragraph in interrogatory number 5?
A. No.
Q. Okay. So I want to ask the same series of questions with respect to your daughter.
Going back to that paragraph with humiliation, embarrassment, and so forth, has N. experienced any of those things in this paragraph?
A. No.
Q. Okay. And has N. seen any health professional or mental health professional since your visit to Sesame Place on July 11th?
A. No.
Q. Has she still been able to go to school?

answers is not based solely on the knowledge of the executing parties, but includes knowledge of the parties' agents, representatives, and attorneys, unless privileged."

Do you see that?

A. Yes.

Q. Is it your understanding that these answers are not just based on your knowledge, but also based on others?

MS. PARDO: I'm going to object to the form.

BY MR. RICHARDSON:

Q. You can answer.

A. Yes.

Q. And I believe you testified earlier that your family was the only family of color at the 7:00 p.m. parade.

Do you remember saying that earlier?

A. Yes. The only colored family, you know with all of the white families on the side of us.

Q. Okay. So you're talking about as far as you could see?

A. Yeah. Not the whole entire park.

Q. I'm not talking about the park.

Just in your line of vision, did you see any other families of color?

A. No. Not that I recall.

MR. RICHARDSON: Okay. No further questions.

MS. PARDO: And I just have one follow up to the cross.

- - -

EXAMINATION

- - -

BY MS. PARDO:

Q. Mr. Richardson prompted you that your complaint asks for monetary damages.

Do you recall that question?

A. Yes.

Q. So what monetary damages are you looking for?

MR. RICHARDSON: Objection.

THE WITNESS: I didn't put, like, a specific, you know -- are you asking, like, is there an amount?

BY MS. PARDO:

Q. Yeah. That's what I'm asking.

A. Yeah. I didn't put no number to it.

Q. Okay. How come?

MR. RICHARDSON: Objection.

THE WITNESS: I would say because my intention was to tell my story.

MS. PARDO: Okay. Okay. That's all.

MR. RICHARDSON: Thank you very much, Ms. Morales.

She will read and sign.

VIDEOGRAPHER: The time is 1:15 p.m. This concludes the deposition.

COURT REPORTER: You both need copies, regular delivery?

MR. RICHARDSON: Yes.

MS. PARDO: That works.

(Deposition ended at 1:17 p.m.)

C E R T I F I C A T I O N

I, Gianna Iaconelli, Court Reporter and Notary Public, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first sworn by me at the time, place and on the date herein before set forth.

I further certify that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

_____

Gianna Iaconelli
Court Reporter
and Notary Public

EXHIBIT 45

SESAME PLACE

Sesame Place Philadelphia Single-Day Ticket (7/11/2022) - 7/11/2022

Confirmed Special Guest

ingrid morales

voucher#: 1799 27576 53597 8534

Order#: 202207095540727
nadir munir
1433 N redfield st

PHILADELPHIA, PA 19151

Redemption

Step 1: Verify your date selected and park hours prior to arrival
Step 2: Print this eTicket or show on your mobile device
Step 3: Proceed directly to the park entrance and present your eTicket and a Photo ID to enter the park.

Legal Terms

Valid for one visit to Sesame Place on the date selected. This ticket is only valid for person listed on the Ticket. This ticket may not be transferred or resold. Tickets are nonrefundable. Ticket void if altered. In order to ensure our guests' comfort and safety, Sesame Place may be subject to capacity limitations. Admission into the park may be suspended during the day. Admission is not guaranteed. Ticket value expires 1/2/2022.

THIS IS YOUR TICKET

Proceed directly to park entrance

SESAME PLACE SEASON PASS

EXCLUSIVE OFFER

Apply the cost of your ticket towards a Season Pass on the day of your visit only.

Visit Guest Relations today to upgrade your day!

BENEFITS INCLUDE

Free Parking

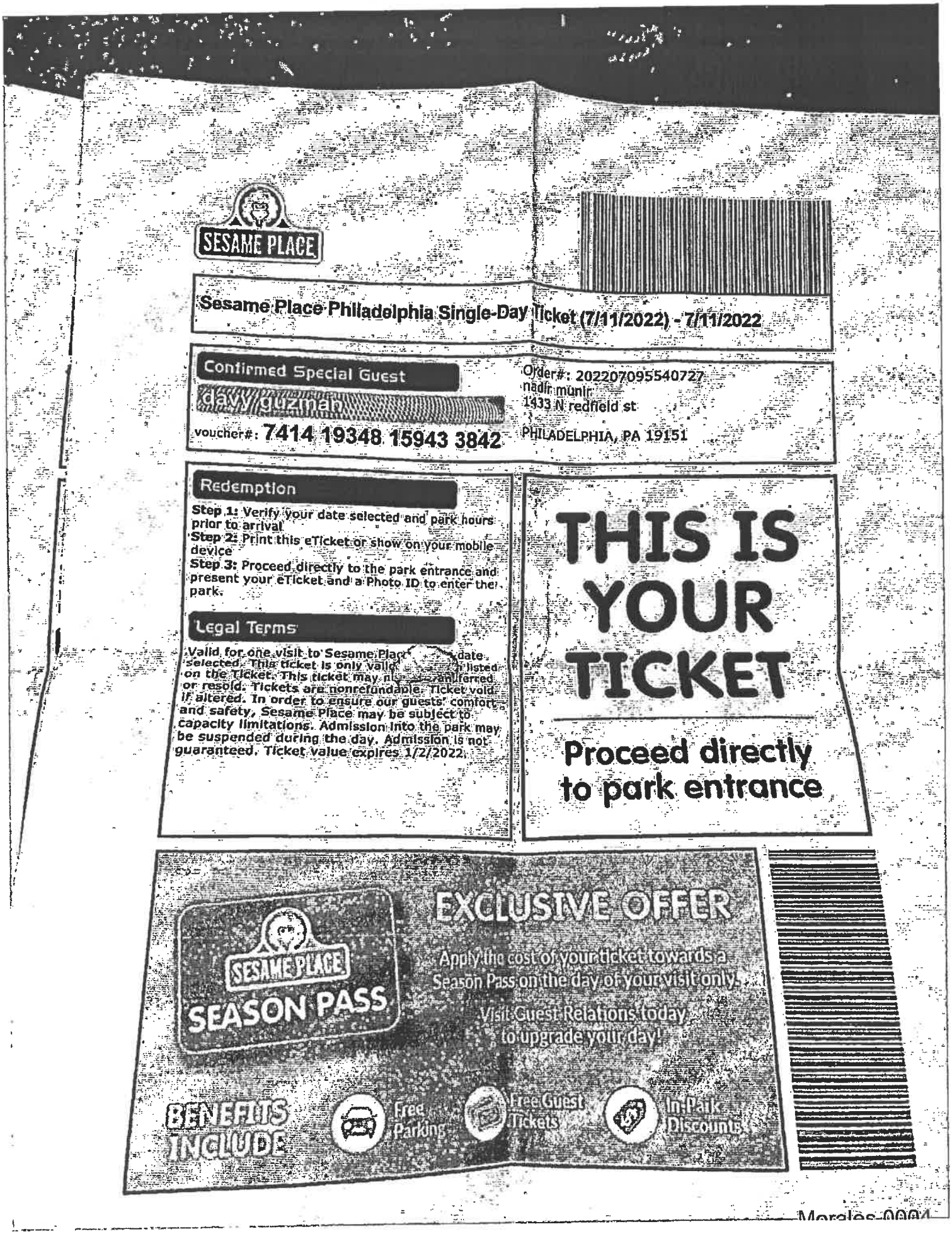
Free Guest Tickets

In-Park Discounts

EXHIBIT

Morales-4

PENGAD 800-631-6989



SESAME PLACE

Sesame Place Philadelphia Single-Day Ticket (7/11/2022) - 7/11/2022

Confirmed Special Guest

davy guzman

voucher#: 7414 19348 15943 3842

Order#: 202207095540727
nadir munir
1433 N redfield st
PHILADELPHIA, PA 19151

Redemption

Step 1: Verify your date selected and park hours prior to arrival
Step 2: Print this eTicket or show on your mobile device
Step 3: Proceed directly to the park entrance and present your eTicket and a Photo ID to enter the park.

Legal Terms

Valid for one visit to Sesame Place [illegible] date selected. This ticket is only valid [illegible] listed on the ticket. This ticket may not be transferred or resold. Tickets are nonrefundable. Ticket void if altered. In order to ensure our guests' comfort and safety, Sesame Place may be subject to capacity limitations. Admission into the park may be suspended during the day. Admission is not guaranteed. Ticket value expires 1/2/2022.

THIS IS YOUR TICKET

Proceed directly to park entrance

SESAME PLACE SEASON PASS

EXCLUSIVE OFFER

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Visit Guest Relations today to upgrade your day!

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Morales 0004

SESAME PLACE

Sesame Place Philadelphia Single-Day Ticket (7/11/2022) - 7/11/2022

Confirmed Special Guest

[redacted]

voucher#: 1497 66994 19345 3729

Order#: 20220709554072?
nadir munir
1433 N redfield st

PHILADELPHIA, PA 19151

Redemption

Step 1: Verify your date selected and park hours prior to arrival.
Step 2: Print this eTicket or show on your mobile device.
Step 3: Proceed directly to the park entrance and present your eTicket and a Photo ID to enter the park.

Legal Terms

Valid for one visit to Sesame Place on the date selected. This ticket is only valid for person listed on the Ticket. This ticket may not be transferred or resold. Tickets are nonrefundable. Ticket void if altered. In order to ensure our guests' comfort and safety, Sesame Place may be subject to capacity limitations. Admission into the park may be suspended during the day. Admission is not guaranteed. Ticket value expires 1/2/2022.

THIS IS YOUR TICKET

Proceed directly to park entrance

SESAME PLACE SEASON PASS

EXCLUSIVE OFFER

Apply the cost of your ticket towards a Season Pass on the day of your visit only.

Visit Guest Relations today to upgrade your day!

BENEFITS INCLUDE

Free Parking

Free Guest Tickets

In-Park Discounts

SESAME PLACE

Sesame Place Philadelphia Single-Day Ticket (7/11/2022) - 7/11/2022

Confirmed Special Guest

Ingrid Morales

voucher#: 1799 27576 53597 8534

Order#: 202207095540727
nadir munir
1433 N redfield st
PHILADELPHIA, PA 19151

Redemption

Step 1: Verify your date selected and park hours prior to arrival
Step 2: Print this eTicket or show on your mobile device
Step 3: Proceed directly to the park entrance and present your eTicket and a Photo ID to enter the park.

Legal Terms

Valid for one visit to Sesame Place on the date selected. This ticket is only valid for person listed on the Ticket. This ticket may not be transferred or resold. Tickets are nonrefundable. Ticket void if altered. In order to ensure our guests' comfort and safety, Sesame Place may be subject to capacity limitations. Admission into the park may be suspended during the day. Admission is not guaranteed. Ticket value expires 1/2/2022.

THIS IS YOUR TICKET

Proceed directly to park entrance

SESAME PLACE SEASON PASS

EXCLUSIVE OFFER

Apply the cost of your ticket towards a Season Pass on the day of your visit only.

Visit Guest Relations today to upgrade your day!

BENEFITS INCLUDE

Free Parking

Free Guest Tickets

In-Park Discounts

EXHIBIT 46

Re: Your order is ready!

- Your Purchase Summary -

The following changes have been made to your order:

Credit card xxxx-xxxx-xxxx-2673 has been processed

Order Number	Order Date
202207095540727	7/9/2022

Bill To	Ship To
nadir munir	nadir munir
1433 N redfield st	1433 N redfield st
PHILADELPHIA PA 19151	PHILADELPHIA PA 19151
USA	USA

Item	Qty	Unit Price	Subtotal
Sesame Place Philadelphia Single-Day Ticket (7/11/2022) - 7/11/2022	4	$39.99	$159.96

Sub Total:	$159.96
Tax:	$11.20
Service Fee:	$9.99
TOTAL:	$181.15

EXHIBIT Morales-3

Shipment(s) Status Tracking Number/URL

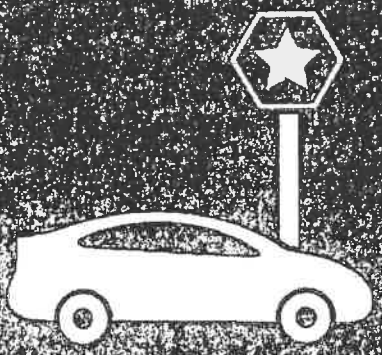
- E-Ticket Details -

Re: Your order is ready!

- E-Ticket Details -

Product	Guest Name	Status
Sesame Place Philadelphia Single-Day Ticket (7/11/2022)	ingrid morales	Active
Sesame Place Philadelphia Single-Day Ticket (7/11/2022)	davy guzman	Active
Sesame Place Philadelphia Single-Day Ticket (7/11/2022)	nadir munir	Active
Sesame Place Philadelphia Single-Day Ticket (7/11/2022)	nadir munir	Active

Purchase Ahead & Save Time

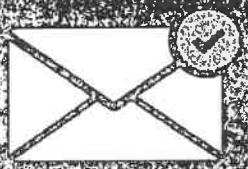


Pre-Paid Parking

Save time and maintain physical distancing by paying for parking ahead of time.

BUY NOW

Be the first to hear what is new!



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SUBSCRIBE NOW

SESAME PLACE
PHILADELPHIA

EXHIBIT 47

From: PA Office of Attorney General <noreply@attorneygeneral.gov>
Sent: Thursday, July 21, 2022 11:29 AM
To: Civil Rights Mailbox <civilrights@attorneygeneral.gov>
Subject: Morales, Ingrid

Your Information Name Ms. Ingrid Morales

PA Office of Attorney General

Your Information

Name

Ms. Ingrid Morales

Address

937 S 4th Street
Phila, PA 19147
USAB
Map It

County

Philadelphia

Best Phone Number

(215) 971-7606

Email

ingridmorales90@yahoo.com

Who is the complaint against?

Name of the entity or person

Sesame place

Address

100 Sesame Rd
Langhorne, PA 19047
USAB
Map It

Phone Number

(215) 702-3566

Type of Business

Amusement park

Number of employees who work at the business named above

Hundreds

Legal Representation

Discrimination type

EXHIBIT
Morales-8

- Race
- Color
- Religious Creed

If employment related, whom in management have you informed of your complaint?

I sent a message through the sesame place website.

What action was taken?

I still haven't received an email back from them.

Do you know of any other individuals who have been treated the same or received similar treatment?

Yes

What happened to these individuals?

There have been videos that have surfaced of other children being treated this way as well.

Do you have any witnesses to verify or confirm your complaint?

Yes

Please explain if you have suffered any monetary loss or loss of benefits.

I have footage of which has occurred.

Provide the date(s) of incident(s)

July 11th 2022

Have you filed a complaint about this matter with any other agency?

No

Have you filed any court actions in this matter?

No

What do you want to see happen as a result of your complaint?

I want to move forward with a discrimination lawsuit. My children shouldn't have felt this way or have been treated in this manner.

Complaint Information

Complaint Summary

On July 11th 2022, my family and I went to sesame place in celebration of our holiday. The kids were looking forward to visiting the park since this was their first time. When it was time to watch the parade my daughter stood front and center ready to see the characters. There were multiple characters that purposely skip over my daughter, They high five and hugged the families on either side of us. They didn't even acknowledge her. Unfortunately, my daughter questioned why they didn't shake her hand or give her a high five.

Pennsylvania Office of Attorney General
Strawberry Square
Harrisburg, PA 17120
717-787-3391

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On Tuesday, November 1, 2022, 11:33 AM, Civil Rights Mailbox <civilrights@attorneygeneral.gov> wrote:

Hello Ms. Morales,

Thank you for submitting your complaint to the Pennsylvania Office of Attorney General, Civil Rights Enforcement Section (CRES). We also are aware of the incident last summer at Sesame Place in which two little Black girls appeared to be ignored. We share your concern about the incident. As we understand it, there is a private lawsuit pending against the company, which has prompted the company to conduct diversity training. In light of the private lawsuit, this is not a matter over which CRES will exercise its enforcement authority.

If your family was discriminated against you may wish to:

- File a complaint with the Pennsylvania Human Relations Commission (PHRC). Please note that if you chose to file with the PHRC, you must file your complaint within **180 days** of the date of the alleged unlawful discriminatory practice.
- Contact a lawyer through the Pennsylvania Bar Association Lawyer Referral Service
- Should you be unable to afford legal counsel and you meet certain financial guidelines, you may be able to receive free legal services which you can find through the Pennsylvania Legal Aid Network.

Thank you,

Civil Rights Enforcement Section
PA Office of Attorney General

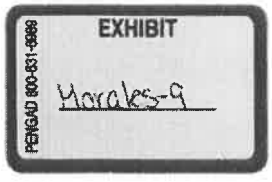
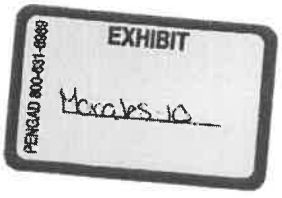


EXHIBIT 48

To: SPL Guest Comments[SPLGSTCM@Sesameplace.com]
From: ingridmorales90@yahoo.com[ingridmorales90@yahoo.com]
Sent: Wed 7/20/2022 8:12:34 PM (UTC-04:00)
Subject: [EXTERNAL] Other

First Name: Ingrid
Last Name: Morales
Address: 937 s 4th st
Address 2:
City: Phila
State: Pennsylvania
Zip Code: 19147
Country: United States
Phone Number: 2159717606
Email Address: ingridmorales90@yahoo.com
Confirm Email: ingridmorales90@yahoo.com
Order Number:
Ticket/Pass Bar Code:
Message: I visit the park last week and unfortunately I left disappointed. While watching the parade my daughter was completely ignored by multiple characters. She was standing at the front where the character were directly in front of her. But she was ignored while the family on both sides of us were given high fives and hugs. My daughter was extremely hurt and sad.



On Friday, September 30, 2022, 10:28 AM, Harris, Novlette <Novlette.Harris@esis.com> wrote

Dear Ingrid,

ESIS is working with Sesame Place to respond to your recent inquiry. We would like the opportunity to discuss your recent experience at the Park. Please provide us with your contact information, and let us know when would be the best time to connect with you regarding your visit.

Thank you,

Novlette

Novlette Harris
ESIS

10 Exchange Place, 13th Floor, Jersey City, NJ 07302, USA
O 201-356-5315
E novlette.harris@esis.com

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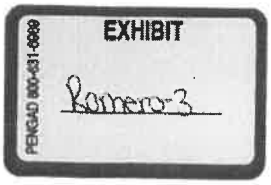
EXHIBIT 49



From: **Sesame Place Philadelphia** <sesameplace@m.seaworldparks.com>
Date: Sat, Jun 25, 2022 at 12:35 PM
Subject: Your order is ready!
To: <yoselisromero94@gmail.com>

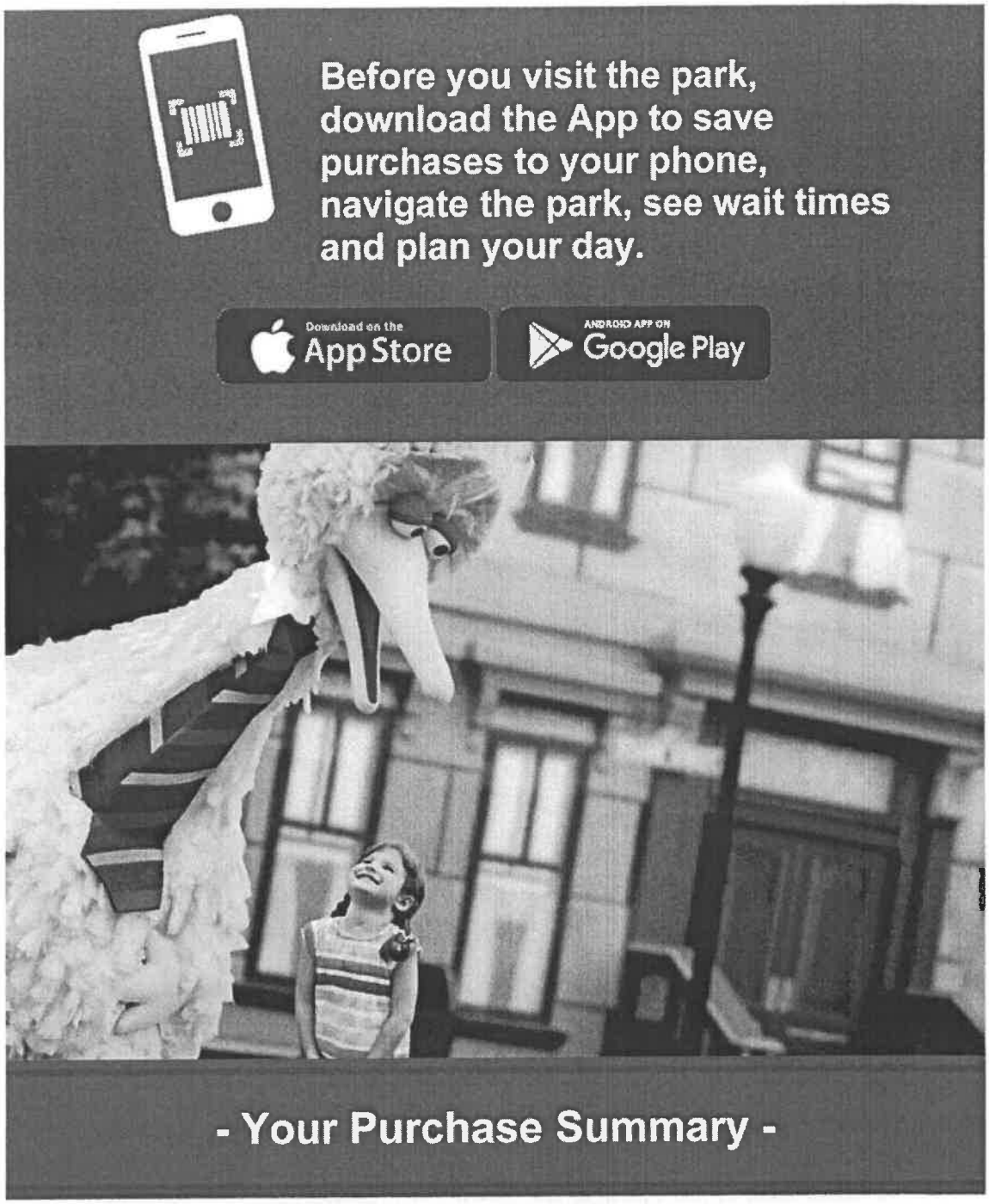
[X]

Thank you for your purchase! Your tickets are enclosed.

SESAME PLACE
PHILADELPHIA

Your order has been processed

SEE MY ORDER



The following changes have been made to your order:

Credit card xxxx-xxxx-xxxx-8399 has been processed

Order Number	Order Date
202206255180142	6/25/2022

Bill To	Ship To
Yoselis Romero 121 towne street apt 320 STAMFORD CT 06902 USA	Yoselis Romero 121 towne street apt 320 STAMFORD CT 06902 USA

Item	Qty	Unit Price	Subtotal
Sesame Place Philadelphia Single-Day Ticket (6/25/2022) - 6/25/2022	2	$49.99	$99.98

Sub Total:	$99.98
Tax:	$7.00
Service Fee:	$9.99
TOTAL:	$116.97

Shipment(s) Status Tracking Number/URL

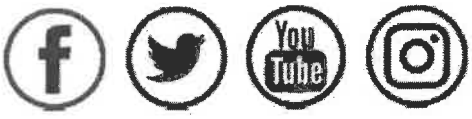
- E-Ticket Details -

Product	Guest Name	Status
Sesame Place Philadelphia Single-Day Ticket (6/25/2022)	Ella Copeland	Active
Sesame Place Philadelphia Single-Day Ticket (6/25/2022)	Yoselis Romero	Active

Purchase Ahead & Save Time

SESAME PLACE
PHILADELPHIA

#SesamePlacePhiladelphia



Park products, services and schedules subject to change without prior notice. All offers are based on availability and subject to change, or cancellation without prior notice. See website for full details, and park and show schedule prior to arrival.

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Sesame Place | 100 Sesame Road | Langhorne, PA 19047

215-702-ELMO

Privacy Policy

--
Yoselis Romero

Please be aware that this message was received from outside the Murphy, Falcon & Murphy Organization

EXHIBIT 50

2941-WB Document 97-53 Filed 11/27/23 Page 2 of 3 /02/22

THIS IS YOUR TICKET

PROCEED TO THE PARK

Sesame Place Philadelphia Single-Day Ticket (6/25/2022) - 6/25/2022

0791 80312 21639 9695

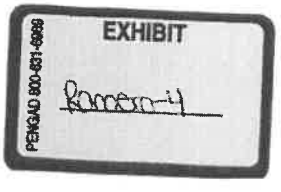
E C

Redemption

Step 1: Verify your date selected and park hours prior to arrival
Step 2: Print this eTicket or show on your mobile device
Step 3: Proceed directly to the park entrance and present your eTicket and a Photo ID to enter the park.

Legal Terms

Valid for one visit to Sesame Place on the date selected. This ticket is only valid for person listed on the Ticket. This ticket may not be transferred or resold. Tickets are nonrefundable. Ticket void if altered. In order to ensure our guests' comfort and safety, Sesame Place may be subject to capacity limitations. Admission into the park may be suspended during the day. Admission is not guaranteed. Ticket value expires 1/2/2022.



THIS IS YOUR TICKET
PROCEED TO THE PARK

Sesame Place Philadelphia Single-Day Ticket (6/25/2022) - 6/25/2022

5345 21190 27086 8459

Yoselis Romero

Redemption

Step 1: Verify your date selected and park hours prior to arrival
Step 2: Print this eTicket or show on your mobile device
Step 3: Proceed directly to the park entrance and present your eTicket and a Photo ID to enter the park.

Legal Terms

Valid for one visit to Sesame Place on the date selected. This ticket is only valid for person listed on the Ticket. This ticket may not be transferred or resold. Tickets are nonrefundable. Ticket void if altered. In order to ensure our guests' comfort and safety, Sesame Place may be subject to capacity limitations. Admission into the park may be suspended during the day. Admission is not guaranteed. Ticket value expires 1/2/2022.

EXHIBIT 51

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUINTON BURNS, et al., :
Plaintiffs:
v. :
SEAWORLD PARKS & ENTERTAINMENT, INC.; :
and SEAWORLD PARKS & ENTERTAINMENT LLC,:
Defendants: NO. 22-cv-02941

- - -

Friday, March 3, 2023

- - -

Videotaped deposition of YOSELIS ROMERO, held in the offices of Duane Morris, 30 South 17th Street, 12th Floor, Philadelphia, Pennsylvania 19103, at 10:38 a.m., on the above date, before GIANNA IACONELLI, a Court Reporter and Notary Public of the Commonwealth of Pennsylvania.

MAGNA LEGAL SERVICES
866-624-6221
www.MagnaLS.com

wanted to speak to someone because I was upset.
Q. On June 25th, 2022?
A. Correct.
Q. And then after you went home, did you call Sesame Place?
A. I did not.
Q. Did you send an e-mail to Sesame Place?
A. No. That day, I had -- it was a lot going on for me. The trip itself, I live in Connecticut, so it took me probably, overall, three hours to get -- four hours to get home. I wasn't in the right state of mind to, kind of, take care of it in the moment. It took me time to unravel the situation that was at hand. And, of course, maybe a week later down the line, that's when I seen the video go viral on the Internet and the news.
Q. The viral video that we've been talking about, do you know what character was involved in that video?
A. I don't remember because I'm not -- I don't remember them by character. I do remember that the children were being neglected. They were being disregarded, and then, of course, they did service, you know, other children. But I -- when it

comes to the characters, I don't know them by name, so.
Q. Did you show your daughter, Ella, that video?
A. I tried not to. So, of course, everything is inevitable, especially with children. They could get into the hands of everything. She seen it herself, and then she said, "Mommy, is this what happened to me?" because when it happened and she was questioning why she was being ignored, and she asked, "Why?" And of course, she's an innocent child, so I tried to conceal that at the moment so she could enjoy the moment. However, once it was on the news and it was discussing, you know, it was racial discrimination, she did see it. She came across it and asked me about it.
Q. So you didn't show her the video, but she saw it some other way?
A. Yes. Mhm.
Q. I think before you said you were concerned about the lack of protocol at Sesame Place.
What did you mean by that?
A. When it comes to being patient with the children. Just overall, besides the characters, the

employees there as well. Before even the parade, there was just a lack of patience with children. In an establishment like this where you are, the majority of your customers are mostly children because you're there to see the characters, have a good time, and enjoy the amenities that come with the park. It was just the lack of communication. They weren't enthusiastic.
For example, if you go to Disney World, you'll see that a lot of employees there are smiling, excited. They always greet. We did not receive that services. That day was very unpleasant, so I think in these cases, with establishments like that, especially when you are catering to children, I think protocol should be to be able to have good charisma, character, along with patience with children, all types of children.
Q. So you think they should have a protocol that employees have to have charisma?
A. I would say, "charisma," along with great character, great spirits, because you are dealing with children, along with patience. You have to remember that a lot of children do come there, you know, because they admire these characters, they see

them on TV. So they do want to meet them. They get excited. And they shouldn't, you know, look at children -- you know, because I felt like it was a distaste for them to, at least, approach my child, and she was very sad. So with that being said, in that case if they were going to be attentive to a child next to her, they should have -- the protocol should have been followed for every children that was going after them as well for the same thing.
Q. So this lack of charisma, lack of communication, is that part of your lawsuit today?
A. Mostly discrimination, but yes. I do believe that there's a bigger picture here. I think there might have been a lack training for the characters. I will be honest with you. Because it is very delicate when you are dealing with children.
Just as you know, to become a teacher, you have to go to school. You have to take classes, and, you know, follow the protocols when it comes to, you know, being in the hands of children. I don't think they followed that protocol. I don't think there was proper training just because of the way they handling a lot of things. They seemed to be overwhelmed, annoyed, and upset, when the

children -- at least my child was trying to greet them. You know, if that's, you know, your job, you should know you're going to see children that are admiring you. Just when like when you go to, for example, a concert of your favorite artist. You're going to want to be excited, meet your artist, so and so.

So in this case, I don't think, you know, they were properly trained in that aspect, so.

Q. Do you have any personal knowledge about what kind training Sesame Place employees receive?

A. I don't have that, but based on what I seen that day that I was, along with all of these other parents that are in a similar situation, a lot of it is on video, it just seems like there was lack of training or they might have violated codes. Either way, it's a loss on both ends. Because if the employee said that they followed the protocol that was given to them or they didn't have any, lack of protocol or lack training, this goes to the company's name. If it's directly to the employee -- employer -- employee itself, then that's a bigger issue as well. Because they're violating the codes and not following the rules that are being provided

to them.

Q. So you, I think, mentioned violating codes a couple of times.

What codes do you think have been violated?

A. It's plain and simple. It's discrimination. Also, if I'm taking my child to a park and I'm paying for the services, paying for the parking, paying for everything that comes along with it, along with merchandise and food, everything like that, we're coming here, bringing in revenue to the company itself, and the bigger picture, along with the amenities, the children want to meet these characters. They want to interact. That's a lot of -- if you see online, that's a lot of things they do, lot of things they say. That didn't happen. They neglected my child, and they went and spoke to the other children. And that was also discrimination. And then, like, you know, yelling at my child as well because she's passing the line, you know, from the parade, but when there's another children on the side of her doing the same thing, there's not an issue with that. That's a bit concerning, so.

Q. Okay. So you can't tell me what code was violated?

A. Well, I don't know directly the code, but I will say it was discrimination. That's what I can say.

Q. And had you ever worked with Murphy Falcon law firm before?

A. Never.

Q. Is there a document describing your representation with the Murphy Falcon law firm?

A. Can you ask that again so I can process it?

Q. Sure. So Mr. Richardson of Murphy Falcon is your lawyer, right?

A. That's correct.

Q. Do you have a document that memorializes that representation?

A. Yes. That is correct.

Q. Did you sign it?

A. Yes.

Q. When did you sign it?

A. I don't recall, but it was, I would say, some time. I would say some time. Maybe five months ago. I'm not sure. Sometime last fall.

Q. And when you went to Sesame Place, it was on June 25th, right?

A. That is correct.

Q. And you didn't become a plaintiff in this case until September of 2022.

Do you know why that is?

A. That, I'm not too sure. I did, you know, inquire in July, which was, you know...

Q. Are you paying Mr. Richardson or Murphy Falcon to represent you in this case?

A. No.

MR. RICHARDSON: Objection.

BY MS. BAZAN:

Q. Do you know how your lawyers in this case are planning to be compensated for their work?

MR. RICHARDSON: Objection.

You can answer, if you know.

THE WITNESS: I do not know the answer to that. I'm not aware of it, unfortunately.

BY MS. BAZAN:

Q. Did you consider any other lawyers or law firms to represent you in this case?

A. No.

Q. And you understand that your child, E.C.,

A. That is correct.
Q. What has E.C. done to fulfill her role as a class representative?
MR. RICHARDSON: Objection.
You can answer.
THE WITNESS: As of yet, she has not done anything.
BY MS. BAZAN:
Q. Have you been paid any money to be a class representative in this case?
A. Not at all.
Q. Or a plaintiff?
A. No.
Q. Have you been promised any money to be a plaintiff or class representative in this case?
A. Not at all.
Q. Have you been given any other thing of value to be a plaintiff or class representative in this case?
A. Not at all.
Q. Have you or E.C. been paid any money for E.C. to be a class representative in this case?
A. No.
Q. Have you or E.C. been promised any money

for E.C. to be a plaintiff or class representative in this case?
A. No.
Q. Have you or E.C. been given or promised any other thing of value for E.C. to be a plaintiff or class representative in this case?
A. No.
Q. Are you a party to any agreements that would compensate you for your participation in this lawsuit?
A. No.
MR. RICHARDSON: Objection.
BY MS. BAZAN:
Q. What do you do to keep informed about what's going on in this case?
A. I do reach out to my lawyer from time to time with updates.
Q. Anything else?
A. That's about it.
Q. Do you review case filings?
MR. RICHARDSON: Objection.
THE WITNESS: I am not aware of what -- what that is. I can't provide that answer because I don't know what that is.

BY MS. BAZAN:
Q. Okay. Do you know when the trial date for this case is?
MR. RICHARDSON: Objection.
THE WITNESS: From what I was told, some time possibly in November of 2024, I think it is. I'm not too sure.
BY MS. BAZAN:
Q. What are you seeking out of this lawsuit for yourself?
A. Justice. Just to avoid situations like this going forward, for my grandchildren, for my children's children, and so on.
Q. Anything else?
A. That's about it.
Q. What about for the other class members? What are you seeking out of this lawsuit for them?
MR. RICHARDSON: Objection.
THE WITNESS: I think we're all here for the same thing, justice. They need to implement more rules, I would say, implement proper training, just not with the protocols, but also, you know, maybe a racial discrimination class and what it entails, what

could possibly happen when you're racially discriminating against children that are innocent to that, so.
BY MS. BAZAN:
Q. So other than, like, the trainings and knowledge about racial discrimination, anything else that you're seeking for the other class members in this case?
MR. RICHARDSON: Objection.
THE WITNESS: I don't have answer to that.
BY MS. BAZAN:
Q. Nothing that you can say?
A. At the moment, no.
Q. Ms. Romero, what year we are you born?
A. 1994.
Q. What's your address?
A. Am I able to provide my address? I'm not sure.
MR. RICHARDSON: Yes.
THE WITNESS: 121 Town Street, Stamford, Connecticut 06902.
BY MS. BAZAN:
Q. Are you currently married?
A. No.

Q. So you think you might have had a contract with you and Ella -- sorry -- you and E.C. on one side, and Seaworld Works and Sesame Place on the other side?
A. Yes. Because they're servicing us for the entertainment that they're providing us for what we're paying for.
Q. Is the contract memorialized in your tickets?
MR. RICHARDSON: Objection.
You can answer.
THE WITNESS: I don't recall.
BY MS. BAZAN:
Q. Well, do you have factual basis for claiming a contract, other than your tickets?
A. Can you elaborate on that question just so I can get a better understanding?
MR. RICHARDSON: May I have a continuing objection to your references to the contract, which calls for legal conclusions she may not be able to render. I want to have that continuing objection so I don't have to interrupt you.
MS. BAZAN: You may have that objection.

BY MS. BAZAN:
Q. Do you have a reason to believe you had a contract other than your tickets?
A. Yes. Because if I'm not mistaking, from my knowledge, I think I remember signing some type of waiver, but I'm not too sure. It's been a year now, so.
Q. I'm sorry. You're not too sure about what?
A. I'm not too sure, but from what I remember, you know, when I did make the purchases, I did have to, you know, select. But I just don't want to give a direct answer because I don't remember to the extent.
Q. So you think the waiver you signed is the contract or you don't know?
A. It's possibly, yes. Because the waiver usually provides all of the information of what they do and what we -- what we -- I mean, like I said, I can't really answer this because it's kind of confusing me.
Q. Do you have a copy of that waiver?
A. I don't -- I don't recall.
Q. Do you recall anything that that waiver

said?
A. At the moment, no.
Q. Do you recall any promises that waiver made to you?
A. From what I recall, it's an entertainment facility, I would say, so that was one of the major keys that I do recall.
Q. Was what?
A. To provide entertainment.
Q. So the waiver promised to provide you entertainment?
A. If I'm not mistaking, yes.
Q. Did the waiver make any other promises to you?
A. To be honest, I don't remember. To an extent, with the documentation, I honestly can't say I remember to the extent of everything that was on that.
Q. Okay. Do you remember anything that the waiver said?
A. As I had mentioned before, the entertainment is one of the highlight keys I did remember. Everything else is kind of a blur.
Q. Okay. What did the language specifically

say about the entertainment?
A. That, of course, I don't remember either in this case.
Q. All right. So you don't remember the language and you don't have a copy of it; is that right?
MR. RICHARDSON: Objection.
You can answer, if you know.
THE WITNESS: I don't have the answer to that, so.
BY MS. BAZAN:
Q. What consideration did you provide for the waiver contract?
A. Can you elaborate on that?
Q. What did you provide in exchange for the waiver contract?
A. Compensation.
MR. RICHARDSON: Objection.
THE WITNESS: I would say I provided money to get in. I wouldn't be able to get in, if I didn't make the purchase, which was over a hundred dollars, so yeah.
BY MS. BAZAN:
Q. Okay. So you think you purchased the

waiver?
MR. RICHARDSON: Objection.
THE WITNESS: I did not -- okay. So usually when you do make a purchase, I would say, to enter any facility, I think they do provide you with, you know, to sign off and agree on their terms and conditions. So I didn't purchase the waiver, but the ticket to get into the park.
BY MS. BAZAN:
Q. So when you just referred to terms and conditions just now, is that the same thing you were talking to me about the waiver?
A. Pretty much.
Q. Just using a different term?
A. Yes.
Q. Is that the same thing or different from the tickets?
A. It's the same thing.
Q. It's the same thing?
A. Because in order to purchase the tickets, you have to provide your bank information, your information, your child's information, along with, you know, selecting the terms and conditions.

Q. Okay. So now, are you saying that the contract was the tickets and the terms and conditions?
MR. RICHARDSON: Objection.
THE WITNESS: I don't know the answer to that.
BY MS. BAZAN:
Q. Okay. You don't know for sure what the contract is?
A. Yeah.
Q. I'm going to show you -- sorry -- what we've marked as Exhibit 3.
(Exhibit Romero-3 marked for identification.)
MR. RICHARDSON: Thank you.
BY MS. BAZAN:
Q. This is a document that has a Bates label at the bottom that says, "Romero 0004 through 0008."
A. Mhm.
Q. Do you recognize this as a printout of an e-mail you received on June 25th, 2022 from Sesame Place?
A. Yes. This is the confirmation of my purchase to the park.

Q. And on the first page, the To line is to YoselisRomero94@GMail.com.
Is that your e-mail address?
A. Yes. That is my personal e-mail address.
Q. Okay. On the third page that has the number 6 at the bottom --
A. Okay.
Q. -- it looks like you purchased two single-day tickets for June 25th, 2022, one for you and one for E.C.; is that correct?
A. That is correct.
Q. And the total amount for the two tickets, plus the tax and the service fee was $116.97; is that right?
A. That is correct.
Q. How did you pay for these tickets?
A. My card, my bank card.
Q. Your -- is it a debit card or credit card?
A. Debit card. Mhm.
Q. And whose bank account is that debit card attached to?
A. Mine.
Q. And do you have a bank statement that reflects this purchase with your debit card?

A. Yep.
Q. Did you provide that to your lawyer?
A. I don't think so.
Q. Could you provide that to your lawyer so it could be produced to us?
A. Absolutely; absolutely.
Q. Thank you.
A. Mhm.
Q. On the last page of the exhibit, page 8, Romero 8 is on the bottom.
A. Okay.
Q. At the very bottom in red text, it says, "Please be aware this message was received from outside the Murphy Falcon & Murphy organization."
Do you see that?
A. Yes.
Q. Did the e-mail you received from Sesame Place have that language on there?
MR. RICHARDSON: Objection.
THE WITNESS: It did not.
MR. RICHARDSON: Of course not.
BY MS. BAZAN:
Q. Well, do you know why it says that?
A. Because if I sent it over to their e-mail,

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it's possibly notifying them that this is an outside e-mail, and it's not internal. It's external. That could be possible.

MR. RICHARDSON: Very possible.

BY MS. BAZAN:

Q. Other than that red text on the bottom, is there anything else that's different about this document than the e-mail you received from Sesame Place on June 20- --

A. Everything looks absolutely the same.

Q. So is this e-mail confirmation of your ticket purchase, or is this the e-mail of your tickets?

A. This is not the e-mail of my tickets; however, this is the confirmation along with the itinerary. It provides my card -- my card information, along with the order number, the date, my address, and the two parties that were involved in the purchase, which was myself and my daughter.

Q. Okay. So when you went to Sesame Place on June 25th, you didn't show them this e-mail to get in, right? You showed them something else?

A. I think they had to scan something, a bar code.

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Q. Okay. Where was that bar code located?

A. On my phone.

Q. Okay. Were there tickets attached to this e-mail and that's what you pulled up on your phone for them to scan?

A. No. If I'm not mistaking, I think it was another link where I had to press and save to it to my iPhone and it came up in the wallets. That's how I was able to provide the E-ticket to the people at the park at admissions.

Q. On the first page of this exhibit above the Big Bird icon, it says, "Thank you for your purchase. Your tickets are enclosed."

A. Okay.

Q. Do you see that?

A. Yes.

Q. Does that refresh your recollection about whether there were tickets attached to this e-mail?

A. Yes. It's at the bottom -- if it's attached. I said it was an attachment they had sent me an e-mail with attachments of that so I could download it directly to my iPhone.

Q. Okay. So the attachment --

A. To make it accessible to the people that

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were at the gate.

Q. So you think there were attachments to this e-mail with your tickets?

A. No.

Q. No. Okay.

A. It might have been sent over in another e-mail right after that one, if I'm not mistaken.

Q. Everyone though this e-mail says, "Your tickets are enclosed," you think your tickets were in a different e-mail?

A. Yeah. If you want, I can actually look into my phone and recheck my e-mail just to make sure, if but I'm pretty sure if I forwarded them, they would provide that information as well, if, you know, the tickets were attached.

Q. Well, maybe we could look on a break.

A. Okay. Perfect. That works.

Q. All right. Do you remember seeing the tickets on your phone in your wallet that you pulled up to show?

A. Yeah. That's the way I was able to scan the bar codes.

Q. All right. I'm going to show what's been marked as Exhibit 4.

Page 53

A. Okay.

(Exhibit Romero-4 marked for identification.)

MR. RICHARDSON: Thank you.

BY MS. BAZAN:

Q. So this is a document filed by Seaworld in this case as Document 29-3.

A. Okay.

Q. Do you recognize this?

A. This is probably the bar code that they scanned, that they were able to scan through my iPhone. Mhm.

Q. Okay. So when you went to Sesame Place on June 25th, this is what you showed them to get scanned?

A. On my phone, correct.

Q. Did you order your tickets online and then you received them via e-mail? Is that how it worked?

A. Correct. I was able to obtain the tickets and download them directly to my phone.

Q. And did you get them online from the Sesame Place website or somewhere else online?

A. Sesame Place website.

Q. While you were on the Sesame Place website to order the tickets, did you print anything from that website out?
A. Unfortunately, no. Because I was at the park and there was no access to the printer. Everything was electronic.
Q. You were at the park when you ordered tickets online?
A. Yes. They were having issues at the kiosk to purchase the ticket in person. There was a large line as well.
Q. So when you got that e-mail that we looked at, you were physically at the park?
A. Yes.
If you see in the attachment where I have my e-mail, it has the time, which ranged around the time I arrived at the park, which was around 12:30.
Q. I'm going to show you Exhibit 5.
A. Thank you.
(Exhibit Romero-5 marked for identification.)
MR. RICHARDSON: Thank you.
BY MS. BAZAN:

Q. Which is Plaintiff's Answers to Defendant's First Set of Interrogatories. Take a second to look through that.
A. Okay.
Q. Do you recognize this document?
A. Possibly, but I don't recall at the moment, so.
Q. Can't recall if you've ever seen it before?
A. Yeah.
Q. If you turn to the last page --
A. Okay.
Q. Well, it's -- yeah.
Do you see that he it says, "I solemnly affirm under the penalties of perjury that the information" --
A. Oh, yes.
Q. -- "contained in these answers to interrogatories are true and correct to the best of my knowledge, information, and belief."
A. Yes.
Q. Do you see that?
A. Yes.
Q. And it has your signature?

A. Yes. I think I got this in the fall, if I'm not mistaking. I think this was sent over to me. Now I recognize. Okay.
Q. Are you aware that you acknowledged your answers in this document were made under penalty of perjury?
A. Can you elaborate on that so I can...
Q. Do you know what "penalty of perjury" means?
MR. RICHARDSON: Objection.
THE WITNESS: Can you elaborate so I could have a better understanding? Because I'm not aware of that term, so if you could elaborate or educate me on that.
BY MS. BAZAN:
Q. Do you know what perjury means?
A. No.
Q. Do you know that you're not supposed to lie under oath?
A. Correct.
Q. And there could be serious consequences if you do lie under oath, correct?
A. Absolutely. I agree.
Q. You understand that?

A. Yes.
Q. And so this certification that you signed says, "I solemnly affirm under the penalties of perjury."
A. Mhm.
Q. So did you not know what that meant when you signed it?
A. They did elaborate at the moment. But, of course, this -- I didn't go to law school, unfortunately. So I don't have the knowledge of that -- to remember from time and time. But, of course, they definitely educated throughout the process of everything at the moment. But, of course, with everything else in life, I guess that's not something I'm going to remember day to day.
Q. So you understand when you gave these answers, you swore to tell the truth?
A. And that is correct. Mhm.
Q. Were these responses truthful?
A. That is correct.
Q. Okay. Let's go to page 2 of this document and look at interrogatory number 1.
A. Okay.
Q. And interrogatory number 1 asks for some

details about every visit you've made to Sesame Place in the last five years.
A. Okay.
Q. Your answer to this interrogatory only mentions your June 25th, 2022 trip to Sesame Place.
A. Okay.
Q. Was that the only time you've been to Sesame Place in the last five years?
A. Yes. Before that was in the '90s when I was a child.
Q. And is the June 25th trip the only time that E.C. has been to Sesame Place in the last five years?
A. Yeah. She's never been.
Q. And you haven't been back to Sesame Place since June 25th, 2022, right?
MR. RICHARDSON: Objection. Asked and answered.
BY MS. BAZAN:
Q. And E.C. hasn't been back to Sesame Place since June of 2022?
A. Absolutely not.
MR. RICHARDSON: Objection. Asked and answered.

BY MS. BAZAN:
Q. Do you have any plans to go back to Sesame Place?
A. If they implement changes in the future, I would be open for it. If they do not implement any changes, then absolutely not.
Q. But right now, you haven't bought tickets?
A. Absolutely not.
Q. You haven't made a plan?
A. Not at all.
Q. You haven't put it on the calendar?
A. Absolutely not.
Q. Same question for E.C.
Any plans for E.C. to go back to Sesame Place?
A. She does not want to go back.
Q. So no plans to take her back against her will?
A. Absolutely not.
Q. Do you believe that every child that goes to Sesame Place is entitled to a hug from every Sesame Street character?
MR. RICHARDSON: Objection.
THE WITNESS: Can I answer that?

MR. RICHARDSON: Yes, you can answer.
THE WITNESS: It's not -- I'm not saying it's required, but if my child is reaching out for a hug and gets rejected while a child next to her does the same thing with the same hand movements and everything and gets a hug directly after her getting rejected, then yes, I feel like that is wrong, so.
BY MS. BAZAN:
Q. And then it's required for the character to go back and give your child a hug? Is that you're testimony?
A. For, like, I said before, people dealing and working with kids should be aware of how things like that could affect children. Unfairness, along with discrimination, and can even build future trauma.
So, you know, even me, as a mother of two kids, you know, I try to be fair on both ends because if you cater to one child more than the other, it's, kind of, like you're neglecting, especially if they're doing the same thing.
My daughter did reach out, you know, to receive a hug from the characters and she was

rejected and then someone right next to her didn't get rejected. I think that was unfair. I think that was, especially, you know, when you know you're dealing with children and the ins and outs of it and how it can affect them, I think that was not right.
Q. So am I understanding you right? You're not saying that you think every child that goes to Sesame Place is entitled to a hug from every Sesame Street character; it's just if the child wants a hug?
MR. RICHARDSON: Objection.
THE WITNESS: If the child is reaching for a hug, I think it's only right. I've been to Sesame -- I mean, to Disney World before and did the comparison of the few. I've never seen that type of behavior. If they see a child reaching out for a hug, they do go out and give the hug. But my child, obviously, was rejected, and there was a child who looked complete opposite of her who was actually given a hug right after.
BY MS. BAZAN:
Q. Do you believe that every child that goes to Sesame Place is entitled to a high five from

every Sesame Street character?
MR. RICHARDSON: Same objection.
You can answer.
THE WITNESS: Only if the child wants a hug because there are children who are afraid of cartoon characters, afraid of costume characters. And there are children that won't want that at all.
But if a child is reaching out and they're close enough in the proximity where they can just take maybe a few seconds out of their time to give them a high five, I think that should be granted. I know out of maybe out of all of the kids there, there was many of others who probably didn't care to give a hug. But I feel like if there's a child reaching out for one, a hug, a high five, I think that should be granted. We did, you know, make the purchases for those tickets to get those services, along with interactions with the characters, so.
BY MS. BAZAN:
Q. Do you think that the characters in the parade at Sesame Place have time to hug every child that wants a hug on the parade route?

A. I do understand this was all in a timely matter. I did take that into consideration. Until it happened three times and my daughter was disregarded several times and was basically disregarded and the person next to us was -- received the attention. It was evident it was discrimination.
Q. But you don't disagree that the characters don't have time to give every child a hug, right?
MR. RICHARDSON: Objection.
THE WITNESS: I think to an extent, it could be possible, but I do believe that the key to the parade is for them to interact with children, with the children, because that's what the children are there for, to meet their characters, to see their favorite characters. There are plenty of parks that actually do take the time, high five or hug. I've seen them. The characters did go to other children to interact, but there was a specific kind of children. That's where I feel like there was a discrepancy in that, so.
BY MS. BAZAN:
Q. Do you believe that every child that goes

to Sesame Place is entitled to be blown a kiss from every Sesame Street?
MR. RICHARDSON: Objection.
THE WITNESS: I don't think. I'm not sure.
BY MS. BAZAN:
Q. Do you think a child that goes to Sesame Place is entitled to be picked up by every Sesame Street character?
MR. RICHARDSON: Objection.
THE WITNESS: Me, personally, I wouldn't want the costume character to pick up my child; however, a hug or an interaction, high five would -- you know. But neglecting them while they're reaching out, you know, for some type of acknowledgment, that's where I feel like they went wrong in this matter.
BY MS. BAZAN:
Q. So how is it that -- how are you deciding that a child is entitled to a hug or high five, but not to be blown a kiss or be picked up?
MR. RICHARDSON: Objection.
THE WITNESS: I mean, like I said, when you're not only dealing with children, but

people, I know they can tell the body language, just as they knew the child next to them wanted a hug and a high five. They would know more or less when the child wants to be picked up or not. That's my preference. I know my daughter, she just wanted a hug. I'm speaking as far as my child. She wanted a hug. She wanted even a high five, some type of acknowledgment. That wasn't given to her, so.
BY MS. BAZAN:
Q. If she had gotten any type of acknowledgment, would you be suing?
A. It was just not the acknowledgment. It's not even about the lack of acknowledgment, because if it was something across the board, it would be justified, but it was very selective. They picked and choose who they wanted to cater to, who they wanted to acknowledge. That's where my frustration alies. If it was something where, like you said, it could possibly by timing. Maybe they don't have enough time. If it was that it was a parade and they went straight through the parade without taking the time to acknowledge and interact with other children, I would say the issue overall is more that

they have to abide to the time.

However, if they are taking time during the parade to reach out to other children, and you know, basically being selective of who they choose to interact with, that right there is inevitable to disagree and say that wasn't discrimination, because it was obviously -- it was too much of a coincidence.

Q. So if the characters decide to interact with any child, they have to interact with every child in the way that that child wants to be interacted with?

A. If the child is asking for the same thing, like I said before, as a child next to them, if they're both asking for the same thing, whether it's a high five, whether it's a hug, if they're able to take the time to do it for one child, then they should be able to do the same for the other child that's asking. If they feel like they don't have enough time, if they could only do one or the other -- or at least Sesame Place itself should incorporate a rule where they should just continue the parade without having any interaction with the children and just follow the protocol performances,

but if you're going to take the time to select who you're going to, you know, entertain and, you know, give the attention to and you pick and choose, then that, kind of, turns into a disadvantage to her children.

Because my daughter had to witness seeing the children next to her giving attention to and getting everything they wanted when she did the same thing. So it's like if we're both next to each other and we're both here asking for a hug and I'm not getting a hug, but the child next to me is, what did I do different for them to neglect me? If they don't have enough time to go to every children, they need to be aware that you're dealing with children.

So, in this case, implement a rule where the character continues to do the performance they have to do at the parade and just go straight forward without interacting with any of them at all. If that was implemented before, then we would never be in this predicament. We would never be here. There would never be, you know, Quinton going to my lawyer to bring justice to this matter, but for the simple fact that they went and chose who they wanted to interact with, very bias. And I say that was

discriminating against my child and others, of course.

MR. RICHARDSON: Is this a good time to take a short break? I want to check on the child.

THE WITNESS: Yeah. I wanted to do the same thing.

VIDEOGRAPHER: The time is 11:48 a.m. We're going off the video record.

(Recess taken from 11:48 a.m. to 12:00 p.m.)

VIDEOGRAPHER: The time is 12:00 p.m. We're back on the video record.

BY MS. BAZAN:

Q. Ms. Romero, during the break we just took, did you talk to anyone other than counsel and your daughter?

A. No.

Q. I think earlier you were testifying a little bit about Disney.

Was it Disney Land or Disney World?

A. Disney World in Orlando, Florida.

Q. And had you been to Disney World in Orlando?

A. In 2017 was the last time.

Q. Did E.C. go with you?

A. That is correct.

Q. She did?

A. Mhm.

Q. And was it your testimony earlier that the Disney characters in parades get off the floats and interact with guests along the parade route?

A. There's times they do. They don't get off the floats, but there are some that are actually able to walk and parade through the park and able to interact. I've seen it. But when my daughter did go to the park, she seen other characters, Mickey Mouse, Minnie Mouse. She asked for a hug. At the time, she was 2 years old. They never denied her. They were actually very excited and open to talking and just, you know, being there, and, like, despite -- like, you know, to correlate the two, despite the disadvantage we had deal with in the parade, there were a lot of issues that I could say myself dealt with as a customer when I went to Sesame Place. Lack of work ethics, and I would say just not -- no enthusiasm. I should say the words, "enthusiastic enough." When I say that, I say --

Q. Okay. So you may have seen it, but you're not sure?
A. Yeah. I just don't want to give you an answer that might be incorrect, you know.
Q. Let's go to page 12.
A. Okay.
Q. Starting on --
A. Oh, I did see this.
Q. Starting at paragraph 75, in the middle of page 12.
A. "By the terms of the contract, certain basis to interact."
Q. Okay. So, as you'll see, it starts by saying, "By the terms of the contract between the Romeros and Seaworld," and there's some more, but it ends, "the Romeros were entitled to SeaWorld's performance of the contract by way of its costume character performers to interact with the Romeros."
Do you see that?
A. Yes.
Q. Where is the promise that the costume character performers would interact with the Romeros located?
MR. RICHARDSON: Objection.

BY MS. BAZAN:
Q. Where is that promise located?
THE WITNESS: Would I be able to answer that?
MR. RICHARDSON: If you know the answer.
THE WITNESS: At the moment, I do not know the answer.
BY MS. BAZAN:
Q. Let's look at Exhibit 3 again, which was the e-mail about your tickets.
A. Okay.
Q. Just take a look at that and let me know if you see any promise that the costume character performers would interact with you in this document at all?
A. I do not see that.
I have a question, though, in this case.
MR. RICHARDSON: That's okay. You can't ask a question.
THE WITNESS: Okay.
BY MS. BAZAN:
Q. If you look at Romero 00008, on the last page of that document, in the green box.

A. Okay.
Q. And it says, "Park products, services, and schedules subject to change without prior notice."
Do you see that?
A. Okay.
Q. So, in other words, Sesame Place is not making any promises about parks, product, services, and schedules, right?
MR. RICHARDSON: Objection. Calls for a legal conclusion.
THE WITNESS: Can I answer?
MR. RICHARDSON: You can.
THE WITNESS: But did they also state that they were going to be able to pick and choose who they will service at the park? Because I don't see that either. They can't pick and choose either. It says, "Park products, services, and schedules subject change without prior notice." However, it doesn't elaborate that they can pick and choose who they will service at the moment and who they will not service. I don't see that at all.
BY MS. BAZAN:
Q. Okay. Look at Exhibit 4, again, the

actual tickets with the bar code.
A. Okay.
Q. There's no promises on the tickets themselves about interactions with Sesame Street costume characters, right?
A. Okay. So it's -- I mean, you're correct about that, but was there also stated that they could possibly interact with the children? Because if there are other children that didn't want to be interacted with and they came to approached them without any approval because they did go up to other children. So it doesn't state that here as well that they could pick and choose who they interact with. If it's going to be that way, it should have been all across the board. That's my theory.
Q. And that language that you just described, did you see that anywhere?
A. Can you elaborate on that so I could give you a proper answer?
Q. Well, to paraphrase your last answer, you were talking about, you know, if you're going to engage with anyone, you should engage with everyone.
Did you see that somewhere?
A. I did not see that, but, however, they did

say, "Subject to change," meaning they could justify not interacting with my daughter. How could that be justified, but they could go interact with other children? I don't think that makes quite sense. I think that's, kind of -- I don't know. I don't think --

Q. You don't think it makes sense?

A. That's, you know, contradicting, in a way.

Q. What is contradicting what?

A. So as you see here, because if you look at Exhibit 3 on page -- one second -- on page 3, they do say, "Park, products, services, and schedule subject to change without prior notice." If it's one parade where I say all across the board the kids are not being engaged, meaning they're not interacting with any children and they possibly might interact with other children at the following parade at other times maybe because time -- you know, maybe they have more time to interact, and other time we went they didn't have enough time. However, if they could pick and choose from one second to another to interact with children, they're, kind of -- that's, to me, a contradiction. Because they're subject to not have to interact, but

they can pick and choose who to interact with? That's, kind of -- I'm sorry. It doesn't make sense.

Q. Are you saying this language on Exhibit 3 is saying they can pick and choose who they want to interact with or not?

A. As I stated before, it doesn't. And I don't think that pick and chooses, it doesn't say anything about that, not interacting with children. Says, "park products, services, and schedules are subject to change." So the services, in this situation, I would say, in the parade is more of an interaction, you know, entertainment. The products, park products, I don't think, correlate with the entertainment that they provide, the services. It's more of the amenities that come with it. The entertainment is just something I think far different. They stated, "schedules." And schedules is more -- the parade is subject to start at 3:00 and started at 4 o'clock. In this case, there's nothing stating whether they will deny or reject the children, you know, as far as the characters go with interaction.

Q. In addition to you and he E.C., did anyone

else go with you to Sesame Place on June 25th, 2022?

A. That is correct.

Q. Who else went with you?

A. That is my friend, Victoria Jordan.

Q. Did Eva go as well?

A. Mhm.

Q. Was it just the four of you, or was there anyone else?

A. My friend's son went as well.

Q. Okay. Your friend who?

A. My friend, her son.

Q. Her son?

A. Yes.

Q. Okay. Victoria Jordan's son?

A. Yes.

Q. Got it. How old is he?

A. He is 5.

Q. Did Ms. Jordan witness the interactions at the parade that you're suing over?

A. (Indicating).

Q. "Yes"?

A. Mhm.

Q. What is Ms. Jordan's address?

A. 22 -- can I provide that to you -- I have

to ask her. I know the building number, but I don't know the exact street address.

MR. RICHARDSON: If you don't recall, just --

THE WITNESS: Yeah. I don't recall, sorry.

BY MS. BAZAN:

Q. What city and state does she live in?

A. Mount Vernon, New York.

Q. What is her phone number?

A. I don't know that from the top of my --

Q. But is it in your phone?

A. Correct. Mhm.

Q. Would you provide that for us after?

A. Yes.

THE WITNESS: I would like to ask.

MR. RICHARDSON: I was just going to say, I object to these phone numbers of these witnesses, unless we have their permission to do so.

MS. BAZAN: Yeah. What is the basis for the objection? Your witness just testified that she is a witness to the events at issue in this case.

MR. RICHARDSON: I just told you. Unless I have permission or she has permission from that witness to give that number, we can't give it to you.
MS. BAZAN: Yeah. It's not a proper objection.
MR. RICHARDSON: Well, it's my objection, so.
MS. BAZAN: All right. Well, we could address this later.
BY MS. BAZAN:
Q. Did Ms. Jordan take any photos that day at Sesame Place?
A. At the water park, the water, mhm.
Q. Do you know if Ms. Jordan took any videos that day?
A. No. I think her phone died. I was the one doing the videos that deal with the discrepancies we dealt with that day.
Q. Sorry. I didn't hear that last part.
A. No. I'm saying I'm the one who recorded the videos that fell into the discrepancies that day.
Q. When we looked at the tickets that you

purchased earlier, it was just two tickets, one for you and one for E.C.
Did you not have to purchase a ticket for your younger daughter because she was under 2?
A. She was under 2 years old.
Q. Going to show you --
A. Thank you.
Q. -- Exhibit 7.
(Exhibit Romero-7 marked for identification.)
BY MS. BAZAN:
Q. Which is a picture. And at the bottom, it says, "Romero 0001."
A. Okay.
Q. Do you recognize this picture?
A. Yes.
Q. Okay. Did you take this picture?
A. Yes, I did.
Q. And is this from your June 25th, 2022 visit to Sesame Place that you're suing about?
A. That is correct.
Q. Is E.C. the girl in the bright pink, long-sleeve top?
A. That is correct.

Q. And is that her sister, your other daughter, in the stroller?
A. Yes. Mhm.
Q. And where at Sesame Place is this taken? Is this at the entrance or --
A. It's the entrance, yeah, right in front of the Welcome sign.
Q. When in the day did you take this picture?
A. I would say roughly around 12:00-ish. Since when I purchased the tickets around 12:30 when I got inside, it was around 12:00 when I got in.
Q. And you left around 6:00 p.m. that day; is that right?
A. Yes. During closing.
Q. All right. So you've already talked about this a little bit, but I wanted to try to focus this on what you are suing about in this lawsuit.
So in your own words, walk us through what happened at Sesame Place on June 25th, 2022 that you're suing about.
A. Okay. So one, I observed many things, you know, during in the parade. I went to the parade with my children, and I was excited because I had been there when I was a child. I grew up on it. I

wanted to give my children the same experience that I had.
When I did go to the parade, I noticed a lot of things have changed, the dynamic of the interactions with the children, the patience they have with the children. Because along with the fact they were being neglected, they were also yelling at particular children about, I guess, crossing -- there's, like, a yellow line where you can't cross; however, there was a few that were able to exceed that line and kind of get closer in the favor of the character.
Overall, my daughter, Ella Rose Copeland, was very excited to see these characters, to interact, to possibly get some type of acknowledgment, a hug, high five. She did not get that. To me, I automatically, the first time, "It's a lot going on. It's busy. They're on a time schedule." However, seeing that they neglected my daughter and then someone to the right of her was not being neglected and they followed the same -- I guess I won't say, "protocol," but followed the same thing my daughter did. Reached out for a hug, put her hand out. The person got a hug and more, while

my daughter did not receive that.

So that, I was very abhor, because I noticed there was some type of favoritism, and I didn't like that because my daughter tried to go above and beyond to be acknowledged, you know, the -- you know, I drove far. I drove from Stamford, Connecticut all the way to Philadelphia, pretty much, to get my daughter the experience to see her favorite characters up close and personal. And possibly, potentially get some type of acknowledge. I do understand that things could happen at a timely manner. But if my child is being neglected and others next to her are receiving the attention she was looking for, that's when I was upset.

That was one of many things that was, you know, happening at the park. So that's why I'm here today. You know, to get to the root of, to find a solution, you know, what could possibly be the logical reason as to why. Not only my child, but other children that are part of this class action lawsuit and the other people working with Ron and the others, what possibly brought these characters to do the same thing to the children of

color, the minority, so yeah.

Q. So are you suing because employees of Sesame Place were not patient with children?

A. Overall discrimination. Discrimination. It's also the lack of patience with the children. The interaction, you know, was at a very low with my daughter. And, you know, they serviced other children around them that were opposite from skin color, hair color, everything. You know, and some justice needs to be brought up. Because if we never did this, if we are not here, then I don't think Sesame Place would ever take the time to implement, because in order for them to know about the problem, someone has to be made aware. That's why I'm glad we're in this predicament. We're able to discuss the concerns we have as parents, you know, for the thing that our children, you know, seen.

My daughter, kind of, caught on to it first. "How come? That's not fair." Kids are going to say that. "That's not fair. Why did she get a hug? Why did he get a hug?" What am I supposed to tell my child that a child -- the character sees her, walks past her, and then goes and hug another child that does the same, exact body

movement to get acknowledged.

In this case, it's very unfortunate because then it puts me in a predicament because it takes the innocence of my daughter away. For me to come to a park, and all of these children of these color, to come into a part where it's supposed to be a place of innocence, of pure innocence, it's basically taking it from them and bringing them trauma because your favorite because of your favorite character is ignoring you for our skin color. That, kind of, just, not my daughter. You know, she feels like, "I'm not going to be liked in the real world because of my skin color?" She asked me that. What am I supposed to say as a parent?

Q. So I'm trying to do my best to understand what your lawsuit is about.

A. Mhm.

Q. Is it your testimony that being impatient with a child is against the law?

MR. RICHARDSON: Objection.

THE WITNESS: As I said before, the whole thing is more of discrimination, but like I had said, discrimination is the main key here.

BY MS. BAZAN:

Q. Okay.

A. Discrimination, but as you can see, along with discrimination, the lack of patience. Because if you, like you said before, it could be maybe timing, they're on time schedule. If you're on the time schedule and you are aware you're going to see kids, they're excited going, you know, up there, excited, they're seeing their favorite characters. You have to think of your head quickly, especially when you're in the force with the kids, "If I give one person a hug, I have to be prepared to do the same for others." And then when you're frustrated and when my child asks for a hug or the next kid, because you already decided to pick and choose who -- you know, who to interact with. That's like a teacher being in a classroom and deciding to give out cookies and picking and choosing what to give cookies for it. If you're going to give out cookies, I think the whole class should get one, not just a selective few.

Q. Otherwise it's against the law?

MR. RICHARDSON: Objection.

THE WITNESS: I didn't say it's against the law, but I do think it's inappropriate. I

don't think it's correct because I'm not sure if you're a mother yourself, but if you went to go buy your child, let's say, an iPhone today and your other child doesn't get anything at all, the other child is going to question, "How come she gets an iPhone and I don't get anything?"

BY MS. BAZAN:

Q. That would be upsetting.

A. That's going to be upsetting. That's only right. We have to understand, when we're dealing with children, minors, who their brain processes different from us adults that have more knowledge, wisdom, and experience to things, they're innocent to all of this. It puts them in a very confused state.

My daughter felt neglected. She felt discriminated against. She's only seven years old. Do you think I wanted to teach my daughter about race, about racism? I don't want to put her in that mindset. It's very unfortunate that I had to teach her that, especially in a place where I thought would be a place of peace and fun for my child and for all of the other children that had to deal with

this predicament. When I realized it wasn't so far of a coincidence, when it was several characters, and seeing that it happened to several children with the same skin tone, you know, minorities, that brought a red flag to me. And I think something, overall, needs to be implemented. You know? That's just my theory.

Q. So correct me if I'm wrong --

A. Okay.

Q. -- is what you're suing over, in your words, discrimination?

A. Absolutely. Racial discrimination.

Q. Okay. Who at Sesame Place discriminated against your child?

A. The characters that were denying to interact with my child, but honestly, went to interact with, you know, a white child.

Q. Which characters were those?

A. The vampire, definitely. I think Zoe was the other one and Cookie Monster. I think it was the vampire, I think it was.

Q. So is it your testimony that the vampire, Zoe, and the Cookie Monster all discriminated against E.C.?

A. That is correct.

Q. So what, if anything, did E.C. say to you during the parade about the vampire, Zoe, or Cookie Monster?

A. She said, "Mom, that's not fair. Mommy, they're ignoring me." And then seeing directly -- you know, she's like, "Mommy, is it because of my color?" It put me in a predicament to try to protect my child's innocence. She was there to have a good time. Not there to feel discriminated against or to be feel like she's being treated less than because of her skin color.

I, honestly, as a mother, the first thing I tried to was see -- to, kind of, not blind side the situation, but to be optimistic to believe that a place like that would be so biased or do such a thing. Because Sesame Place, if you actually go back in time and history, of, you know, the shows and everything, they, kind of, represent unity. You know? So I never thought I would be in that predicament. I said, "Maybe it's a coincidence. Maybe it's a bad day." The coincidence was happening too far, too much that day, back to back with so many characters.

Q. So E.C. asked you during the parade if she was being ignored because of her color?

A. Yes. At first.

Q. What do you mean, "at first"?

A. At first she said, "Mommy, how come they went to her and not to me? Is it because..." I said, "Baby, keep enjoying the parade." I didn't want to put -- I did not -- me, as a parent, while I'm there, drove three hours to get here, for me to discuss that with my child in the middle of a parade, I tried to avoid it. I said, "I think it's probably a coincidence." I ignored it. Tried to let her enjoy.

Then as time goes on, because as I said before, kids have access to a lot, media. She was able to see the article of where children are being neglected. She said, "Mommy, that happened to me." When we did go in the car, we did discuss that she didn't enjoy. She did not enjoy the park. She did not have fun. She said she was surprised and shocked that she was being ignored. And then I said, "It's okay." I said, "We won't go back." Because a sacrifice as a mother to make to drive three hours for my daughter to come out disappointed

and not happy, that right there just -- yeah.
Q. So when she -- when E.C. asked you why the characters were ignoring her, was that after the interaction with the vampire?
A. It was right away. Because the thing is, she was being ignored. And then -- you know, it's one thing if the vampire ignores her and then maybe his float is down there, and he hugs someone real quick and goes back on. That's justifiable. But she was ignored and then directly the person next to us received attention. That right there, kind of, put that her into a state of confusion as to, "We're doing the same thing. How come I'm not getting any feedback just like the next person is?" So that's where they went wrong.
They were very selective of who they decided to choose to interact with, and I think that's not right. Everyone paid to get there. Everyone probably paid the same, whether there was an agreement or not. If they want to choose not to interact with children, like said before, I think, just logically, they should say, "You know what? If I'm going to interact with one, I have to be prepared to interact with others that do, you know,

reach out the same way the other children are." If not, get on the float and continue going on with your parade. Do your dance and just continue.
MR. RICHARDSON: Can we stop for a second? I just got another text message that the sound went out on the line.
VIDEOGRAPHER: Do you want to go off the video?
COURT REPORTER: Yes.
VIDEOGRAPHER: The time is 12:31 p.m. Going off the video record.
(Recess taken from 12:31 p.m. to 12:33 p.m.)
VIDEOGRAPHER: The time is 12:33 p.m. We're back on the video record.
BY MS. BAZAN:
Q. Did you communicate yours and E.C.'s June 25th, 2022 experience at Sesame Place to anyone at the time?
A. Yeah. My friend.
About the discrepancy that I had?
Q. Yes.
A. Yes.
Q. To Ms. Jordan?

A. Correct.
Q. And what did you say to Ms. Jordan?
A. I said, "Do you not see what they're doing to my child? Or am I losing my mind?" She said -- she was like, "You know how it is." You know? Unfortunately, this is what we deal with, being people of color. We, of course, as mothers, had to try to protect our children at the moment to try to, you know, figure out a solution to it after.
Q. Did you talk to anybody else that day about it?
A. I did call my mother.
Q. And what's your mother's name?
A. Elizabeth Enriques.
Q. And where does she live?
A. Manhattan, New York.
Q. Do you have her street address?
A. Yes. 22 East 108th Street, Apartment 4N, as in "Nancy," New York, New York 10029.
Q. And what's her phone number?
MR. RICHARDSON: I will object.
THE WITNESS: That -- I'm sorry. I don't know my mother's number.
MR. RICHARDSON: Okay. If she doesn't

know, no need for me to object.
BY MS. BAZAN:
Q. Is it in your phone?
A. Yes. Of course. Absolutely.
Q. What did you say to your mother about your experience at Sesame Place?
A. I said, "Mom, I drove three hours, and things have changed." I said, "There's a few things besides the discrimination that was going on." I said, "I wouldn't come back." I said, "They were really denying, you know, Ella. You know, they literally were denying her. She was asking for a hug, but they didn't even interact with her, but they interacted with other children." She said, "That's very sad." Because she doesn't recall it being like that back in the day, or at least when we were children back in the '90s, early 2000s. She said it's unfortunate that my daughters have to deal with that. Very unfortunate. And that was that.
You know, she did tell me to file a complaint or go to customer service, but that day was very draining because the experience itself was just so very unfortunate that I just, at the moment, didn't have the time to just try to reach out and

send an e-mail or, you know, I tried to do the customer service, and of course, too late because it was almost -- it was time for closing, so that was that.

Q. And we talked about this a little bit before, but I just want to nail it down.

So when you say you wanted to go to guest relations, but it was closing, did you just decide the park was closing so you didn't go, or you actually went to guest relations and the hut was closed?

A. Yeah. They were closing everything. It was already 6 o'clock, 5:55, 5:59, so it was closing.

Q. So you did walk over there?

A. Yeah. Because I had to leave the park. So I was basically in that area.

Q. And did you ask to see a manager that day?

A. I did not, not at the moment. Because at the end, that would have brought a larger problem for me, especially since I was not only someone that -- not only did I pay $116 for me and my children to go there, I paid gas, tolls, time, and effort to bring them there. So at that very moment,

I was not going to jump in and speak to manager when my main goal was to actually bring my children there to have a good time. So I tried to, kind of, continue for the moment and then, you know, focus on everything after the fact, to, kind of, you know, avoid bringing it to my child's attention at the moment.

Q. So it was more important at the time for your kids to keep having fun?

A. At the moment, yes.

Q. The parade where these interactions happened, that was a 3:00 p.m. parade, right?

A. That is correct.

Q. Okay. Why didn't you go to guest relations between 3:00 p.m. and 6:00 p.m.?

A. As I stated to you just now, my goal was, kind of, allow them to have fun before the park closed. That day, for some reason, it was only open for a few hours. I'm assuming because it was the beginning of the season, the summer season. They closed at 6:00 p.m. that day, and I tried to do a few things before we left because, of course, when you're a mother and a parent, you, kind of, try to satisfy your children. If she's already upset and

sad that she was being neglected, my goal was to conceal that at the moment for her by allowing her to use the other amenities and stuff they had at the park before departure. At departure, I was going to try to do it and speak to someone, but everything was closed.

Q. Did you complain to any governmental agency about the alleged race discrimination that you or E.C. experienced at Sesame Place?

A. No.

Q. Did you post anything on social media about yours or E.C.'s experience at Sesame Place?

A. I spoke out on -- I was very shocked about the one that went in an uproar on the Internet. I was like, "Wow. This is" -- but it wasn't on the Internet. I think it was a blog that they had on Instagram. That's all. I was shocked. It was a comment. That's it.

Q. Did you post the video, the viral video?

A. No, I did not. Actually, I just posted -- I mean, I record it from memories, and that's how I landed those videos, because I was just posting, thinking that it would be something that I could catch as a memory for my children. When I seen that

that happened and I realized that they were being neglected, I was like, "I'm not going to post -- I'm not going to post this when you could evidently see my child being denied by the characters."

Q. So you did -- you did not post anything on social media; is that right?

A. Regarding that, no.

Q. Okay. Have you ever posted anything on social media about Sesame Place?

A. About my experience, no.

Q. Have you --

A. Just the comment I made of the Quinton -- Quinton Burns, of the situation that happened with all of the other parents that were speaking on the discrimination.

Q. When you say you made the comment --

A. On one of the blogs that was -- I said, "Oh, my God. This is devastating."

Q. On a blog?

A. Yeah.

Q. Do you know what blog?

A. I don't remember. It might have -- it might have been The Shade Room. It might have been that one. I can't recall. That's the one I

discriminatory, other than what you put in your sworn interrogatory response?
A. Can you say that again? I'm sorry.
Q. Yeah. So the interrogatory question asked you to give us the facts about the interaction and why you thought it was racially discriminatory.
A. Okay.
Q. So you gave this answer under oath.
A. Okay.
Q. So I'm asking you now, are there any other facts, other than what you put in this answer, that made you think the interaction with Cookie Monster was racially discriminatory?
A. I mean, the video is evident. She, kind of, got disregarded and he was able to go to a child that was, you know, a white child. So the video speaks for itself, pretty much.
Q. Well, I would like to hear your words, though, not the video.
A. Mhm.
Q. Other than what's in here --
A. Mhm.
Q. -- is there anything else?
MR. RICHARDSON: Objection. Asked and

answered.
You could answer it again.
THE WITNESS: Basically she was discriminated against. In the video, as it was demonstrated, the children, she did reach out to try to get some type of attention from Cookie Monster, and he surpassed her and went directly to a white child to give them a hug, when Ella was doing the same thing, you know, arms out for a hug as well.
BY MS. BAZAN:
Q. So the first part of your answer in part E said, "The costume characters were only interacting with white people."
Does that apply to Cookie Monster?
A. Not just Cookie Monster because it's, obviously, the costume characters that Ella was trying to interact with. Not just Cookie Monster, the other ones as well, Zoe and the plenty of others.
Q. Okay. So it does apply to Cookie Monster, but not just Cookie Monster?
A. Yes. Zoe as well because Zoe, you know, neglected, or, I would say, ignored my child.

Q. Okay. So Cookie Monster was only interacting within white people?
(A brief interruption.)
THE WITNESS: I'm sorry. Can you say that one more time?
BY MS. BAZAN:
Q. Yes. Of course.
So is it your testimony that Cookie Monster was only interacting with white people?
A. Yes.
Q. Is it your testimony that Zoe was only interacting with white people?
A. Yes. Or discriminating, yes. In the sense, of course, ignoring my child because she's a minority, person of color, to then going to interact with, you know, a person that is not, not a person of color, if that makes sense.
Q. Okay. Were any other costume characters interacting with white people that are not in your sworn interrogatory answer?
A. Right now, I do recall the vampire walking past her and going to other children. The main key factors was Zoe and Cookie Monster, because that was one of the favorites that, you know, she was

anticipating to see.
Q. Okay. Is the vampire part of what you are suing over or not? It's not in the interrogatory response. I'm trying to get an idea.
A. Zoe and Cookie Monster.
Q. Okay. Just Zoe and Cookie Monster?
A. Correct.
Q. All right. So are you saying that during the 3:00 p.m. parade at Sesame Place, Cookie Monster did not interact with a single black person?
MR. RICHARDSON: Objection.
THE WITNESS: What I can say is, based on the area I was in, because, obviously, the parade is probably yards, or maybe even miles, so I wasn't able to see the entire dynamic of the parade, and be able to really, kind of, point out who he was interacting with or not, but based on the area that I was in and from what I could see, he was only very selective of who he was choosing.
BY MS. BAZAN:
Q. All right. So you can't say for sure that he didn't interact with any people of color on the whole parade route, right?

THE WITNESS: Okay. As I said before, if you could compare her against my child, the other children that was discriminated against, there's a big difference. Just like you're asking me, I would like you, if you don't mind.

How would you know that's a person of color?

BY MS. BAZAN:

Q. I wouldn't know unless I asked them how they identified.

Did you ask her how she identified racially?

A. Of course I wasn't there to go ask children who they are. But if we correlate my daughter, who is half African-American, along with her, who has -- they're totally opposite, as far as, you know, how they look, there's a big difference, so.

Q. So are you assuming that she's white, or you're just saying she has lighter skin than your daughter?

MR. RICHARDSON: Objection.

THE WITNESS: As you can see, she is obviously way lighter skin than my daughter,

hair texture as well. Yeah.

BY MS. BAZAN:

Q. Okay. So you're assuming because of her skin color and her hair texture that she's --

A. It could be highly possible. If it's not, it's still discrimination because my daughter is many shades darker than the little girl that's in that video, so.

Q. Other than the video, you don't have any information about that child's race, right? You don't know her --

A. I don't know a hundred percent.

Q. Okay. And do you think that Hispanics who have light skin are treated differently than Hispanics who have darker skin?

A. I've personally witnessed, yes. Discrimination comes in many forms, of course. There's even Latin people that are racist as well and black people that are racist as well and discriminate against their own people. So it's highly possible that the discrimination could be based on their -- the image. Not just race, but also the image of the person. My daughter is darker tone, different hair texture. The young lady who is

waving to him, lighter tone. And I personal can say I've witness that had myself growing up. So I know firsthand.

Q. So in this lawsuit, are you representing all Hispanic people or only dark-skinned Hispanic people?

MR. RICHARDSON: Objection.

You can answer, if you know.

THE WITNESS: I'm just going to go based on my knowledge. The discrimination, like I said before, goes in all forms. I am, you know, filing a lawsuit for discrimination and being biased, just as if people pass judgment based on how a person looks. So that's also one that plays at hand. So I can't say for all Hispanic people, but for people that are being discriminated against.

BY MS. BAZAN:

Q. Okay. Not all Hispanic people?

A. For anyone being discriminated against, as a minority and as a person of color.

Q. Am I Hispanic?

MR. RICHARDSON: Objection.

THE WITNESS: Are you?

BY MS. BAZAN:

Q. Can you tell?

A. It could be possible, because everyone has different features, but either way, I met with Hispanics that are just as racist, so it could all differ. Even, you know, the country that -- you know, the country that I'm from, they'll favor a person that -- we're from the same country, but they'll favor you more than they would favor a person like me, based on my color, my hair texture, and then, you know, just what I look like. So that happens in -- all over the world, in Latin countries. That's that proven fact. Whether you are Spanish or not -- Hispanic, I should say, that wouldn't take away, whether, I'm not saying you are, possibly, you know, discriminated against me or not, so.

Q. Do you think that all Hispanic people are minorities, regardless of their skin tone?

MR. RICHARDSON: Objection.

THE WITNESS: It's a bigger issue here in our country where, as far as, I guess, the physical form, if they don't know you're Latin, or you could pass on the white side, it's

daughter wanted to interact with?" I felt there was no purpose, no point anymore. So I stopped recording from there.

Q. Okay. Let's go back to the interrogatory answers, which are Exhibit 5. And look at your answer to interrogatory 2 on page 4. Going back to that little e section.

MR. RICHARDSON: You have a page.

THE WITNESS: That says 5.

MR. RICHARDSON: Yeah. That's it.

THE WITNESS: Oh, okay. Okay. Sorry.

BY MS. BAZAN:

Q. No. No worry.

The subsection E where we asked you to describe the facts of the discriminatory interactions.

A. Okay.

Q. So now I want to focus on Zoe. We went through Cookie Monster part.

A. Okay.

Q. Okay. So, again, the first sentence, "The costume characters were only interacting with white people."

I think you testified earlier that

that sentence applies to both Cookie Monster and Zoe, right?

A. Mhm.

Q. So Zoe was only interacting with white people?

A. Mhm.

Q. And then it says, "Plaintiff, E.C., was ignored and passed over by Zoe, even though she was begging for a hug. Zoe passed E.C. by and interacted with the white family next to E.C.;" is that right?

A. That is correct.

Q. Okay.

A. Basically the same people that were next, you know, when I recorded with Cookie Monster, the same family.

Q. The little girl with the braid's family or on the other side?

A. Everyone that was in that area. As you can see, it was directly next to me and Ella.

Q. On your right side and your left side?

A. My right side.

Q. Your right side?

A. So it was going this way. Mhm.

Q. Is that the little girl with the braid's side or the other side?

A. That side.

Q. The little girl with the braid's side?

A. Correct. Mhm.

Q. So are there any other facts that make you think the interaction with Zoe was racially discriminatory, other than what you put in your sworn interrogatory response here?

MR. RICHARDSON: Objection.

You can answer.

THE WITNESS: Looking at the video, Zoe was interacting with others, and then when Ella was saying hello, she gave the thumbs up and directly went to interact with the other children. I think that one is more evident of showing the discrimination and neglection, I guess, with the other children, more than with Cookie Monster. You could see this one plain and clear, so.

BY MS. BAZAN:

Q. Okay. Is that -- in your mind, is what you just said different or the same as --

A. Same.

Q. -- the same --

A. Yeah. Everything. Discriminated, yes.

Q. So what's said here in little e in your interrogatory response, that's accurate?

A. Yes, that is very accurate.

Q. Okay. This video is pretty short.

MS. BAZAN: Alek, could you run it again?

BY MS. BAZAN:

Q. My question is going to be you: Where in the video do you see Zoe interacting with a white family?

A. Okay.

(Whereupon, video recording was played.)

THE WITNESS: So, of course, you can't vividly see because my goal was to record Ella, but as you see, I can note, if you see at the corner, Elmo, the little Elmo stuffy bear, and that is the same child that was here, lighter skin and blond hair. And if you could see in the video in the corner, you could see that Zoe actually did give that child a hug.

BY MS. BAZAN:

Q. The video shows Zoe giving that child a

the ticket. The tickets itself was one of my major concerns at the moment because I was very disserviced at Sesame Place. At the time, at the moment, that was my concern until time progressed and I realized, you know..

Q. So these other things weren't important when you signed the interrogatory responses under oath, but they're important now?

A. Correct.

MR. RICHARDSON: Objection.

THE WITNESS: It's important to an extent. I mean, my main focus is the tickets, the cost of the tickets.

BY MS. BAZAN:

Q. Did you ask Sesame Place and Seaworld for a refund on your tickets?

A. I was aiming to, but I did not.

Q. Still in the interrogatory responses, let's go to interrogatory number 5, which is on page 5.

A. Yes.

Q. It says, "If you contend you have suffered humiliation, embarrassment, mental anguish, psychological stress, depression, anxiety, loss of

self respect, or other post-traumatic stress or other mental illness or injury as a result of the incidents described in the amended class action complaint, describe in detail each that you have experienced and include" and it asks for four things.

Do you see that?

A. Yes.

Q. And your first sentence in your answer is, "Plaintiffs experienced racial trauma as a result of defendants' discriminatory practices."

What is racial trauma?

A. Racial trauma is basically you go to an establishment or, you know, try to enjoy your regular, daily life, just like others, and seeing that you're getting discriminated against or could be targeted or being disserviced just based on the color of your skin or just based on how you look.

Q. And -- sorry.

A. And also -- you could go ahead, and I could answer it after.

Q. Have you personally suffered from racial trauma as a result of your Sesame Place trip?

A. Yeah.

Q. What are your symptoms of racial trauma?

A. I am on edge when it comes to taking my children to these establishments. It's humiliating as well. It's, kind of, degrading as well because everyone paid for the same services for the same things, even though some got more privilege than others. And also just me, as a mother, had do put me in a predicament to have to put myself in that perspective of things of having to speak to my daughter, take the innocence away from her to know the characters she does like were dressed under a costume and were discriminating against her, myself, and people like us.

Q. Have you had any physical symptoms?

MR. RICHARDSON: Objection.

THE WITNESS: No. Besides anxiety, no.

BY MS. BAZAN:

Q. Besides what?

A. Besides anxiety. But I was anxious at that moment because I was experiencing what was happening.

Q. Are you still experiencing anxiety?

A. No.

Q. Are you able to go to work?

A. Yes.

Q. Have you been diagnosed by a professional with racial trauma?

A. No.

Q. Have you sought any treatment for racial trauma?

A. No.

Q. Are there any parts of daily life that you can't do because of this trauma?

A. (Indicating).

Q. Had you ever experienced racial trauma before this incident?

A. Yes. Of course.

Q. How many times?

A. Several times. But now that my daughter dealt with it, it's, kind of, like, a double whammy, I guess.

Q. Can you give me an example of a previous time you've experienced racial trauma before this?

A. When I went to Stamford School and College, I went to a predominantly white neighborhood, white college. I went to a bonfire, and they basically -- someone came with a confederate flag and told us, anyone of my color, to

get out because they did not want the N-words there. And then one of my friends that was white told me to leave with the group of people my color to avoid any issues. That was one of the incidents. That was back in 2013.

Q. So that -- did that incident have a similar impact on your life to this experience at Sesame Place?

A. It's different correlations, of course, because it's -- that one was more personal. This was more of -- with Sesame Place, it's more of a professional establishment, so it, kind of, has different sentimental values. But in this case, it was more sentimental because my daughter was involved in this.

Q. But do you equate what happened at Sesame Place with the use of the N-word and the displaying of confederate flag?

MR. RICHARDSON: Objection.

THE WITNESS: It's discrimination, yes. I was discriminated against, so.

BY MS. BAZAN:

Q. You think it's equally severe?

A. Yes. Any discrimination is severe, in a

way.

Q. Do you contend you've suffered any of the other conditions that are listed in interrogatory 5?

A. Can you elaborate? I'm sorry.

Q. No. That's quite all right.

In interrogatory 5, it asks if you've suffered humiliation, embarrassment, mental anguish --

A. Oh, yes.

Q. -- psychological stress, all of those in that list.

My question is: Have you suffered any of those other conditions as a result of your Sesame Place experience?

A. Yes. I was very, very humiliated, embarrassed. I felt I was not equal to everyone else. Because some people have -- they were treated a different way than I was. I was also very humiliated because, of course, my kids are being ignored, and they're watching us being ignored. It's very, very embarrassing and disappointing.

Q. Do you have a diagnosis for any of these?

A. No.

Q. Do you have any symptoms of any of these?

MR. RICHARDSON: Objection.

BY MS. BAZAN:

Q. Is that a no?

A. No.

Q. Have you sought any treatment?

A. No.

Q. Are there any parts of your daily life you can't do because of the humiliation and embarrassment?

A. No.

Q. Has E.C. suffered any economic damages as a result of her Sesame Place visit?

A. She hasn't, but everything I lost is a loss for her as well.

Q. Has E.C. suffered racial trauma?

A. Oh, yes. Absolutely.

Q. Have you sought any treatment for her?

A. I have not, but I do feel like in time she would need it.

Q. So she doesn't have an official diagnosis from any professional, correct?

A. Correct.

Q. What are her symptoms?

A. She assumes that -- that, unfortunately,

she does assume that people are going to be racist against her, that people won't like her because of the color of her skin. It, kind of, you know -- yeah. Basically.

Q. And how did she express that to you that she's assuming people will racist against her?

A. She's very vocal. She said she was hurt, frustrated. She said she was disappointed, she said it made her really sad. You know, that's pretty much --

Q. She said she was hurt, frustrated, disappointed, and sad?

A. Sad, very sad.

Q. Okay. Anything else?

A. She felt like it wasn't fair because she's a little girl.

Q. Has E.C. continued to attend school?

A. Yes.

Q. Does she like school?

A. Yes.

Q. Does she do well in school?

A. Yes.

Q. Have you gotten any reports from school that E.C. had to go see the counselor because of

interactions at Sesame Place?
MR. RICHARDSON: Object to the form.
THE WITNESS: Yes, yes.
BY MR. RICHARDSON:
Q. If you could, refer to page 24.
A. Okay.
Q. Subpart K.
A. K. Okay.
Q. Can you read that into the record?
A. "Failure to have policies and procedures to prevent employees in engaging in racial discrimination."
Q. Have you testified about that today?
A. That is correct.
Q. Do you have any opinion as to whether or not that occurred at Sesame Place when you were there?
MS. BAZAN: Object to the form.
THE WITNESS: They definitely discriminated, yes.
BY MR. RICHARDSON:
Q. And then if you could, go to page 26.
A. Okay.
Q. The bottom of the page where the paragraph

says, "Wherefore," do you see that?
A. Okay. Wherefore.
Do you want me to read a that?
Q. No. It's okay.
Did you see that paragraph?
A. Yes.
Q. Is it your understanding that you're pursuing money damages as a result -- part of this case?
A. That's --
MS. BAZAN: Objection to form.
BY MR. RICHARDSON:
Q. Is that your understanding?
A. Yes.
Q. You were shown some videos today in your deposition.
A. Yes.
Q. Did you see things that occurred that is not depicted in the videos because the videos are short?
A. Yes. Which is, of course, more of the characters interacting with the children non -- children who are not of color.
Q. And, specifically, with respect to the

video of Zoe, when, at the end of the video, E.C. called out to Zoe, do you remember that in the video?
A. Yes.
Q. What's not depicted in the video is Zoe's response.
Does Zoe come back to her and interact with E.C.?
A. No. She continued her route.
Q. Was the girl with the ponytail at the parade the entire time that you and E.C. was at the parade?
MS. BAZAN: Object to the form.
BY MR. RICHARDSON:
Q. You can answer.
A. Yes.
Q. And did you have an opportunity to observe her and her family?
A. To an extent, yes.
Q. And from your perspective, did they look white to you?
A. Yes, they did.
Q. Have you ever seen any advertisements advertising Sesame Place, Philadelphia?

A. Have I seen them? Yes.
Q. In any of those advertisements, did they show interactions with customers such as yourself?
MS. BAZAN: Object to the form.
THE WITNESS: I don't recall.
BY MR. RICHARDSON:
Q. All right. Let me show you Exhibit number 3.
A. Okay.
Q. You were asked questions about whether or not any promises were made to you with respect to interactions with costume characters.
On Exhibit number 3, page Romero 0005, there's a photo on that page.
Do you see that?
A. I do.
Q. And can you describe what you see in that photo?
A. A white little girl excited interacting with Big Bird at Sesame Place.
Q. And this was all part of the ticket packet you got from Sesame Place when you purchased the tickets?
A. That is correct. That is the confirmation

the same."
BY MR. RICHARDSON:
Q. Is it your understanding that this complaint filed on your behalf and on behalf of the members of the class is seeking money damages in the amount of $50 million?
MS. BAZAN: Object to the form.
BY MR. RICHARDSON:
Q. You can answer.
A. Correct.
Q. Okay. That's all I have.
MS. BAZAN: No further questions.
VIDEOGRAPHER: It time is 2:46 p.m. This is the end of today's deposition. We're going off the video record.
COURT REPORTER: Do you both need copies?
MS. BAZAN: Yes.
MR. RICHARDSON: Yes.
COURT REPORTER: No rush?
MS. BAZAN: No rush.
MR. RICHARDSON: Regular is fine.
(Deposition ended at 2:47 p.m.)

CERTIFICATION

I, Gianna Iaconelli, Court Reporter and Notary Public, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first sworn by me at the time, place and on the date herein before set forth.

I further certify that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

_____
Gianna Iaconelli
Court Reporter
and Notary Public

CERTIFICATE OF DEPONENT

I, YOSELIS ROMERO, have read the entire transcript of my testimony taken on Friday, March 3, 2023, contained within Pages 1 through 199, and it is true, correct, and complete to the best of my knowledge, recollection and belief, except for the list of corrections, if any, attached on a separate sheet herewith.

_____ _____
YOSELIS ROMERO DATE

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2023, in the jurisdiction aforesaid.

_____ _____
My commission expires Notary Public

ERRATA SHEET

CASE CAPTION: BURNS, et al. VS. SEAWORLD PARKS & ENTERTAINMENT, et al.

PAGE	LINE	CORRECTION
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SIGNATURE:_____ DATE:_____
YOSELIS ROMERO

EXHIBIT 52

EXHIBIT
Valdez-3
FENGAD 800-631-6989

April 2021 Statement

APRIL 2021

3 of 3

Changing Mailing Address?

Pay online at www.capitalone.com

Pay using our mobile app

Capital One

Visa Platinum Account Ending in 6040

Transactions

KATIE VALDEZ #6040: Payments, Credits and Adjustments

Date	Description	Amount

Protect your credit score.

KATIE VALDEZ #6040: Transactions

Date	Description	Amount
KATIE VALDEZ #6040: Total		
Total Transactions for This Period		$54.93

Fees

Date	Description	Amount
Total Fees for This Period		$0.00

Interest Charged

Interest Charge on Purchases	
Interest Charge on Cash Advances	
Interest Charge on Other Balances	$0.00
Total Interest for This Period	$25.32

Totals Year-to-Date

Total Fees charged	$0.00
Total Interest charged	$108.27

Interest Charge Calculation

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Interest Charge
Purchases			
Cash Advances		$0.00	$0.00

May 2021 Statement

MAY 2021

Pay online at capitalone.com

3 of 6 Capital One mobile app

Customer Service 1-800-227-4825

Changing your mailing address?

You can change your address by signing into your account online or by calling Customer Service.

Any written requests on this form will not be honored.

How do I Make Payments? You may make your payment in several ways:

1. Online Banking by logging into your account
2. Capital One Mobile Banking app for approved electronic devices
3. Calling the telephone number listed on the front of this statement and providing the required payment information
4. Sending mail payments to the address on the front of this statement with the payment coupon or your account information

When will you Credit My Payment?

- For mobile, online or over the phone: as of the business day we receive it, as long as it is made by 8 p.m. ET
- For mail: as of the business day we receive it, as long as it is received by 5 p.m. local time at our processing center. You must send the bottom portion of this statement and your check to the payment address on the front of this statement. Please allow at most seven (7) business days for mail delivery. Mailed payments received by us at any other location or payments in any other form may not be credited as of the day we receive them.

Capital One | QUICKSILVER

Page 2 of 3

Visa Platinum | Quicksilver Credit Card ending in 6040

Apr 04, 2021 - May 03, 2021 | 30 days in Billing Cycle

Transactions

Visit [illegible] to see detailed transactions.

KATIE VALDEZ #6040: Payments, Credits and Adjustments

Trans Date	Post Date	Description	Amount

KATIE VALDEZ #6040: Transactions

Trans Date	Post Date	Description	Amount
Apr 28	Apr 30	SEAWORLD PARKS&ENT SEAWORLD SAN DIEGO	$44.94
KATIE VALDEZ #6040: Total Transactions			$365.14
Total Transactions for This Period			$365.14

Fees

Trans Date	Post Date	Description	Amount
Total Fees for This Period			$0.00

Interest Charged

Interest Charge on Purchases	$22.60
Interest Charge on Cash Advances	$0.00
Interest Charge on Other Balances	$0.00
Total Interest for This Period	$22.60

Totals Year-to-Date

Total Fees charged	$0.00
Total interest charged	$128.87

Additional information on the next page

Capital One | QUICKSILVER

Page 3 of 3

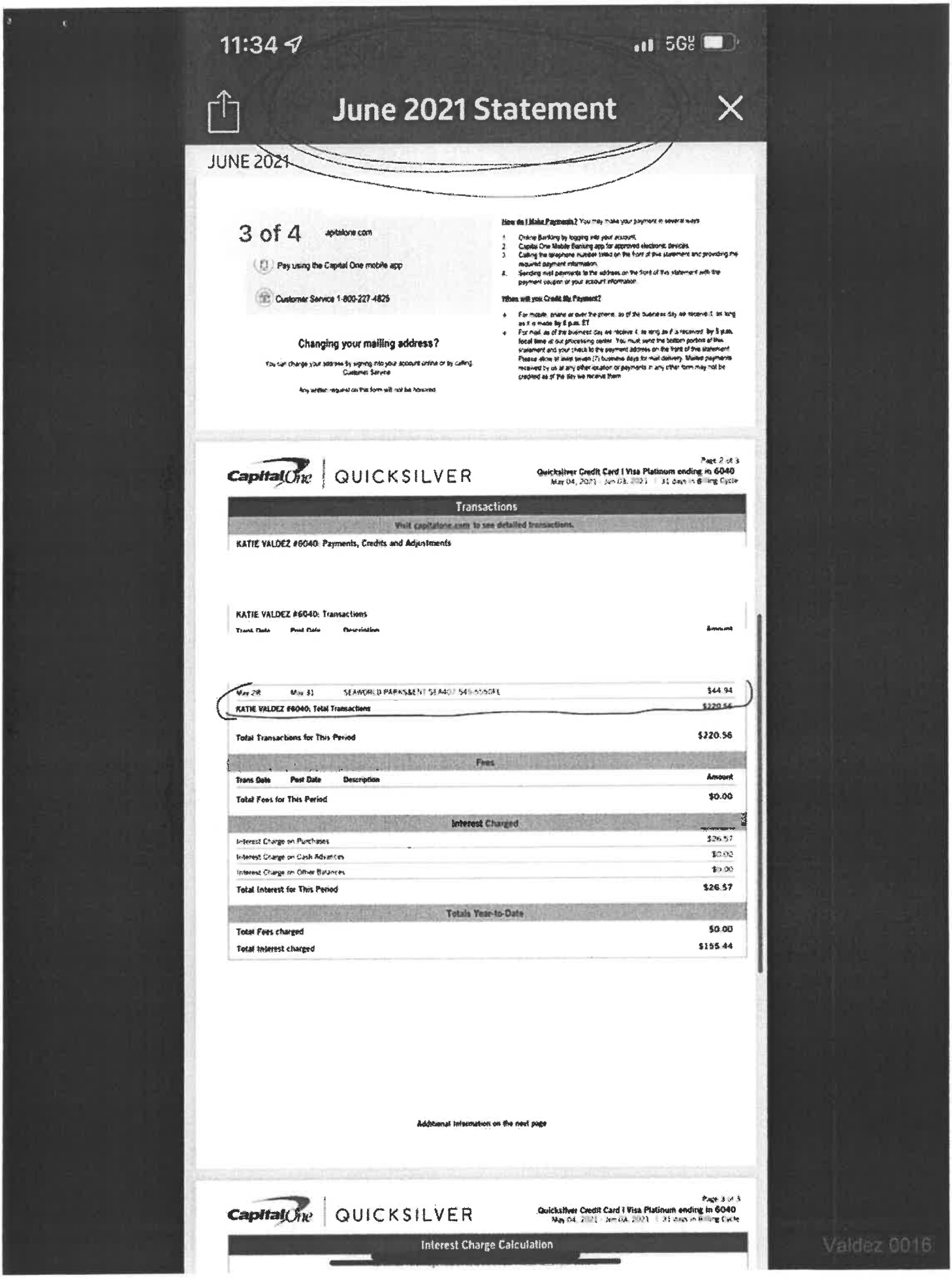
Visa Platinum | Quicksilver Credit Card ending in 6040

Apr 04, 2021 - May 03, 2021 | 30 days in Billing Cycle

Interest Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Interest Charged
Purchases	22.90% P	$1,200.92	$22.60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June 2021 Statement
JUNE 2021
3 of 4
Pay using the Capital One mobile app
Customer Service 1-800-227-4825
Changing your mailing address?
How do I Make Payments? You may make your payment in several ways
When will you Credit My Payment?
CapitalOne QUICKSILVER
Quicksilver Credit Card | Visa Platinum ending in 6040
Transactions
KATIE VALDEZ #6040: Payments, Credits and Adjustments
KATIE VALDEZ #6040: Transactions
May 28 May 31 SEAWORLD PARKS&ENT SEAWORLD SAN DIEGO CA $44.94
KATIE VALDEZ #6040: Total Transactions $220.56
Total Transactions for This Period $220.56
Fees
Trans Date Post Date Description Amount
Total Fees for This Period $0.00
Interest Charged
Interest Charge on Purchases $26.57
Interest Charge on Cash Advances $0.00
Interest Charge on Other Balances $0.00
Total Interest for This Period $26.57
Totals Year-to-Date
Total Fees charged $0.00
Total Interest charged $155.44
Additional information on the next page
CapitalOne QUICKSILVER
Quicksilver Credit Card | Visa Platinum ending in 6040
Interest Charge Calculation
Valdez 0016

July 2021 Statement

JULY 2021

Customer Service 1-800-227-4825

3 of 4 ing your mailing address?

address by signing into your account online or by calling Customer Service.

Any other request on this form will not be honored.

When will you Credit My Payment?

- For mobile, online or over the phone, as of the business day we receive it, as long as it is made by 8 p.m. ET.
- For mail, as of the business day we receive it, as long as it is received by 5 p.m. local time at our processing center. You must send the bottom portion of this statement and your check to the payment address on the front of this statement. Please allow at least seven (7) business days for mail delivery. Mailed payments received by us at any other location or payments in any other form may not be credited as of the day we receive them.

Capital One | QUICKSILVER

Page 2 of 2

Quicksilver Credit Card | Visa Platinum ending in 6040
Jun 04, 2021 - Jul 03, 2021 | 30 days in Billing Cycle

Transactions

Visit capitalone.com to see detailed transactions.

KATIE VALDEZ #6040: Payments, Credits and Adjustments

KATIE VALDEZ #6040: Transactions

Trans Date	Post Date	Description	Amount
Jun 28	Jun 30	SEAWORLD PARKS&ENT SEA807 [illegible]	$44.94
KATIE VALDEZ #6040: Total Transactions			$44.94

Total Transactions for This Period	$44.94

Fees

Trans Date	Post Date	Description	Amount
Total Fees for This Period			$0.00

Interest Charged

Interest Charge on Purchases	$25.11
Interest Charge on Cash Advances	$0.00
Interest Charge on Other Balances	$0.00
Total Interest for This Period	$25.11

Totals Year-to-Date

Total Fees charged	$0.00
Total Interest charged	$180.55

Interest Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Interest Charged
Purchases	22.90% P	$1,333.96	$25.11
Cash Advances	22.90% P	$0.00	$0.00

Variable APRs. If you have a letter code displayed next to any of the above APRs, this means they are variable APRs. They may increase or decrease based on one of the following indices reported in The Wall Street Journal as described below.

Code next to your APR(s)	How do we calculate your APR(s)?	When your APR(s) will change
P	Prime Rate + margin	The first day of the Billing Cycles that end in Jan., April, July and Oct.
L	3 month LIBOR + margin	
D	Prime Rate + margin	The first day of each Billing Cycle
Y	1 month LIBOR + margin	

August 2021 Statement

AUGUST 2021

Pay using the Capital One mobile app

3 of 4 ice 1-800-227-4825

Changing your mailing address?

You can change your address by signing into your account online or by calling Customer Service

Any written request on the form will not be honored

1. Using the telephone number listed on the front of this statement and providing the required payment information,
4. Sending mail payments to the address on the front of the statement with the payment coupon or your account information

When will you Credit My Payment?

- For mobile, online or over the phone, as of the business day we receive it, as long as it is made by 8 p.m. ET
- For mail, as of the business day we receive it, as long as it is received by 5 p.m. local time at our processing center. You must send the bottom portion of the statement and your check to the payment address on the front of the statement. Please allow at least seven (7) business days for mail delivery. Mailed payments received by us at any other location or payments in any other form may not be credited as of the day we receive them

Capital One | QUICKSILVER

Quicksilver Credit Card | Visa Platinum ending in 6040

Jul 04, 2021 - Aug 03, 2021 | 31 days in Billing Cycle

Transactions

Visit capitalone.com to see detailed transactions.

KATIE VALDEZ #6040: Payments, Credits and Adjustments

KATIE VALDEZ #6040: Transactions

Jul 28	Jul 30	SEAWORLD PARKS&ENT SEAWO 545 5552[illegible]	$64.94
KATIE VALDEZ #6040: Total Transactions			$82.66

Total Transactions for This Period $82.66

Fees

Trans Date	Post Date	Description	Amount
Total Fees for This Period			$0.00

Interest Charged

Interest Charge on Purchases	$24.38
Interest Charge on Cash Advances	$0.00
Interest Charge on Other Balances	$0.00
Total Interest for This Period	$24.38

Totals Year-to-Date

Total Fees charged	$0.00
Total interest charged	$204.93

Interest Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Interest Charged
Purchases	22.90% P	$1,253.66	$24.38
Cash Advances	22.90% P	$0.00	$0.00

Variable APRs: If you have a letter code displayed next to any of the above APRs, this means they are variable APRs. They may increase or decrease based on one of the following indexes reported in The Wall Street Journal as described below.

Code next to your APR(s)	How do we calculate your APR(s)?	When your APR(s) will change
P	Prime Rate + margin	The first day of the Billing Cycles that end in Jan., April, July and Oct.
L	3 month LIBOR + margin	
D	Prime Rate + margin	The first day of each Billing Cycle
F	1 month LIBOR + margin	

September 2021 Statement

SEPTEMBER 2021

How can I Close My Account? You can contact Customer Service anytime to request that we close your account.

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ETC 09/01/2020

Pay online at capitalone.com

Pay using the Capital One mobile app

Customer Service 1-800-227-4825

How do I Make Payments? You may make your payment in several ways:

1. Online Banking by logging into your account.
2. Capital One Mobile Banking app for approved electronic devices.
3. Calling the telephone number listed on the front of this statement and providing the required payment information.
4. Sending mail payments to the address on the front of this statement with the payment coupon of your account information.

When will you Credit My Payment?

- For mobile, online or over the phone, as of the business day we receive it, as long as it is made by 8 p.m. ET.
- For mail, as of the business day we receive it, as long as it is received by 5 p.m. local time at our processing center. You must send the bottom portion of this statement and your check to the payment address on the front of this statement. Please allow at least seven (7) business days for mail delivery. Mailed payments received by us at any other location or payments in any other form may not be credited as of the day we receive them.

Changing your mailing address?

You can change your address by signing into your account online or by calling Customer Service.

Any written request on this form will not be honored.

Capital One | QUICKSILVER

Quicksilver Credit Card | Visa Platinum ending in 6040
Aug 04, 2021 - Sep 03, 2021 | 31 days in Billing Cycle

Transactions

Visit capitalone.com to see detailed transactions.

KATIE VALDEZ #6040: Payments, Credits and Adjustments

KATIE VALDEZ #6040: Transactions

Trans Date	Post Date	Description	Amount
Aug 28	Aug 30	SEAWORLD PARKS&ENT SEAWORLD 545 [illegible]	$44.94
KATIE VALDEZ #6040: Total Transactions			[illegible]
Total Transactions for This Period			$117.34

Fees

Trans Date	Post Date	Description	Amount
Total Fees for This Period			$0.00

Interest Charged

Interest Charge on Purchases	$24.93
Interest Charge on Cash Advances	$0.00
Interest Charge on Other Balances	$0.00
Total Interest for This Period	$24.93

Totals Year-to-Date

Total Fees charged	$0.00
Total interest charged	$229.86

Additional information on the next page

Quicksilver Credit Card | Visa Platinum ending in 6040

EXHIBIT 53

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUINTON BURNS, et al., :

Plaintiffs:

v. :

SEAWORLD PARKS & ENTERTAINMENT, INC.; :

and SEAWORLD PARKS & ENTERTAINMENT LLC,:

Defendant : NO. 22-cv-02941

- - -

Sunday, February 19, 2023

- - -

Videotaped deposition of KATIE VALDEZ, held in the offices of Duane Morris, 30 South 17th Street, 12th Floor, Philadelphia, Pennsylvania 19103, at 10:09 a.m., on the above date, before GIANNA IACONELLI, a Court Reporter and Notary Public of the Commonwealth of Pennsylvania.

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"This happened to us." So I went back into my phone history and I looked for videos and I found the video that I had.

Q. So -- all right. Excuse me. Now I'm doing what I told you not to do.

So the video you just made reference to was video of your trip to Sesame Place on December 29th, 2021?

A. That's correct.

Q. Okay. So you after you saw the discrimination with Rosita, looked at your phone history, what was the next step in terms of becoming a plaintiff in this lawsuit?

A. In terms of becoming a plaintiff?

Q. Yes.

A. So I did a little bit more research to find out what's happening. I don't watch the news. Just a very busy mom. I heard about it because it was a lot of -- there was a lot going on on YouTube or whatnot, so I did a little bit more research and then made a -- I did more research on that, in particular, and then I went online and I looked up the lawyers that are involved, and proceeded to send out an e-mail.

Q. And for the record, his name is Matthew Ledesma; is that correct?

A. Matthew Amias Ledesma, yes.

Q. Amias.

COURT REPORTER: Could we spell that?

BY MR. SIMPSON:

Q. Can you spell the middle name?

A. The middle name? A-M-I-A-S.

Q. And when the document filed, the complaint, the first amended complaint that was filed in this case, refers to M.L., that's Matthew Ledesma; is that correct?

A. That's correct.

Q. Now, during this trip to Sesame Place on December 29th, 2021, was your daughter also present?

A. Yes, she was.

Q. What is her name?

A. Reilly Elyse Ledesma.

Q. Is she a plaintiff in this case?

A. No, she's not.

MR. O'CONNELL: Objection.

BY MR. SIMPSON:

Q. Well, to your understanding, is she a plaintiff in this case?

A. No.

Q. Do you understand that -- well, you testified that you're a plaintiff in this case.

Do you understand that you're also a representative of your son in this case?

A. Yes.

Q. What do you understand your role as his representative is?

A. My role as his representative?

Q. Yes. What's your understanding as what your role as his representative is?

A. Well, he is -- I understand he is too young to defend himself or to account for what happened, so I'm the one -- I'm -- I saw it; I witnessed it. I'm the one that was enrage by it, so I'm here to testify to that. Because he's only -- well, he was only 3 at the time. So he can't really defend himself.

(Exhibit Valdez-2 marked for identification.)

BY MR. SIMPSON:

Q. Let me show you what we've marked as Valdez number 2, which, for the record, is the first amended -- the Amended Class Action Complaint filed

Q. When you did that, did you purchase it in person, over the Internet? How did that work?

A. On the website.

(Exhibit Valdez-3 marked for identification.)

BY MR. SIMPSON:

Q. Let me show you what we've marked for the record as Valdez number 3, which is a document that was produced in this case on your behalf, and is Bates labeled Valdez 0014 through Valdez 0019.

Do you recognize this document, Ms. Valdez?

A. Yes, I do.

Q. Is it true that this is the credit card statement of the card that you used to purchase the season pass?

A. Yes, it is.

Q. Now, this document that was produced goes to -- if you look through it, it appears to be March 2021 through August of 2021; is that correct, in terms of the charges?

A. Yes, that's correct.

Q. And when you purchased this season pass, what was the -- what were the terms of the plan in

terms of how many payments you had to make? Do you recall?

A. No. I don't recall. What I do know is that I would get charged on a monthly basis until the season pass was paid off.

Q. Do you know whether that period of time in which these charges were made was a year, 12 months, something other than that?

A. No. I don't think it was a year. I think it was less than a year.

Q. Do you know if there were charges made on your season pass after August of 2021?

A. No, no. I provided all of the charges.

Q. What's the status of your season pass today?

A. It's been terminated.

Q. When did that happen?

A. I can't recall exactly when.

Q. Was it terminated, or did you just not renew it?

A. I stopped paying.

Q. So the fact that it ended was due to your stopping payment; is that correct?

A. Yes. Mhm.

Q. At the time that you purchased the season pass with this credit card, that's evidenced by Exhibit 3, with the account ending in 6040, at that point in time, did anyone else have access to this credit card?

A. No.

Q. Did anyone else use it at the time that you bought this season pass?

A. No.

Q. When you were on the website buying the season pass, did the website require you to agree to anything?

A. Not that I recall.

Q. Was there any situation that you remember -- at the time when you were on the website that you had to check a box that said, "I agree," in order to advance to the next page?

A. I don't recall; I don't recall.

Q. Did you have a chance to review everything that was on the website at the time that you bought the ticket?

A. No, no. I just purchased the ticket.

Q. Do you recall reviewing any document or any terms and conditions for your purchase?

A. No.

Q. Did you print anything out off the website when you bought the season pass?

A. I printed out, I think it was the first page, where there was, like, a scan -- a bar that you scan at the park. It's, like, proof that you bought it. I brought that with me to my first visit.

Q. Other than that, do you remember printing anything else out?

A. No.

(Exhibit Valdez-4 marked for identification.)

MR. SIMPSON: I think I put the wrong sticker on that. Let me see.

MR. O'CONNELL: You're good. This is number 3.

MR. SIMPSON: Never mind. This is why you should do it.

COURT REPORTER: I can, if you want me to.

BY MR. SIMPSON:

Q. This is Valdez number 4.

Ms. Valdez, for this record, this is in the record of this case attached to the Brittany

Kinney (phn) affidavit as document 29-3.

I ask you to review it and tell me whether this is a copy of your season pass.

A. It looks like it. Yeah. It looks like what I brought to the park. Looks like it.

Q. So I take it you no longer have a copy of this document.

A. No, sir.

MR. O'CONNELL: Objection.

BY MR. SIMPSON:

Q. Well, do you have -- do you still have a copy of this document?

MR. O'CONNELL: Objection.

THE WITNESS: Do I still answer the question?

MR. O'CONNELL: I'm sorry. Yes. Go ahead and answer the question.

THE WITNESS: Okay. No.

BY MR. SIMPSON:

Q. Do you know at what point you ceased to have a copy of this document?

MR. O'CONNELL: Objection.

THE WITNESS: The day I went to the park on my first visit.

BY MR. SIMPSON:

Q. That's the date upon which you ceased to have a document, a copy of this document?

MR. O'CONNELL: Objection.

THE WITNESS: Of this page?

BY MR. SIMPSON:

Q. Yes.

A. Yes.

Q. How did you get into the park without a copy of this document?

MR. O'CONNELL: Objection.

THE WITNESS: Well, that's what I just answered on my last -- so I used this to get into the park.

BY MR. SIMPSON:

Q. So after your last trip to the park, you did away with this document?

MR. O'CONNELL: Objection.

THE WITNESS: That's not what I said.

BY MR. SIMPSON:

Q. Well, what did you say?

A. I said that on my first visit I used this as proof that I am a season pass holder.

Q. I see.

After that first visit, did you return to the park?

A. After my first visit?

Q. Yes.

A. Yes.

Q. And how did you get in on those visits?

A. I used my -- the app, the application, Sesame Place application.

Q. And that app has something like this document on your app?

A. It has the bar code. But the app doesn't work very well, so what I did was screenshot the bar code and put it in my notes on my phone so I had readily available to me. So when I come in, I could just pull it up on the Notes app and they can scan it to make my life easier.

(Exhibit Valdez-5 marked for identification.)

BY MR. SIMPSON:

Q. I'm going to show you what we've marked as Valdez Exhibit number 5.

Ms. Valdez, if you could, take a minute to look at this document. In particular, I would like to address your attention to pages 4/7 to

6/7.

A. Okay.

Q. Do you recognize that part of the document?

A. No. I've never read the terms and conditions.

Q. Just to be clear, do you have a recollection of ever seeing pages 4/7 to 6/7?

A. No.

Q. Now, Mrs. Valdez, with respect to the first amended complaint, if you could go, that's Exhibit number 2. If you could, look at page 13, paragraph 84.

A. Okay.

Q. It states, "By the terms of the contract between the Valdez family and Seaworld."

Do you see that?

A. Yes, sir.

Q. Do you have an understanding as to whether you had a contract of some kind with Seaworld?

A. Yes. Absolutely.

Q. What were the terms of that contract, to your understanding?

A. To my understanding?

Q. Yes.

A. That I would purchase a season pass and have access to the park as many times as I wanted to during the season and having a magical experience with my children.

Q. In terms of interaction with Sesame Street characters, did you have an understanding of -- let me ask it this way.

With respect to your interactions with the Sesame Place -- Sesame Street characters, did Seaworld promise you anything in that regard?

A. Promise me anything?

Q. Yes.

A. I would assume if I buy a season pass to one of the most amazing parks in the world and I take my children to this park that the promise is that my children will have an amazing experience, that they will be able to see their beloved characters interact with them at some point during the visit and everyone will go home really happy.

Q. Was it your understanding that you were entitled, as a customer of Sesame Place, for your children to have an interaction of some kind with every Sesame Street character?

A. Every?
Q. Yes.
A. I wouldn't say, "every." I would say that the characters that walk the park, in the parade, take pictures with the kids, yes. I absolutely feel entitled to that because I paid for that experience.
Q. And would you say that it's your testimony that you understood that every child who enters the park was entitled to be hugged by every Sesame Place character?
MR. O'CONNELL: Objection.
THE WITNESS: Hugged?
MR. O'CONNELL: Objection.
You can answer.
THE WITNESS: I can answer?
MR. O'CONNELL: Yes.
THE WITNESS: I wouldn't say hugged, but I would say some type of interaction, a high five, maybe a handshake, maybe a pat of the head, maybe a pat on the shoulder, some type of interaction with the child. I don't expect every character that we run into in the park, because you're not going to see all of them in the park, but I would expect them to, in some

way, acknowledge your child, if the child is there.

BY MR. SIMPSON:

Q. Is it your understanding that your children would have an entitlement to be touched by every Sesame Street character in the park?

A. Every?

Q. Yes.

A. I wouldn't say, "every." Again, I will reiterate. I believe with the characters we come across during our visit throughout the day, in which every part of the park we're in, yes, I would believe that every child is entitled to some type of acknowledgment by those characters. Yes.

Q. Well, would it be consistent with your understanding of acknowledgment for the acknowledgment not to involve touching of the child?

MR. O'CONNELL: Objection to form.

THE WITNESS: No, no. Because it doesn't take much for you to just simply touch the child. You got big, furry hands. Just the feel of a furry hand for a kid could mean the world to them.

BY MR. SIMPSON:

Q. So is it your testimony that the character would not be properly acknowledging the child, unless the character touched the child?

A. Repeat that one more time.

Q. All right. In terms of your understanding as to what you were entitled to as a customer, is it your testimony that a character would not be properly acknowledging the child, unless the character touched the child?

A. I would say so. If the character is in close proximity, absolutely. If the character is off, maybe I'm standing here and the character is by the gentleman over there, then no. But logically, if they're this close, absolutely.

Q. Okay. But in terms of the example you just gave with Mr. Smolij, who is 20 feet away, as the record doesn't show, but we're saying it, would that be -- acknowledgment from a distance be consistent with your understanding of the characters acknowledging the child?

MR. O'CONNELL: Objection to form.

You can answer.

THE WITNESS: Well, again, I -- I want to carefully answer this.

If a child is too far from a character to be interacted with, then logically, a wave, but if a child is so close to a character that they can actually reach out and touch the character, then my understanding that what I paid for, the experience I paid for, is for my child to be acknowledged by a touch, whatever that touch entails, a pat on the head, like I said before, on the hand, a hug.

BY MR. SIMPSON:

Q. Now, the understanding that you've just described in your testimony about what you were entitled to get as a customer of Sesame Place, where did you get that understanding from?

A. From -- okay. I would say I'm a reasonably intelligent woman. Just from common -- I wouldn't say common sense because common sense is not so common these days, but logically, and also, because I've seen it. I've seen it happen all of the time. I've been to the park many, many times. And I've seen the characters interact with the kids. All of the little white kids, you know. And unfortunately, my children have never. Never. Which is really heartbreaking because they love

these characters.

Q. Well, is it -- for example, were these interactions promised to you by the season pass which was marked as Exhibit number 4 to your deposition?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: Well, I would -- I would have to say that yes, because you're asking me to pay a ridiculous amount of money for a season pass. It's just a season pass. I'm coming all the way from New York. So there's gas, there's tolls, there's energy. There's -- I mean, it's just -- there's a lot coming out of the way just to bring my children and most of the time, alone. Because I'm -- like that day, I was there alone with my kids, expelling all of this energy to bring any children to this park so they could have this experience. Yes.

BY MR. SIMPSON:

Q. All right. My question is: Is there anything in the season pass document itself that promised you these interactions with the characters?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: Well, first of all, I didn't read all of this, all of this information. In my excitement, I purchased my tickets. I expected, and I believe I'm entitled to this experience because that is what is -- that's the face of it. My assumption would be that yes, this is what they're promising all of their customers. That's the only way I can answer that question.

BY MR. SIMPSON:

Q. I'm not arguing with you what your expectation was. I'm just trying to find out the basis on which you formed it.

How did you get this expectation? Did you get this expectation by reading something on the Seaworld or Sesame Place website?

A. The website promised an amazing experience for your children. They promised -- I mean, I didn't read into all of these little details, but from what I understood and what I saw when I went to purchase the tickets is that Sesame Place was promising that my child would have an amazing

We're back on the video record.

BY MR. SIMPSON:

Q. Ms. Valdez, directing your attention to December 29th, 2021.

A. Mhm.

Q. Which is, I understand from your complaint, the date in question in this case, is that correct?

A. Yes. Correct.

Q. In your own words, describe to me what took place that day at Sesame Place, Langhorne that you're suing about.

A. What took place that day that Sesame Place -- I didn't hear that part.

Q. What took place on that date that you are suing about?

A. Okay. So as I said earlier, I've been visiting the park for quite a few years now, and the park has only ever been open during the summer.

So now, it's open year round. And we were so excited to do Christmas. Christmas is our favorite time of year. So I took the kids over to Sesame Place. We got on the rides, had a good time, and then made it over to the parade on time. There

weren't a lot of people there. It was a cold night. So I was excited. I thinking, "You know, it's cold. There aren't a lot of people here. We're right up in the front. There's not a lot of interference. And the characters aren't in a rush to get back in their float to get back inside because they're under the heat of the sun." So I'm like, "This is it. They're going to have their opportunity to interact with the characters."

So we were up in the front -- rather, where they start the parade at. And the characters, they -- there was no luck, in a sense. The kids didn't have any luck. Fine. Abby Cadabby came out. She's the favorite. She's Matthew's favorite. She's Reilly's favorite. She's the favorite in the household. So I'm like, "Okay. Get them in the wagon." I get them in the wagon. I start rushing over down. I'm following her all the way to the end because I'm like, "Okay. She's going to stop at the end. She's going to get off the float. She's going to start dancing." And my kids are right up in the front. There's just no doubt in my mind that this time around they're going to get a hug or they're going to get some type of touch, some type of

interaction in that way.

So I see the little -- I see, you know -- she's dancing and whatnot. This older girl, older white girl, gets a hug. So Matthew starts, kind of, rushing his way over to where she's heading and there's a little boy in a stroller and another little boy standing next to him. They're these two little white boys. And she hugs the boy that was standing by the stroller. Then the boy that was on the stroller and passed over Matthew.

So what I did immediately is to just make light of it because I didn't want -- Matthew is very, very sensitive. So I know that he would have burst into tears if I would have made something of it. So I immediately just made light of it. "Oh, it's okay. For the next time," you know, just try to keep it the -- yeah. Try to keep it light.

Q. Okay. So as I understand it, is it your testimony that this incident of Abby, the character not hugging your child, is the reason you're suing Seaworld?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: It's the -- it's because

Matthew literally was right next to the little boy in the stroller, taller than the little boy in the stroller -- in the stroller, with his arms extended out, and she just passed right by him. And it just infuriated me because I had no doubt that he would have some type of magical experience. That's the way I like to put it. A magical experience for him because he absolutely adores her. And she just kept going. That's why I'm here.

BY MR. SIMPSON:

Q. And is it your view that that failure by Abby to hug your child, but Abby hugging the white child is discrimination?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: Yes. It absolutely is. Because -- there's -- all of the kids that got a hug were all little white kids. So if there is no discrimination, then why didn't you hug my son? He was right next to -- literally almost shoulder to shoulder and this close to the character. There's just no excuse for it. There were hardly anyone there -- there was

hardly anyone there.

BY MR. SIMPSON:

Q. And you, I think, testified earlier you were infuriated by this?

A. Yes. Yes, I was.

Q. Did you feel any other emotions, other than being infuriated?

A. I was heartbroken for them. I was heartbroke -- the first emotion was heartbreak, if I were to get a little bit more technical. I felt so bad for him because he's been wanting this bad. Again, we've been to Sesame Place so many times, and he never gets that acknowledgment. Neither does Reilly. So the first feeling was the hurt and then a washing over of anger.

Q. So it your testimony, Ms. Valdez, that your son, Matthew, has been to Sesame Place multiple times and has never had an interaction -- a positive interaction with a character?

A. Not on the parade, no, no.

Q. At any point in time in the entire visit, has he ever had a positive interaction with a character?

A. So they have this thing called a

don't remember exactly, but I know that she was in the backdrop.

Q. Now, this -- so we're clear on the record, at this point in time, you're talking about a visit other than December 29th, 2021, or you're talking about December 29th, 2021?

A. No. This is not December 29th, no.

Q. Was this before then, or was it after?

A. No. This was before. This was before. I can't remember exactly.

Q. But you don't recall a situation where Abby was posted at a certain point in the park --

A. No. I'm sorry.

Q. -- you stood in line with your child to get a picture with it.

You don't recall doing that at any point in time in any of your visits to Sesame Place?

A. No. I don't recall. No.

Q. At the time of the -- Abby's failure to interact with your son on December 29th, 2021, what did he say, if anything, to you about that?

A. What did he say?

Q. Yes. To you.

A. Well, he said, "I want" -- basically,

like, he wants to come back, he wants to try again, basically. Like, I don't know the exact words he used, but that's what he's asking for. He wants to come back, he wants to try again.

Q. How soon after the Abby failure to interact with him did he make this statement?

A. Right away. Like, I mean, he walked over to me. He was really sad. And then I turned off my camera, and that's when we -- you know, because I went in to give him a hug. I turned my camera off, put my phone away, gave him a hug. He said he wants to come back, wants to try again. He asked -- did he ask? What did he ask me? Well, yeah.

Q. So if I'm understanding the sequence you just testified to, you filmed the interaction -- the failure of Abby to interact; is that correct?

A. Yes.

Q. And then your son came over to you, you turned off your phone, and then had this discussion with him where he said he wanted to try again?

A. Yeah. I mean, it wasn't a long discussion. It was more, like, in the moment, yes, that he wants -- "I want" -- he was complaining, whining, "I want to see Abby; I want to hug Abby,"

something like that. And I was just trying to divert his attention to something else because I didn't want him to start crying or, you know, to, kind of, you know, stay there emotionally. Like I said, Matthew is very, very, very sensitive.

Q. But in this interaction you having with your son, was this while your camera was running or while it was off?

A. No. It was off. I turned it off, put away my phone to give him a hug, so.

Q. During this failure, I guess, to interact with Abby situation, who else was present with you, other than Matthew?

A. Reilly was there and my God daughter, Brielle Taylor.

Q. All right. And at the time of this interaction, how old was Reilly?

A. Reilly was two.

Q. Is it Brianna?

A. Brielle.

Q. Brielle.

And how old was Brielle?

A. She was nine.

Q. And Brielle is your God daughter; is that

right?

A. She's my God daughter, yes.

Q. Did the God daughter say anything to you about the failure of Abby to hug M.L.?

A. No. She didn't say anything. She was just over to the side holding Reilly's hand.

Q. Did Reilly say anything about not getting a hug from Abby?

A. So my 2 year old daughter is only now beginning to speak clearly, so.

Q. The answer is "no"?

A. No.

Q. Okay. Ms. Valdez, the situation that you've described with Abby not hugging your son, how has that affected you?

A. Okay. So I would say it's caused me emotional trauma because after that interaction, that's when it, kind of, became -- it was cemented in my mind that this was just never going to happen.

So whenever I did go back to the park, I always made sure that -- I know when the parade starts, and I know when it ends. There are two different -- there are two different times for the parade.

What I would do is I would make sure we were all the way on the other side of the park or just completely out of earshot what's going on. I didn't want the kids to, once again, want to go back.

Now, because my son is a little older, he understands. He would see that the parade is on, and say, "Oh, we missed it." I'm like, "Oh, it's okay. Always next time." Always trying to divert it, divert his attention to something else and make light of it. I don't want to tell my son, "We're not doing this again because mommy has given up. Like, we've done this so many times, and it's always the same result." He's too young. I'm not having that conversation with him.

So I'll just -- it -- I mean, at the end of the day, I purchased the season pass, so -- and the kids enjoy the park. You know, outside of that, you know, the rides are age appropriate, you know, and they have a good time with the water and -- you know, so I take them. I already paid this money. "Let's do this. Let's go back. Let's enjoy the park."

But yeah. It's really -- it's very

upsetting. I'm very upset. I'm very hurt. Yeah. It's caused -- it's caused quite some frustration and anger and, you know, just physical and emotional trauma, honestly.

Q. So I take it from what you just said that you returned to the park --

A. Yes.

Q. -- after December 29th, 2021, correct?

A. Yes.

Q. How many times?

A. I can't tell you that. I don't remember how many times exactly.

Q. But is it fair to say, based on your testimony, that each time you went back with your children, you deliberately avoided the parade so as not to have another disappointment like you had on December 29th?

A. That's correct.

Q. In any of those return trips did you make any effort to get any other kind of interaction with Abby, other than through the parade?

A. No.

Q. Returning to December 29th, after the Abby failure to hug situation --

MR. O'CONNELL: Objection.
BY MR. SIMPSON:
Q. -- what happened next?
MR. O'CONNELL: Objection.
You can answer.
THE WITNESS: What happened next?
BY MR. SIMPSON:
Q. Yeah. What did you do next?
A. I diverted them to something else, to do something else to get their minds off of it so Matthew won't cry. Again, Matthew is very, very emotional. He's very quick to break down crying, and it takes a while to, kind of, calm him down.
So what I did was I took him over to another ride or did something else to lift his spirit.
Q. And how much further -- how much time did you spend in the park after the Abby incident that we talked about before you went home?
A. Not much longer because the park was close to closing at that point. So we weren't there that much longer after that.
Q. Did you get in line -- or was there even an opportunity at that point after the Abby

situation we discussed to get in line and be photographed with another character?

A. No, sir.

Q. How has this experience that you've described on December 29th affected Matthew?

A. Well, he's not aware that he's been discriminated against. They still love the Sesame Street characters, and he still asks to return and see the characters or, you know, try, like, once again, to try again, but that's about it. I mean, you know, there's only so much you're going to get from a kid that -- you know, his age. He just turned 5, so.

Q. Well, is it fair to say that Abby's failure to hug him had no affect on him?

MR. O'CONNELL: Objection.

THE WITNESS: No. It did have an affect on him, immediately. Immediately it had -- it's evident in the video that he was very much hurt by it. Immediately had an affect on him. Like I had said, my son is very, very sensitive.

BY MR. SIMPSON:

Q. Now, has that effect lingered and

can't.

So it's evident that this is something that bothers him. He wants to go back. He wants to give her a hug. He wants to interact with Abby. Abby is his favorite.

BY MR. SIMPSON:

Q. Have you told him that he's not going to get that chance?

A. In that way? No. I'm not going to crush his dreams and, honestly, if Seaworld, or Sesame Place, were to change their behavior, I don't see why he wouldn't have that chance because I would go back. I love the park. Don't get me wrong. I love the park. I've gone there -- I've been visiting the park for many years now, and I would love for my son to have that opportunity, honestly. But there has to be some type of change.

Q. And in your view, what would that be?

A. Well, the park has to -- how do I -- better train or better screen their employees. You know, it's not something that -- I come from a very, very diverse background. Where I live is very diverse. We don't experience -- I mean, you know, I have -- they're two little kids. I'm usually

home -- either usually home or school or work or the park in the neighborhood. So we don't really experience discrimination like that because we are in a very diversed area.

So I feel that if Sesame Place would do what they need to do to ensure that they're -- especially little children, that they won't have these type of experiences, then I would gladly take them back and continue to pay the prices that they're asking for for the experience. Absolutely.

Q. Well, you indicated that you have been back since the 29th of December, but avoided the parade; is that correct?

A. Yes.

Q. So is it now your view you're not going back at all? Or you're still going to return, but just avoid the parade?

A. Well, that's a good question.

Q. That's why I asked it.

A. That's a good question.

Because I've ruminated this -- that whole thing -- I've just gone through that whole scenario in my mind so many times. Like, "Do I really want to go back?" You know, they have all of

these things coming up. I still get the e-mails from Sesame Place with all of the different activities they have going on.

I'm just -- I'm very -- I'm very torn. I don't know whether I want to continue to do that because my son notices it. I would say one of the last times that I was there, he noticed it. Prior to that, he didn't notice that we were missing it. But he noticed it the last time. And that's when I was like, "Oh, he's -- I can't -- this is not going over his head."

Q. Do you have any current plans to return to Sesame Place?

A. As of right now, no.

Q. Other than what you've described in terms of Abby not hugging your child on December 29th, 2021, did anything else happen that day while you were at Sesame Place that you regard as discrimination?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: Not that I could recall.

BY MR. SIMPSON:

Q. After the experience took place that

you've described on December 29th, did you discuss that with anyone?

A. Repeat the question.

Q. After the experience that you've described occurred, did you discuss it with anyone, other than your lawyers?

A. I did. With Brielle's mom.

Q. What did you tell her?

A. Well, I mean, she -- I had Brielle with me. I took her on the trip with me. It was just me. I was the only adult there with the three children. And her mom, she's my best friend. We got on the phone on the way back. Honestly, I don't recall if it was on the trip back or if it was when I got home. But I spoke to her mom at some point, and I told her what happened. Yes.

Q. What did you say?

A. What did who say?

Q. What did you say?

A. What did I say?

Q. Yes.

A. What I testified here from the beginning to the end of the line.

Q. What did Brielle's mom say?

A. Well, you know, Brielle's mom, she's a black Dominican. So she's experienced discrimination a lot growing up and in, you know, scenarios. She's just, kind of, chalking it up, like, you know, "This is just what it is." Just trying to make me feel better. She's like, "You know, and plus you're in Pennsylvania." You know, it's unfortunate that anyone would have -- would say something like that. It doesn't matter where you are in the world. You shouldn't experience any discrimination. She said, "Unfortunately, you know, in Pennsylvania, the folks out there, they could be pretty -- pretty racist," so.

Q. Did you discuss this Abby situation with anyone else?

A. Their dad.

Q. "Their" being?

A. Their father.

Q. Matthew's father?

A. Matthew's father, yes.

Q. And what's their father's name?

A. Elias Ledesma.

Q. What did you tell Elias Ledesma?

A. I just -- I mean, he asked how it went,

is that correct?

A. Yes.

Q. And the little girl in the black fur jacket is your daughter; is that right?

A. Yes.

Q. And the African-American girl with the parka and the mask is the God daughter; is that correct?

A. Yes.

Q. Is it your testimony, ma'am, that the Seaworld employee wearing the Abby costume saw your son and deliberately ignored him?

A. Yes, it is.

Q. And what do you base that on?

A. What do I base it on?

Q. Yes.

A. Well, I mean, if she saw the little boy that was on the stroller and she saw the little boy next to the stroller and -- I mean, it's evident that she can see my son.

Q. Other than the video itself, do you have any evidence that the employee actually saw your son and ignored him?

A. Other than the video?

Q. Yes.

A. Well, that's the moment that it happened, so.

Q. But I take it, you didn't have a discussion with the Abby employee after this interaction to get any information about why she did what she did?

A. We don't have access to the employees that are in the costumes. Once they get on their floats, they go to the back, and you don't see them again.

Q. You don't have any personal experience, do you, with the actual costumes that these employees wear?

A. No. I've put a head on once at a birthday party.

Q. A Sesame Place head?

A. No. A character head, so I know what it looks like on the inside.

Q. Okay. What character head was it?

A. I think it was Mickey Mouse.

Q. But you've had no -- other than that experience with Mickey Mouse, you had no experience with Sesame Street character heads, right?

A. Uh-uh.

Q. Do you regard Abby's failure to hug M.L. as based on the fact that he's Hispanic?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: It's based on the fact that he's not a white little boy. Whether she knew or not whether he was Hispanic or black or any other race, I don't think that -- the point is that he's not a white little boy. It's evident that he's not a white little boy.

BY MR. SIMPSON:

Q. And did you tell him that that was the reason that this didn't happen?

A. Tell who?

Q. Your son.

A. Absolutely not.

Q. I take it that he did not have any understanding that this failure to interact with Abby was based, potentially, on the fact he's Hispanic?

A. No. He does not have that understanding.

Q. Was your daughter trying to get a hug from Abby?

A. She was a little bit more shy. As you can

A. No.
Q. Total stranger?
A. Yes, she is.
So, again, we only go by what we see. So if Abby Cadabby saw, whoever was in that costume would also be making the same assumptions that everyone would make, just by looking at someone.
Q. But you're assuming Abby actually saw your son and refused to hug him; is that correct?
A. I'm sure that she saw him. It's her job to look down and see the little children. And my son was actually taller than the little boy on the stroller, who was standing up, who stood up on his stroller. He was actually taller. You could see that in the video. There's just no way that she missed him.
Q. So Matthew was taller than one of the children who actually received a hug?
A. Yes.
(Exhibit Valdez-11 marked for identification.)
BY MR. SIMPSON:
Q. Going to show you what we've marked as Valdez Exhibit number 11.

For the record, Ms. Valdez, I'll represent to you this is a sequence of still shots from the same video we just placed, Valdez video number 1, that I've numbered, for convenience, pages 001 through 005.

If you could, just take a minute to look at each one of these pages. I'm going to ask you a question about it.

A. Okay. Yes. Mhm. Okay.

Q. So this child who is shown here on Exhibit 11 with the green striped hat, do you see him?

A. Yes. Mhm.

Q. I don't know whether it's a him.

But this child, as you see here, is it your testimony that this person is white?

A. Yes.

Q. And this is one of the individuals who received a hug from Abby; is that correct?

A. Yes. He's the little boy that was standing next to the other little boy or girl that was in the stroller.

Q. And, again, other than the visual itself, you have no basis for the assertion that this person is a white person, correct?

A. That's correct.

VIDEOGRAPHER: Can you scoot this way?

THE WITNESS: Sure.

(Exhibit Valdez-12 marked for identification.)

BY MR. SIMPSON:

Q. I'll show you what we've marked as Valdez Exhibit number 12.

A. I can see her better here.

Q. Okay. So, again, I'll represent to you, ma'am, that this is a series of still shots from that same video, Valdez number 1, that we've played.

A. Yes.

Q. That I've numbered 1 -- 1 through 6.

A. You see her better here. You see her so much better. You see.

Q. Take a minute to look at this. I'll ask you a question.

A. Yep.

Q. Is it fair to say, Ms. Valdez, that these still shots demon- -- show the second child who was hugged by Abby Cadabby?

A. The second child?

Q. Yes.

A. With the green striped hat?
Q. All right. All right. With Exhibit 11, we focused on the child with the green striped hat.
A. Right.
Q. And then there was another child that got hugged, right?
A. Yes. In the stroller, yes.
Q. All right. Do these still shots show the second child being hugged, if you look at Abby and the person interacting with Abby?
A. Yes. On page 003, you see it here.
Q. All right. So on page 003, you see a person being hugged by Abby; is that correct?
A. That's the little -- boy or girl that was in the stroller, yes.
Q. All right. And is it your testimony that that person is white?
A. Yes, yes.
Q. And, again, do you have any other basis for that assertion, other than the appearance?
A. The appearance, yes.
Q. Okay. But anything else?
A. No.
Q. After this incident took place where Abby

submitted because that's the one that I had already shortened.

Q. All right. Can you tell from what we just played what the ethnicity of the child in the green hat is?

A. Yeah. It's a little white boy.

Q. So you would say he's white?

A. Yeah. He's a little white boy.

Q. I would like to play Valdez video number 4, which is on Exhibit number 9, and I'll ask you a few questions.

A. Mhm.

(Whereupon, video recording was played.)

BY MR. SIMPSON:

Q. Ms. Valdez, is Valdez video number 4 a video that you made?

A. Yes.

Q. And I take it from the sequence here, this video was made after the situation which Abby did not give M.L. a hug; is that correct?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: It looks like it. I don't

recall exactly.

BY MR. SIMPSON:

Q. And at several points on here, you appear to be laughing; is that correct?

A. Yes.

Q. That's your voice?

A. Yes.

Q. That's your voice pointing out the characters?

A. Yes.

Q. At this point in time, were you upset about the fact that Abby had not hugged --

A. Yeah.

Q. -- your child?

A. Absolutely.

Q. Were you outraged?

A. I was.

MR. SIMPSON: What I would like to do, Mr. Smolij, if you could, run this tape, again, from 3:15 up to about 3:55.

(Whereupon, video recording was played.)

MR. SIMPSON: Okay. That's good.

BY MR. SIMPSON:

Q. I don't know whether you noticed, but in

that sequence, there were several shots of that child in the green hat who had been hugged by Abby.

Did you see that?

A. Yes, I did.

(Exhibit Valdez-13 marked for identification.)

BY MR. SIMPSON:

Q. Mark this as Exhibit 13.

And, Ms. Valdez, I'll represent to you these were several still shots that were taken from Valdez video number 4 in that sequence in the video at 3:15 to about 3:55.

A. Yes.

Q. If you could, take a look at this.

A. Yes. Mhm. He's a cutie. Yep. That's him or her. Could be a little girl, too.

Q. Now, it's the case, is it not, Ms. Valdez, that this is the child that was hugged by Abby in the prior video, correct?

A. Yes.

Q. Is it your testimony that this child shown on Exhibit 13 is white?

A. Yes. He looks white to me.

Q. Are you ruling out the fact that this

child might be Hispanic?

A. Yes, I am.

Q. You would rule out the fact that this child might be Asian?

A. Yeah.

Q. Is the child a minority of any kind, in your opinion?

A. No.

Q. And based on what you're suing Seaworld, if it turned out this child in the green hat is, in fact, the member of a minority group, such as Asian, such as Hispanic, is the fact that Abby hugged him or her, but not your child, discrimination?

MR. O'CONNELL: Objection. She's a fact witness. You're asking hypotheticals.

BY MR. SIMPSON:

Q. You can answer.

MR. O'CONNELL: Objection.

THE WITNESS: So this child looks like a Caucasian child to and me. That's all I have to say about that.

BY MR. SIMPSON:

Q. All right. Assuming for the purposes of my question, that the child is Korean. Let's assume

that's true. We don't know one way or the other. Let's assume that it is.

Assuming the child is Korean, the fact that Abby hugged a Korean child, but not your child, would that be discrimination?

MR. O'CONNELL: Objection. You're asking hypotheticals of a fact witness, which is inappropriate.

BY MR. SIMPSON:

Q. Do you know?

MR. O'CONNELL: Same objection.

THE WITNESS: It's still discrimination because my child looks black. And the major issue is racism against children or people in general that are black.

So I don't really know how to answer that question, or I can't really give you what you're asking for because I really can't, hypothetically -- or rather, look at it the way you're looking at it or answer the question because, to me, this child looks like a little Caucasian baby.

BY MR. SIMPSON:

Q. Okay. Despite the fact Matthew did not

get a hug, it's true, is it not, that Abby, the character, did interact with you and your family during this parade?

A. No. Abby did not interact with us.

MR. SIMPSON: All right. I would like to play Valdez video number 5 on Exhibit 9. And run it beginning at approximately -- excuse me -- run it from -- well, run it up to 44, 44 seconds.

MR. SMOLIJ: 45?

MR. SIMPSON: Yeah. Beginning -- strike that.

Run it from the beginning to 1:01.

(Whereupon, video recording was played.)

BY MR. SIMPSON:

Q. So this is a video you made, ma'am; is that correct?

A. Yes, it is.

Q. This video was made in the sequence of time, this was at the beginning of the parade, correct?

A. Yes, it was.

Q. This was before the failure to hug your child occurred, correct?

A. Yes, it is.

Q. So in this situation, Abby threw both of your children kisses; is that correct?

A. I told them that she did, but no, she did not. She's just going like this to everyone in the the crowd.

Q. Notwithstanding what you said, the kisses weren't -- it's your testimony they weren't aimed at your child?

A. No. They were aimed at the crowd.

Q. All right. Did your children, in fact, throw kisses back?

A. Did they?

Q. Well, I'm asking you.

Did they?

A. I don't remember if they did. They probably did, if I told them to.

Q. Did you throw kisses back to Abby?

A. No, no. I don't recall throwing kisses back to Abby. It's not something that I would do.

MR. SIMPSON: I want to turn to Valdez video number 6 on Exhibit 9. And I want to return this from 1:09 to 2:14.

BY MR. SIMPSON:

outraged!"

A. Yes.

Q. So you were outraged at the time you made this post; is that correct?

A. Yes.

Q. And I take it, were you outraged on December 29th --

A. I was; I was.

Q. -- 2021?

Again, you need let me finish the question.

A. Oh, I'm sorry. Yes.

Q. So you were outraged on 12/29/21; that is right?

A. Mhm.

(Exhibit Valdez-16 marked for identification.)

BY MR. SIMPSON:

Q. Showing you what we've marked as Valdez 16. I'll represent to you, Ms. Valdez, this is a screenshot of the first page of the landing page of Katie Valdez Facebook.

A. Facebook, yeah.

Q. And then the second page is a post on that

Facebook account dated January 11th, 2022.

A. Mhm.

Q. Do you recognize this is a Facebook account and a Facebook post that you made?

A. Yes.

Q. The Facebook post of January 11th on page 2 makes reference to an experience you had with Reilly on the Grover Trail at Sesame Place.

A. Mhm.

Q. And I think what you meant to say was, "This past December;" is that correct?

A. Yes.

Q. In other words, P-A-S-T.

P-A-S-S-E-D is a typo?

A. Oh, yes, yes.

Q. All right. So when you make reference to "this past December," what trip does that have a reference to?

A. I'm not sure, because I went to Sesame Place in December. I believe I went twice. I went more than once that December. The last trip I made to the -- I made to Sesame Place that year was the 29th. So prior to that in that December, I did go. I believe it was with their dad. We had a family

trip.

Q. Okay. All right. Do you know whether this Facebook post is referring to the first or second December trip?

A. I'm not a hundred percent sure, but this was in one of the rides. And like I had said before, my kids -- we really love the park. We enjoy the rides. Everything is, you know, for the kids, catered to them, to toddlers.

Q. When you make reference in this post to -- at the top there, "Katie Valdez is feeling excited in Sesame Place."

A. Mhm.

Q. Is that a characterization of your state of mind or Reilly's state of mind?

A. Both of us. We were both excited on the Grover Trail.

Q. And this was after the incident with Abby on the 29th of -- December 29, 2021; is that correct?

MR. O'CONNELL: Objection.

THE WITNESS: No. That's not correct. I -- we did not ride the Grover Trail after the parade. We did not ride the Grover Trail

afterwards. So if this took place on the 29th, this was before the parade.

BY MR. SIMPSON:

Q. Right.

A. Definitely.

Q. But just for clarity, this statement, "Katie Valdez is feeling excited at Sesame Place" --

A. Mhm.

Q. -- was made by you --

A. Yes.

Q. -- on January 11th, 2022; is that correct?

A. Yes. That's correct.

Q. Were you still outraged by the treatment of December 29th, 2021 when you made this post?

A. I had not yet had the experience yet when I took this video. This video was prior to the parade. We did not get on the Grover Trail after the parade, so no.

Q. I got you on that one.

But in terms of the time you made the Facebook post on January 11th, 2022, were you outraged?

A. Of course I was still upset about it, but again, I was upset and I was avoiding the parade.

That does not eliminate the fact that I enjoyed my time with my kids there, as far as the rides, as far as their joy in everything else in the park. The park is -- you know, everything in the park is something that we enjoy together. I mean, especially this here. This was hilarious. This was funny.

Q. The Grover Trail?

A. No. Her response.

Q. Her response?

A. Yes. In this particular video was really funny.

Q. So if I could turn your attention back to Exhibit 6, which are your interrogatory answers.

A. Mhm.

Q. And direct you back to your answer of interrogatory number 1 on page 2.

A. Mhm.

Q. Basically number 1 asks you to provide certain information for each visit that you made.

Number 1A was the date of the visit. So you listed here in the answer to number 1 in subpart A a number of visits with a number of dates.

A. Mhm.

Q. So it appears that looking at this list of dates, you went back to the park on April 11th, 2022; is that correct?

A. Yes. That's correct.

Q. And at that point in time, are you still outraged by the Abby failure to hug your child?

A. I would say I -- I was still very much upset, very much outraged, very much, in a sense, feeling the emotional trauma behind it, which is why I avoided the parade all together. However, I continue to take my kids back because we enjoy the rest of the park. The park is amazing. For the little toddlers, they -- I mean, the kids, they love the characters. And I'm not going to sit there and have a conversation with a 2 and 3 and 4 year old about discrimination.

Q. And this return trip on April 11th, 2022 --

A. Yes.

Q. -- did any Sesame character ignore or refuse to interact with either of your children?

A. We didn't -- we weren't at the parade. So we don't go to the parade. If they saw any characters, because I can't be specific, I don't

remember specific details, but if they saw any characters, it's probably from afar, and that's all I can answer to that.

Q. It indicates here on the answer to interrogatory number 1A, you returned to the park on June 25th, 2022; is that correct?

A. That's correct.

Q. Were you outraged still at that point in time?

A. Yes. I was still very much upset about it.

Q. In that particular visit, did any Sesame characters ignore or fail to interact with either of your children?

A. We didn't go to the parade.

Q. So the answer is "no"?

A. The answer is no because we didn't go to the parade. I didn't stop --

Q. Did you --

A. I'm sorry to interrupt you.

We didn't stop at any spots where the characters may be at. We were just enjoying the park, the water rides, the Grover Trail is a favorite, and all of the other amusement activities

that they have there, so.

Q. You don't need to apologize for interrupting me, if I've interrupted you. So I'm not supposed to do that.

A. I'm just trying to be polite.

Q. That's all right. You're doing great.

It appears you went back on August 9th, 2022; is that correct?

A. Yes.

Q. Were you still outraged at that point?

A. Yes. I was very much still upset, yes.

Q. In this August 9th trip, did any Sesame character fail to interact with your children?

A. Same answer for the previous question. We just don't -- I don't -- I don't bother with the characters anymore. I just take the kids, you know, to the rides, and to the water activities that they have in the park.

Q. And it appears that the last trip you made to the park was on August 25th, 2022; is that correct?

A. That's correct.

Q. And that is after you made the post on YouTube of your video; is that true?

A. That's correct.

Q. Were you still outraged at the treatment at this point?

A. Yes, I was.

Q. On this trip on August 25th, did any Sesame character ignore or refuse to interact with either of your children?

A. It's the same answer as before. We don't approach the characters. We don't engage in the parade. We stay away from anything that has to do -- I'm very protective of my kids, so I try to just -- I try to just avoid anything that may hurt them, so yeah. We just, you know, continue to do all of the fun stuff they like to do in the park. We were there with other family members, so we were just really enjoying each other's company, so.

Q. With respect to the August -- let's put it this way.

With respect to the August 25th visit, at that point in time, August 25th, 2022, had you already become a client of Murphy Falcon?

A. Yes. By then, yes. Mhm.

Q. Were you a client of Murphy Falcon as of August 9th, 2022?

economic loss that you're claiming in this case?

A. Economic loss? No.

Q. If you could, turn to page 5.

A. Okay.

Q. Interrogatory number 5, the first sentence states, quote, "Plaintiffs experienced racial trauma as a result of defendant's discriminatory practices," closed quotes.

A. Mhm.

Q. What do you mean by use of the terms, "racial trauma"?

A. Well, it's a mental and a physical trauma, an overwhelming feeling -- an overwhelming fear for my children to experience or to become aware of a world like that. That's something -- that's a very serious thing for me, you know, which is why I put on the -- I put on the good act for them. I keep smiling. I keep laughing. I keep making light. You know, I put in so much effort to protect them from something like that.

I mean, children, they don't see color; they don't see race. You know, they just create these relationships and, you know, these bonds, and I want them to always -- I don't want

their innocence to be robbed, in a sense. I don't want them to be robbed of their innocence of -- I mean, I don't want them to be naive either, but at the same time, it's like, this shouldn't be an issue, especially in a park that's geared towards inclusivity and children, young children. Yeah. It's a real serious thing for me.

Again, I put on a good face. I did that to protect them. I'm very expressive with my face. I don't know if anyone has noticed that here, but I'm very expressive. The last thing -- I, kind of, put myself in the zone, and I make sure that my children never see an inkling in my face of any kind of -- that they would pick up I'm upset in any kind of way. Especially in a park where they're supposed to be having the time of their lives. Yeah. It's a real -- it's very upsetting. It's very, very much upsetting for me.

Q. You made mention of the fact that this has had a physical effect on you.

Can you describe that for me?

A. It makes my stomach turn. It makes me feel that -- you know cool, hot, cool feeling you get when you're really upset about something? The

knot in your throat, the knot in your stomach. You know, a fear. My heart palpitates.

You know, so -- because I'm just that -- I come from a very traumatic background, so I don't want -- so the thought of my kids having to experience any trauma is just -- it's a very serious thing for me. I don't show it. I see the videos, and I get it. I sound so happy and so excited. I get it. But I have to do that. I have to get into mommy mode. They're little ones. They should not, at any point, feel that they're not included in an experience like this, Sesame Place, or Sesame Street, as they say it.

Q. I hesitate to ask you, but you made reference to the fact that you come from a traumatic background.

What do you mean by that?

A. There's mental illness in my mother's side of the family. My mother suffered from mental illness from a very young age, so I have experienced a lot of trauma behind that. So that's what I mean by traumatic. I know what it is to be a child and not understand what's going on and why you're being treated a certain way or why things are happening,

Q. That happened there as well?

A. Well, that they want to interact? Yes. I mean, you know the little ones, they run into the parade. Which is why in that video, I reminded Reilly, "Reilly, you can't do that. The characters -- we have to stand behind a certain line." So yes, they have tried.

Q. Do you think you have videos of those interactions?

A. No. I don't really -- I don't really take my phone out so much in the summertime because we're dealing with so much water. You know, there's just so much that you're carrying with you in the summer, either water, snacks, you know, there's too much -- towels. I don't really have my phone out so much, so.

Q. Is it fair to say with respect to these other interactions you just mentioned, you didn't complain about any of them to Seaworld; is that correct?

A. No. I never made a complaint, no.

Q. The answer -- getting back to the racial trauma, answer number 5 on page 5. It says, "Plaintiffs experience racial trauma," and

plaintiffs here could include your son M.L.

Has M.L. suffered racial trauma?

A. He doesn't know it, but, yes. Yes.

Q. If he doesn't know it, how has he suffered -- how could he have suffered it?

A. Well, by his behavior and the things that he says. I mean, he's a baby. Well, he's older now. At the time, he was a baby. A baby can't really -- you can't expect a child that age to eloquently express.

Q. What has he said to you, though, about it?

A. "I want Abby. I want to do it again. I want to come back. I want to go to Sesame Place." Just the other day he was asking me. He was like, "Ma, I want to go to Sesame Place." It's one of their favorite parks. And they want to meet -- they want to have the opportunity with their Abby.

Q. You could get the amended complaint again, which is Exhibit 2. Turn your attention to paragraph --

MR. O'CONNELL: Doing okay?

THE WITNESS: Yeah.

MR. O'CONNELL: Okay.

BY MR. SIMPSON:

Q. -- paragraph 111 on page 18. This is a paragraph entitled, "Typicality."

And about halfway down in that paragraph, there's a sentence that begins, "Plaintiffs, like all class members, have been damaged by Seaworld's misconduct, in that they have incurred damages to their enumerated civil rights, have and/or will incur economic damages, and/or have or will incur non-economic damages, including but not limited to."

All right. So I want to go through each one of these, and ask you, Ms. Valdez, first of all, have you suffered humiliation as a result of the acts in question in this case?

A. It's humiliating. It's humiliating to feel you're the second class. We all pay the same amount to get into these parks. And then to feel as if you're second class because of your background is humiliating. That truly --

Q. I'm sorry.

A. I'm sorry.

Q. Have you have you ever had embarrassment?

A. Yes.

Q. Have you suffered mental anguish?

A. Yes.
Q. Have you suffered psychological stress?
A. Yes.
Q. Have you suffered depression?
A. Yes.
Q. Have you suffered anxiety?
A. Yes.
Q. Have you suffered loss of self-respect?
A. Loss of self-respect? I guess you could say yes. I would -- yeah.
Q. Have you suffered post-traumatic stress?
A. Yes.
Q. To you, what does post-traumatic stress mean?
A. Well, I would say it's the stress of -- the fact that I am torn. The children want to go back. They want to experience this again, and because of the -- it brings on a lot of stress and anxiety for me because I want to -- I want to be able to take them and -- but at the same time, I don't want them to be exposed to that type of treatment again. So that's why I say, yes, there is post-traumatic, you know, stress.
Q. Have you suffered damage to your physical

health?

A. To my physical health?

Q. Yes.

A. Yeah. I would say so. My stomach turning, all of those elements, they cause physical stress.

Q. I take it that in connection with at least your claim, there's been no loss of life; is that true?

A. That's true.

Q. And have you lost any professional opportunities as a result of this?

A. No.

Q. Based on what you've observed, has M.L. suffered from any of the symptoms we've just been over?

A. I would say it's stressful for him. He gets a little -- he gets frustrated with me because he wants me to say, "Yes. We're going to go" and give him a date, as I used to do. "Oh, yeah. We're going. We're going on such and such -- such and such date with such and such people." So yeah, he's been pretty frustrated with me.

Q. That's because you don't want to expose

him --

A. Right.

Q. -- again, going to the parade and not getting interaction, correct?

A. Right. I don't want him to be treated that way. I don't want him, nor Reilly. Especially now that Reilly, she's becoming aware, she talking more. She's such a lively little girl. I don't want her to ever question or be upset over something like that.

Q. With respect to the various symptoms that we've covered in your testimony, have you sought any medical treatment for any of those things?

A. No.

Q. Have you sought any professional psychiatric treatment for any of those things?

A. No.

Q. Any professional psychological treatment?

A. No.

Q. Any professional counseling at all?

A. No.

Q. Have you sought any such treatment for your son?

A. No. I don't -- I've never even -- I

C E R T I F I C A T I O N

I, Gianna Iaconelli, Court Reporter and Notary Public, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first sworn by me at the time, place and on the date herein before set forth.

I further certify that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Gianna Iaconelli

Gianna Iaconelli
Court Reporter
and Notary Public

EXHIBIT 54

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUINTON BURNS, et al., :
Plaintiffs:
v. :
SEAWORLD PARKS & ENTERTAINMENT, INC.; :
and SEAWORLD PARKS & ENTERTAINMENT LLC,:
Defendant : NO. 22-cv-02941

- - -

Monday, February 20, 2023

- - -

Videotaped deposition of ASHLEE VALETTE, held in the offices of Duane Morris, 30 South 17th Street, 12th Floor, Philadelphia, Pennsylvania 19103, at 10:03 a.m., on the above date, before GIANNA IACONELLI, a Court Reporter and Notary Public of the Commonwealth of Pennsylvania.

MAGNA LEGAL SERVICES
866-624-6221
www.MagnaLS.com

- - -

ASHLEE VALETTE, after having been first duly sworn, was examined and testified as follows:

- - -

EXAMINATION

- - -

BY MR. SIMPSON:

Q. Good morning, Ms. Valette.

A. Good morning.

Q. Would you please state your full name for the record?

A. Ashlee Marie Valette.

Q. And your current address?

A. 80 New York Avenue, West Hampton, New York 13552.

Q. Ms. Valette, have you ever had your deposition taken before?

A. Yes.

Q. So you're generally familiar with how the process works?

A. Yes.

Q. So just to cover a few basic rules for today's deposition.

As you can see, we have a videographer and we have a court reporter, who is taking down your testimony in a transcript. It will be bound up in a booklet with the narrative on paper and the video. But it would be helpful to everybody, the videographer, the court reporter, if we don't talk at the same time. So -- and I know we get excited, we get emotional about things, you get nervous, whatever it is. I'll try not to talk over you. Please don't talk over me. So wait until I finish the question before you try to answer it, and I'll do my best to wait until your answer is complete before I ask the next question.

Do we have that understanding?

A. Yes.

Q. At some point in the deposition, Mr. Richardson may make an objection. Lawyers make objections for the record. But unless he instructs you not to answer a question, the way we work this is he objects and you answer the question subject to the objection.

Do you understand that?

A. Yes.

Q. If you want to take a break at any time,

this isn't an endurance contest. Just let me know. We'll take it whenever you want to. I just ask that we not take a break in the middle of a question and answer. If I ask a question and you want to take a break, I prefer you answer the question first and then we'll take the break.

Is that okay?

A. Yes.

Q. Is there any reason today that would interfere with your ability to testify under oath?

A. No.

Q. You're not on any medication that would affect your ability to testify?

A. No.

Q. You understand that you're under oath; is that correct?

A. Yes.

Q. That means that the testimony is being taken in accordance with the penalties of perjury.

Do you understand that?

A. Yes.

(Exhibit Valette-1 marked for identification.)

BY MR. SIMPSON:

Q. All right. I'm going to show you what we've marked for the record as Valette Exhibit number 1.

MR. SIMPSON: Sorry.

MR. RICHARDSON: That's all right.

MR. SIMPSON: That's your copy.

BY MR. SIMPSON:

Q. For the record, Ms. Valette, this is a copy of the First Amended Notice of Videotaped Deposition of Ashlee Valette. Now, I apologize for the typo in your name.

A. It's okay.

Q. Do you recognize this document?

A. Yes.

Q. Is this the document pursuant to which you are appearing today?

A. Yes.

Q. Ms. Valette, could you tell me what you did to prepare for today's deposition?

A. I'm not sure what you mean by that.

Q. Well, we're here today.

Did you do anything to get ready to come here today?

MR. RICHARDSON: Objection. Vague.

MAGNA LEGAL SERVICES

I want Mr. Smolij to play video Valette video number 3.

(Whereupon, video recording was played.)

BY MR. SIMPSON:

Q. Have you seen that before?

A. Yes.

Q. Do you remember when you first saw that?

A. Sometime last summer. Definitely after my visit.

Q. Okay. And that video shows a character at Sesame Place, Rosita, not interacting with two black girls, correct?

A. Yes.

Q. Is that part of the news reporting that you made reference to before?

A. Yes.

Q. Okay. Do you think you saw that video before or after you contacted Murphy Falcon?

A. Before.

Q. Now, Ms. Valette, your child is also a party to this case; is that correct?

A. Yes.

Q. And it's my understanding that her name is Dakota Valette; is that true?

A. Yes.

Q. All right. So what we'll do this in this deposition, because she's a minor, I'll try to refer to her initials as D.V. So we understand when I say, "D.V." it's referring to Dakota.

Okay?

A. Yes.

Q. Okay. Is the she your only daughter?

A. No.

Q. So you have another daughter?

A. I'm sorry. Yes. She's my only daughter.

Q. Okay. So I might refer to her as your daughter.

So we all understand, you have one daughter, and it's Dakota.

A. Okay.

Q. We understand that?

A. Yes.

Q. It could be every once in a while I'll actually use her name or you will use her name, and I think when we're done with the deposition, we'll make sure that initials ultimately are in the one that becomes public, if it ever does, because it can be used in trial in this case.

A. Thank you.

Q. That's how we're going to proceed.

Is that okay?

A. Yes.

Q. All right. Do you understand that D.V. is also a plaintiff in this lawsuit?

A. Yes.

Q. And do you have an understanding that you represent her?

A. Yes.

Q. What is your understanding about your representation of her?

MR. RICHARDSON: Objection.

THE WITNESS: She's too young to represent herself. She can't speak about what happened or how she's been affected, so I'm doing that for her.

(Exhibit Valette-3 marked for identification.)

BY MR. SIMPSON:

Q. Okay. I'm going to show you what we've marked as Valette deposition Exhibit number 3. Take a minute to look at that document.

Have you seen this before?

A. Yes.

Q. Do you recall whether you reviewed it before it was filed with the Court?

A. I don't recall. I don't remember.

Q. Let me direct your attention to paragraphs 19 through 21, which appear on page 5. And you'll see this makes statements about Ashlee Valette, as well as Ashlee Valette's child.

Do you see those?

A. Yes.

Q. Do you recall whether you reviewed these statements for accuracy before this document was filed?

A. I don't recall. And my name is misspelled, so probably not.

Q. And also, if you could, look at paragraphs 90 through 98, which starts on page 14. Take a minute to scan those paragraphs.

Do you recall whether you read paragraphs 90 to 98 when this document was filed by the Court?

A. No. I don't think I read them before it was filed, no.

Q. If you could, go back to the same exhibit,

BY MR. SIMPSON:
Q. Let me show you what we've marked as Valette number 4.
I'll state for the record these are Plaintiffs' Answers to Interrogatories -- excuse me -- Answers to Defendants' First Set of Interrogatories by Ashlee Valette.
Do you recognize this document?
A. Yes.
Q. If you could, turn to the last page. It appears to be a DocuSign signature, Ashlee Valette.
Do you recognize it as a signature you put on this document?
A. Yes.
Q. All right. It states here that you are solemnly affirming these answers under penalties of perjury.
Do you see that?
A. Yes.
Q. Do you understand that these interrogatories are made under the same oath you took here today?
A. Yes.
Q. If we could look at the answer to

interrogatory number 1 on page 2, it states that you visited the park on June 20th, 2022.
Could you tell me the process you went through to buy the tickets for that visit?
A. On the 20th, I didn't buy the tickets.
Q. So how did you get into the park?
A. Sunny Day tickets.
Q. Did you have to purchase the Sunny Day tickets?
A. No.
Q. Was this something you won as a prize, given to you as a gift?
A. No. From a previous visit the year before, the one that's listed in 2021, it rained during our visit, and if it rained for more than an hour during your visit, you could ask for those at customer service to come back another day.
Q. Okay. So describe for me how you purchased the tickets for the visit on June 22nd, 2021.
A. Through the Sesame Place website.
Q. All right. Did you pay for -- how did you pay for it?
A. Credit card.

Q. Do you have the credit card statement for that purchase?
A. I can access it.
Q. Is it -- we were produced --
(A brief interruption.)
MR. SIMPSON: Going to have to just decline this.
BY MR. SIMPSON:
Q. Let me show you a document that we're going to mark as Exhibit number 5.
(Exhibit Valette-5 marked for identification.)
BY MR. SIMPSON:
Q. And these are credit card -- appears to be a credit card statement from Discover that's Bates labeled Valette 0007 through 0016, which was, I think, produced to us yesterday.
Do you recognize this as your credit card statement?
A. Yes.
Q. This one appears to be for the 2022 timeframe.
A. Yes.
Q. Do you have a statement like this for the

purchase that was made in 2021?
A. I'm sure. As long as Discover retains them that long, I would be able to access it.
Q. Was the 2021 purchase made with the same credit card?
A. Yes.
Q. Is was made with the card ending in 9611?
A. Yes.
Q. That's your credit card?
A. It's shared with me and my husband.
Q. And your husband's name is?
A. Jose Valette.
Q. But you were the one who actually, physically purchased the ticket in June of 2021?
A. Yes.
Q. You went to the park, it rained, and they gave you free passes for a future visit.
Is that how this worked?
A. Yeah. We had to ask for them, but yes.
Q. Okay. You could put that exhibit to one side.
(Exhibit Valette-6 marked for identification.)
BY MR. SIMPSON:

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Q. Showing you what we've marked as Valette Exhibit number 6. As you to review this document. This is a document that was produced in this case as Valette 0006.

Do you recognize this?

A. Yes.

Q. What is this document?

A. These are the Sunny Day tickets that we used for the 6/20/22 visit.

Q. If you could, go back to the answers to interrogatories, which is number 4. On page 2, if you could, look at subpart C to answer number 1, it says, "Plaintiff purchased the tickets for 7/14/19 and 6/22/21 in advanced through the Sesame Street website phone app; however, the app does not provide the date of purchase."

So your access of the website was through your phone app?

A. I have the app, and I use the website.

Q. But when you bought the tickets on June 22nd, 2021, did you use the website or the phone app?

A. I don't recall exactly which one.

MR. SIMPSON: I think I need -- we need to

take a break to figure out -- I think this might be the lawyer that's trying to get in.

Let's go off the record.

MR. RICHARDSON: Oh, okay. Let's take a short break.

VIDEOGRAPHER: The time is 10:30 a.m. We are going off the record.

(Discussion held off the record.)

VIDEOGRAPHER: The time is 10:32 a.m. We're back on the video record.

BY MR. SIMPSON:

Q. Ms. Valette, if you could, get Exhibit 3, the first amended complaint. I want to direct your attention to paragraph 93 on page 15.

Now, a statement is made here with respect to your visit to the park on June 20th, 2022. In paragraph 93, it makes reference to the terms of the contract between the Valettes and Seaworld.

Do you see that?

A. Yes.

Q. Do you have an understanding of what your contract with Seaworld was with respect to the trip on June 20th, 2022?

MR. RICHARDSON: Objection.

THE WITNESS: Yeah. A little bit.

BY MR. SIMPSON:

Q. What is your understanding?

A. That we gave up the Sunny Day tickets that we had, and we were entitled to go into the park and experience everything that was there.

Q. Did you have any expectation on the trip as to whether you would have interactions with Sesame Street characters?

A. Not necessarily.

Q. So would it be fair to say that you didn't necessarily go to the park expecting that your child would get a hug from every Sesame Street character?

A. Yeah.

Q. Or that your child would get a high five from every Sesame Street character?

A. Yes.

Q. Okay. Is there any promise that Seaworld made to you in connection with this contract that you don't think they kept?

A. Well, that they -- where it says, "On the basis of race interact with customers, including the Valettes." So the fact that they didn't do

something because of race. I think that part of the contract was broken.

Q. Okay. What was it that they didn't do because of race?

A. Interact with my kid.

Q. Did it happen more than one time or just once?

A. More than once during that parade.

Q. All right. We'll get to that in a minute.

The understanding that you had about what Seaworld was supposed to do, where did you get that understanding from?

A. Just buying tickets. I guess just general life. When you buy something, you're entitled to use it. Use everything. Not really -- nothing really specifically --

Q. You indicated, I think, unless I misheard you, that Seaworld did not interact with your child on racial grounds, and that was a promise that Seaworld didn't keep; is that correct?

A. Well, I was referring more to the paragraph that you pointed out.

Q. All right. Well, let's -- maybe I'm confused here.

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So did Seaworld promise you anything with respect to character interaction that Seaworld did not provide?
A. No.
Q. All right. So let's focus on June 20th, 2022, your trip to Sesame Place, Langhorne, Pennsylvania.
Who went with you on the trip?
A. My husband, my two kids, my grandmother, my sister, her boyfriend, and my two sister-in-laws.
(Exhibit Valette-7 marked for identification.)
BY MR. SIMPSON:
Q. Showing you what we've marked as Valette Exhibit number 7. This is a photograph that was produced in this case as Valette Bates label 0002.
Do you recognize this document?
A. Yes.
Q. Is this a photograph of the group of people that you went to Sesame Place, Langhorne, on June 20th, 2022?
A. Yes. Except for my husband who took the photo.
Q. So Mr. Jose Valette was there, but he took

the picture?
A. Yes.
Q. Starting with the individuals in the back row, could you identify them left to right?
A. That's me sitting on the stroller. To my left is my sister-in-law, Victoria Valette. To her left is her sister, Sophia Valette. At the far left is my grandmother, Maria Laguna. In the front of my grandmother is Ryder, my son. Next to Ryder with her head down is Dakota. Next to Dakota is Michael Nesterwitz, my sister's boyfriend, now husband. And in front of me is my sister, Angelise Aceveda.
Q. All right. I guess -- you were going right to left and I was going left to right.
Just --
A. Sorry. I went in a circle.
Q. I missed the two children. Identify the two children.
A. Sure. Right next to the gentleman with the tattoos --
Q. Yes.
A. -- is Dakota Valette. She has her head down. And then right next to her is my son, Ryder Valette.

Q. So, Ms. Valette, in your own words, tell me what happened on this day of the week at Sesame Place that you're suing Seaworld about.
A. We waited. We got to the parade spot early, like, 2:00 p.m. to try to get a good spot up front. Parked there for an hour. Hyping the kids up that the parade was coming. They were going to see their favorite characters. And when the characters started coming and Grover was coming right in the direction of my kids, my daughter was jumping up and down, so excited, and Grover ignored her and hugged two white kids right next to her.
Q. What is D.V.'s favorite character, if she has one?
A. Oscar.
Q. And your son, does he have a favorite character?
A. Elmo.
Q. At the time of this interaction -- well, at the time of this event that you just described occurred, how old was D.V.?
A. Just turned 4.
Q. And how old was your son?
A. Just turned 2.

Q. Is it your testimony that Grover ignored both your daughter and your son?
A. Yes.
Q. Is your son's situation something you're suing over?
A. He's part of the lawsuit, but he's not on video.
Q. But is he -- do you understand him to be a plaintiff in the case?
A. Yes.
Q. And do you understand him also to be a representative in the class action?
A. I don't think so.
MR. RICHARDSON: Objection.
BY MR. SIMPSON:
Q. Do you regard what happened to your children as discrimination?
A. Yes.
Q. Why to you say that?
A. Because they were treated differently than the white children standing right beside them.
Q. At the time this occurred, how did you feel about it?
A. Upset.

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Q. How did D.V. react to it?
A. She was really upset. She was sad. She stomped in the video. She was upset for the rest of the parade. That, kind of, ruined the visit.
Q. How did your son react to it?
A. I don't think he knows what was going on, honestly, at his age.
Q. Did D.V. say anything to you at the time about this?
A. Yeah. She was upset initially. And then when the parade kept going, she still didn't get anybody's attention, she asked, why nobody is giving her a high five.
Q. What did you say?
A. I tried to keep her away from that. Not let her think about it. Tried to keep her excited about the visit. She's only 4. So I don't really want to ruin her mind with telling her what really happened.
Q. How has this experience affected you?
A. I think it opened my eyes to this is really life and what she's going to have to deal with. I didn't think that could happen to a 4 year old.

Q. How has it affected your child, your daughter?
A. I protected her from a lot of it. Honestly, it ruined her day that day. But outside of that, I tried to not let her think about it because she's got a lifetime to go with dealing with racism. If I can protect her from it for now, I'm going to try to. Outside of that day, I don't let her see the video. I don't talk to her about it. I just try not to bring it up to her.
Q. And this occurred in connection with the parade; is that correct?
A. Yes.
Q. What time of day was this parade?
A. The 3:00 p.m. parade.
Q. So after this interaction, what did you do?
A. We left. We got our stuff and we -- from the lockers and we turned the stroller in and left.
Q. So you went straight home?
A. Yeah.
Q. You didn't make an attempt -- I mean, let me ask you this.
Before the parade, did you get in

line for a meet and greet with any of the characters?
A. No.
Q. Did you go to any of the shows that featured any of the characters.
A. We went to one theater show that was -- I don't even remember. It was, like, Elmo and ducks, I think. But nothing -- the character lines are too long for us.
Q. Is there anything else that happened that day at Sesame Place that you regard as racial discrimination?
A. I mean, Grover was on camera and ignored my child. Like I said, she didn't get any attention for the rest of the parade either. I mean, characters just continued to pass them by. They interact with children all around my kids. My kids got no high fives, no hugs, no nothing.
Q. Did -- are you saying that other characters -- characters other than Grover also refused to interact with your child?
A. Yeah.
Q. Which characters were those?
A. I mean, the whole rest of the parade. All

of the characters in the parade, my children got no attention. So everyone.
Q. Can you name some of them?
A. Elmo. I know there was a Teddy bear. I don't know his name that passed by. My son hugged his leg at some point when he wasn't looking, and he was interacting with another family beside us. Oscar, although I don't know if Oscar comes close, but. All of the characters that were out roaming, Cookie Monster, nobody interacted with my kids.
Q. So these characters were out in the street, and they didn't come over where you were located?
A. Yeah.
Q. Were there other characters that came down the line close to your children who ignored them?
A. I mean, the bear. I don't know his name, though. It was like a Teddy bear. I think I submitted a picture of him, too, or video. He hugged a family right next to my son, and my son snuck and hugged his leg when he wasn't looking.
Q. Okay. So Grover and the bear.
Any other characters?
A. Not that I recall that came up close, but

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like I said, they didn't get any attention the whole parade.

Q. If you could, look back to the amended complaint, which is Exhibit 3. Again, paragraph 19 and 20.

"Representative plaintiff, Ashlee Valette, is an adult, black citizen in the United States;" is that accurate?

A. Mhm.

Q. And 20 says, "Representative plaintiff, D.V. is a minor black citizen in the United States and representative, Ashlee Valette's, child;" is that correct?

A. Yes.

Q. If you could, look at those interrogatory answers, which Exhibit 4. And the answer to number 2, which is on -- excuse me -- number 2, which is on actually page 4. It goes from 3 to 4.

What's happened here is lawyers have made an objection and there's an answer that starts in the middle of the page, "Subject to the foregoing objections."

Do you see that?

A. Yes.

Q. Okay. It states down there toward the bottom, "Grover ignored D.V. and walked past D.V. to hug two white children directly beside D.V."

What do you mean by the term "white" here?

MR. RICHARDSON: Objection.

THE WITNESS: I mean, they were white children. They were fair skinned. They had light hair. They were white children.

BY MR. SIMPSON:

Q. Other than what you saw with your eyes, do you have any other basis for asserting that these children were white?

A. No.

Q. Do you have -- did you know either one of these children?

A. No.

Q. They were total strangers to you?

A. Yes.

Q. So I take it, by the same token, you have no information about what may or may not be on their birth certificates?

A. Correct.

Q. Other than the video that you took --

other than the video that was made at the time, do you have any other information other than that as to the ethnicity of these two children?

A. No.

Q. Is it the case that the Grover character's refusal to interact with your children, is that the only thing you're suing Seaworld for?

A. I'm confused by your question.

Q. You described an interaction by which Grover, according to your observation, refused to interact with your children and interacted with two white children.

Is there anything other than that that you're suing Seaworld over?

A. No. That's my basis.

Q. Did you experience any other discriminatory treatment during the June 20th, 2022 trip to Sesame Place?

A. Not as blatantly, but like I said, the whole parade, they didn't get any attention.

Q. So you would describe that as further discriminatory treatment?

A. Yes.

Q. Now, these interrogatory answers were sent

out by your lawyers. It shows on the next-to-last page, December 19th, 2022.

From and after December 19th, 2022, have you gone back to Sesame Place?

A. No.

Q. Do you have any plans, as you sit here today, to go back to Sesame Place?

A. Not at this time, no.

Q. Why is that?

A. I don't want to subject my kids to this right now.

Q. Have you experienced any discrimination by Seaworld or by Sesame Place since December 19th, 2022?

A. No.

Q. If you look at interrogatory number 3 on page 4 of Exhibit 4, the question was, basically, to ask you to identify any complaints that you made about the interactions that you're complaining of.

The answer was, "Plaintiff did not make any complaints;" is that correct?

A. Yes.

Q. Why didn't you complain about what you observed?

(Whereupon, video recording was played.)
BY MR. SIMPSON:
Q. Ms. Valette, in the video we just played, who said, "Go give him a hug"?
A. My sister, Angelise.
Q. And who said, I think it was, "Go with her"? Did you hear that phrase?
A. No. I don't know.
Q. And then who said, "That's okay; that's okay."
A. Angelise.
Q. Are any -- is your voice recorded on that at all?
A. Not that I could hear, no.
Q. Now, Ms. Valette, is it your testimony that the employee wearing that Grover suit saw D.V. and deliberately ignored her?
A. Yes.
Q. Why do you say that?
A. He was right there in front of her. He was literally hugging the kids right next to her and didn't interact with her at all.
Q. Do you know what part of the costume the employees see out of?

A. Their mouth.
Q. And it's your testimony that that person saw your daughter through that mouthpiece and deliberately --
A. Actually watching the video on this big screen right here, I think he would more likely see my daughter than those other white kids that he hugged.
Q. And you regard the Grover character's failure to hug your daughter is based on the fact she's a black citizen in the United States?
A. Yes, sir.
Q. Other than the film, do you have any basis for making that assumption?
A. No.
Q. And I take it, from what you've said earlier, that your daughter does not necessarily understand that the failure to be hugged was because she's black; is that correct?
A. We didn't let her understand that. I protected her from that.
Q. And you have not, since the incident in question, told her that, have you?
A. No.

Q. If you could, go back to Exhibit number 7, the photograph. Look over on the right-hand side. There appears to be a boy with a black shirt in a stroller.
Do you see that?
A. Yes.
Q. Is that one of the children that Grover hugged?
A. Yes.
Q. And it's your testimony that person is a white person?
A. Yes.
Q. You rule out the possibility that that person could be a minority?
A. He looks white.
Q. He's not Hispanic?
A. He looks white next to my Hispanic family.
Q. Do you claim in this case that you're a victim of discrimination as a result of the way your daughter was treated?
A. I think so.
Q. Why do you say that?
A. I mean, she's an extension of me. I think that the fact that somebody treated my daughter that

way, they're also treating me that way.
Q. So at this point, I want to play on Exhibit number 2 Valette video number 2.
(Whereupon, video recording was played.)
BY MR. SIMPSON:
Q. This is the interaction you mentioned earlier with the bear character?
A. Yes.
Q. This is the Sesame -- do you understand this to be the Sesame character, Baby Bear?
A. I don't recognize him, but.
Q. And is this a video that your sister also made?
A. Yes.
Q. And it's one she sent to you that you, in turn, sent to your lawyers?
A. Yes.
Q. Was that edited in any way?
A. No.
Q. So, again, it began exactly where we see it and ends exactly where it ends?
A. Correct.
Q. And the character Baby Bear was hugging

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Your answer on the next page was, "Economic losses include the cost of tickets to Sesame Place."

Other than -- let me ask you, first of all.

Are you seeking the cost of tickets for all three of your trips, or just the one on June 20th, 2022?

A. We didn't pay for the one on June 2022. That was Sunny Day tickets. It would be for the one prior.

Q. Okay. I assume, though, that -- are you asking for the money you originally paid --

A. Yeah.

Q. -- that led to the Sunny Day tickets to be refunded to you?

A. Yeah.

Q. Now, are you asking for the cost of the tickets for the one prior to the that was rained out?

A. Not necessarily, not specifically.

Q. Other than the economic -- other than what it states here are the cost of the tickets to Sesame Place, are you claiming any other economic damages

in this case?

A. Yeah. That went back to the Discover statement that I produced. We paid for parking; we paid for stroller rental. We paid for several things on that visit that afterwards, we, kind of, just left and took a loss on.

Q. Okay. Just so we're clear on the record, you're referring to Exhibit 5, the credit card statement?

A. Yes.

Q. And this would be -- if I'm following what you're saying, if you look at Valette page 0010 --

A. Yes.

Q. -- these are the items that are part of your claim for damages?

A. Yes.

Q. Okay. Other than this and the cost of the tickets, anything else that you would put in the category of economic damages?

A. No.

Q. If you could, turn, Ms. Valette, to Exhibit 4, which is your interrogatory answers. Answer number 5, it states that, "Plaintiffs experienced racial trauma as a result of defendants'

discriminatory practices."

As to you, plaintiff, Ashlee Valette, explain to me what is referenced here by racial trauma.

A. I think the sadness, the upsetness that I felt seeing that happen to my daughter and having to have a conversation with my husband about it. Having to protect her from it at the time, and kind of -- I don't know. I guess protect her, but not let her see what was actually happening to her. Still ongoing when I see the videos, it breaks my heart. I mean, I can't believe that happened to my 4 year old.

Q. Did you suffer racial trauma on any of the other two trips to Seaworld -- excuse me -- Sesame Place?

A. Not that I can recall.

Q. If you could, look at the amended complaint, which is Exhibit 3, paragraph 111 on page 18. There's a statement in the middle of the paragraph. I'll read it for the record and ask you some questions about it.

It starts out, "The plaintiffs, like all class members, have been damaged by Seaworld's

misconduct."

Do you see where I am?

A. Yes.

Q. "In that they have incurred damages to their enumerated civil rights, have and/or will incur economic damages, and have or will incur non-economic damages, including but not limited to." And then it lists a number of things.

I want to ask you questions about this itemized list here.

Would you say, Ms. Valette, you suffered humiliation?

A. Not necessarily, no.

Q. Have you suffered embarrassment?

A. I think so.

Q. Why do you say that?

A. Seeing my kid jumping up and down trying to get attention from somebody and they're ignored in front -- in front of another parent, in front of another kid, in front of everybody that was there on Sesame Street for the parade.

Q. Have you suffered mental anguish?

A. Yeah. I'm upset by it.

Q. Have you suffered psychological stress?

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A. Yes.
Q. Have you suffered depression?
A. I don't know if it's depression, but I think just sadness. I wouldn't go as far as saying depression, but.
Q. Have you suffered anxiety?
A. Yes. Over the thought of having to protect my kid from racism, yes.
Q. Have you suffered loss of self-respect?
A. No.
Q. Have you suffered post-traumatic stress?
A. Yeah, yeah.
Q. Why?
A. Considering now, she's in school. I have to let her go. I can't watch her all of the time. I'm not going to be there to protect her from this all of the time. So yes.
Q. Have you suffered damage to your physical health?
A. No.
Q. I take it there's no loss of life at issue --
A. No.
Q. -- is that correct?

A. No.
Q. Have you lost any professional opportunities?
A. No.
Q. Ms. Valette, have you sought any medical treatment for any of the conditions that you just testified to?
A. No.
Q. Have you sought any psychological treatment?
A. No.
Q. Have you sought any psychiatric treatment?
A. No.
Q. Have you sought any form of professional treatment?
A. No.
Q. As to the list of things we just went over, would -- has your daughter suffered any of these things?
A. Yeah. I think she was embarrassed being out there jumping in front of a whole crowd of people trying to get somebody's attention and they ignore you. I think she was definitely embarrassed. She was humiliated. I think she was definitely

depressed and sad in the video, if you saw her reaction. Yes, yes. I tried to minimize it as much as I can, but yes, she was definitely was affected by these things.
Q. Would you say that D.V. has experienced racial trauma?
A. Yes.
Q. And how do you -- what basis do you believe she actually understands racial trauma?
A. Like I said, I protect her as much as I can from it. But she asked, specifically, after this happened, after the parade finished and she continued to not get attention, "Why is nobody giving me a high five? Why me? Why is nobody giving me a high five?" That question alone shows that she sees something is different. "Why is everybody else getting a high five and I'm not?"
Q. Excuse me if I've already asked this.
What was your response to that question?
A. I tried to not -- I don't even think I gave her a straight answer, to be honest. She's -- like I said, she's 4. I don't want to open her eye to the nastiness that could be this world.

Q. Have you sought any form of medical treatment for your daughter?
A. No.
Q. Any form of psychological treatment?
A. No.
Q. Any form of psychiatric treatment?
A. No.
Q. Any other type of professional counseling?
A. No.
Q. Whether you've sought it up until now for either yourself or your daughter, do you plan to seek any such treatment in the future?
A. Not at this time, no.
Q. Do you feel it's a possibility you will?
A. If it becomes necessary, but like I said, this is something that I dealt with throughout my life. And I know that she'll have to deal with through hers. It's just the climate of the world we live in. I don't think it would be necessary, but who knows what's in store.
Q. But you don't have any current plans to seek treatment --
A. Exactly.
Q. Well, let me finish.

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A. Sorry.
Q. You don't have any current plans to seek treatment for either yourself or your daughter?
A. Yes.
Q. If we could look back to paragraph 111 of the first amended complaint on page 118, there's a reference in here to -- in the same sentence that I read, that plaintiffs have or will incur economic damages or have or will incur non-economic damages.
In other words, there's a reference to possibly future damages.
A. Mhm.
Q. Do you have any -- can you tell me what future damages you think you might suffer?
A. If we were to go back and it would happen again, then -- I mean, again, like I said, the tickets, whatever we spent on the trip. If we were to go back and the same racism, the same treatment were to happen again, that would be future damages.
Q. But in terms -- do you anticipate any future damages based on the event that happened on June 20th, 2022?
A. No.
Q. For either yourself or your daughter?

A. No.
Q. All right. Let's take a break and I may be done.
A. Okay.
MR. SIMPSON: I want to consult with my colleague.
VIDEOGRAPHER: The time is 11:11 a.m. We are going off the video record.
(Recess taken from 11:10 a.m. to 11:15 a.m.)
VIDEOGRAPHER: The time is 11:15 a.m. We're back on the video record.
BY MR. SIMPSON:
Q. Ms. Valdez [sic], I've got one more thing.
(Exhibit Valette-10 marked for identification.)
BY MR. SIMPSON:
Q. Let me show you what I've marked as Exhibit 10.
A. Valette.
Q. What did I say? Valdez?
A. Yes.
Q. I had Ms. Valdez yesterday.
A. No problem.

Q. This, for the record, is a document produced in this case Bates labeled Valette 0004 to 0005.
A. Yes.
Q. Do you recognize this?
A. Yes.
MR. RICHARDSON: What exhibit number was this? I'm sorry.
MR. SIMPSON: This was 10.
MR. RICHARDSON: Okay.
BY MR. SIMPSON:
Q. And these are the -- is it the case these are the order summaries for the tickets you purchased back in 2021?
A. And 2019, yes.
Q. And 2019.
A. Yes.
MR. SIMPSON: Thank you. At this point, I have no further questions.
MR. RICHARDSON: I just have a couple follow up.
- - -
EXAMINATION
- - -

BY MR. RICHARDSON:
Q. Ms. Valette, when you purchased the tickets to attend Sesame Place, Philadelphia, for the June 20, 2022 Sunny Day visit, did you -- strike that. Let me ask you this.
When you visited the park on that occasion, was there a water park?
A. Yes.
Q. And do you believe your purchase of the tickets to Sesame Place, Philadelphia entitled you to participate in the water park?
A. Yes.
Q. And were there concerts that were held at the park?
A. Yes.
Q. And do you believe your purchase of the ticket entitled you -- entitled you to participate in any concerts that may have taken place during that visit?
A. Yes.
Q. Were there dining with costume characters at the park?
A. Yes.
Q. And if you wanted to, you would have

purchase a ticket to dine with the different costume characters?
A. Yes.
Q. And were there amusement rides at the park?
A. Yes.
Q. And do you believe your purchase of the ticket entitled you to participate in any ride that you wanted to get on at the park during the visit?
MR. SIMPSON: Objection. Leading.
THE WITNESS: Yes.
BY MR. RICHARDSON:
Q. And there were parades you've testified about?
A. Yes.
Q. You were at the 3 o'clock parade?
A. Yes.
Q. Did your ticket entitle you to participate in that parade?
A. Yes.
MR. SIMPSON: Objection to form.
BY MR. RICHARDSON:
Q. And did your ticket entitle you to participate in whatever -- strike that.

Did that ticket purchase entitle you to suffer racial discrimination?
A. No.
MR. SIMPSON: Object to the form.
THE WITNESS: No.
BY MR. RICHARDSON:
Q. You were asked questions whether or not you have gone back to Sesame Place since December [sic] of 2022.
Would you ever visit Sesame Place, Philadelphia again?
A. If they were to fix if problem, then yes, it's possible.
Q. And when you say, "fix the problem," what do you mean?
A. Make it so that me and my family won't be subject to racism anymore.
Q. When you purchased the ticket to Sesame Place, Philadelphia, did you purchase the right for costume characters to ignore your children?
MR. SIMPSON: Object to the form.
THE WITNESS: No.
MR. RICHARDSON: No further questions.
MR. SIMPSON: No further questions at this

time.
MR. RICHARDSON: She will read and sign.
VIDEOGRAPHER: The time is 11:19 a.m. This is the end of today's deposition. We're going off the video record.
COURT REPORTER: Again, I have to ask. No rush, no expedite?
MR. RICHARDSON: No rush. Regular.
MR. SIMPSON: No rush. Just regular.
(Deposition ended at 11:19 a.m.)

CERTIFICATION

I, Gianna Iaconelli, Court Reporter and Notary Public, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first sworn by me at the time, place and on the date herein before set forth.

I further certify that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Gianna Iaconelli
Court Reporter
and Notary Public

MAGNA LEGAL SERVICES

purchase a ticket to dine with the different costume characters?
A. Yes.
Q. And were there amusement rides at the park?
A. Yes.
Q. And do you believe your purchase of the ticket entitled you to participate in any ride that you wanted to get on at the park during the visit?
MR. SIMPSON: Objection. Leading.
THE WITNESS: Yes.
BY MR. RICHARDSON:
Q. And there were parades you've testified about?
A. Yes.
Q. You were at the 3 o'clock parade?
A. Yes.
Q. Did your ticket entitle you to participate in that parade?
A. Yes.
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BY MR. RICHARDSON:
Q. And did your ticket entitle you to participate in whatever -- strike that.

Did that ticket purchase entitle you to suffer racial discrimination?
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MR. SIMPSON: Object to the form.
THE WITNESS: No.
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Q. And when you say, "fix the problem," what do you mean?
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MR. SIMPSON: Object to the form.
THE WITNESS: No.
MR. RICHARDSON: No further questions.
MR. SIMPSON: No further questions at this

time.
MR. RICHARDSON: She will read and sign.
VIDEOGRAPHER: The time is 11:19 a.m. This is the end of today's deposition. We're going off the video record.
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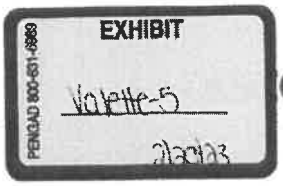
I further certify that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Gianna Iaconelli
Court Reporter
and Notary Public

MAGNA LEGAL SERVICES

EXHIBIT 55

DISCOVER IT® CARD ENDING IN 9611
CARDMEMBER SINCE 2017



Account Summary 06/13/2022 - 07/12/2022

Previous Balance	
Payments and Credits	
Purchases	
Balance Transfers	+$0.00
Cash Advances	+$0.00
Fees Charged	+$0.00
Interest Charged	+$0.00
New Balance:	

See Interest Charge Calculation section following the Fees and Interest Charged section for detailed APR information

Credit Line	
Credit Line Available	
Cash Advance Credit Line	
Cash Advance Credit Line Available	

Payment Information

New Balance	Minimum Payment	Payment Due Date
		08/07/2022

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay a late fee of up to $40.00.

Unlock $35K-$300K of your home equity

Or refinance your mortgage. LOW FIXED rates with ZERO application fees, ZERO origination fees, & ZERO charges at closing.

For details, see Information For You section.

Get started at DiscoverHomeLoans.com/startnow

347-2683. You may contact the New York State Department of Financial Services at 1-800-342-3736 or visit www.dfs.ny.gov for free information on comparative credit card rates, fees and grace periods.

Payment Coupon

Detach at perforation above and return with check payable to Discover. Do not fold, clip, staple or send cash.

JOSE VALETTE JR

Notice: See reverse side for important information

ACCOUNT NUMBER ENDING IN 9611

New Balance	
Minimum Payment Due	
Payment Due Date	**08/07/2022**

Amount Enclosed $

For a faster, easier way to pay... Discover.com 1-800-347-2683
See reverse for payment cut off times.

PO BOX 70176
PHILADELPHIA PA 19176-0176

New address, email or phone? Please update on reverse.

000001986452907514763068485500128460013700

Important Information
See your Cardmember Agreement. Your Cardmember Agreement contains all the terms of your Account.

Lost or Stolen Cards. Report immediately! Call 1-800-347-2683.

What To Do If You Think You Find A Mistake On Your Statement: If you think there is an error on your statement, write to us at Discover, PO Box 30421, Salt Lake City, UT 84130-0421, or submit the form provided at https://discover.com/billingerrornotice. You must contact us within 60 days after the error appeared on your statement. You may call us, but if you do we are not required to investigate any potential errors, and you may have to pay the amount in question. The Billing Rights Notice further explains your rights. Please see your Cardmember Agreement or visit https://discover.com/billingrights for a copy of this Notice.

Payments. You may pay all or part of your Account balance at any time. However, you must pay at least the Minimum Payment Due by the Payment Due Date. Send only your allowable form of payment ("Payment") and the bottom portion of this statement in the envelope provided, after affixing postage. Payments sent without proper postage will be returned to the sender. If you pay by check, you authorize us to use information on your check to make an electronic fund transfer from your account at the financial institution indicated on your check or to process the payment as a check transaction. If a Payment is processed as an electronic fund transfer, the transfer will be for the amount of the check, funds may be withdrawn from your account as soon as the same day we receive your check, and you will not receive your check back.

Please do not send cash. Sending cash is not allowed. The processing of your allowable form of Payment may be delayed if you send cash or correspondence with your Payments, if you send the Payment to any other address, or if you use an envelope other than the one provided. Payments received at our processing facility by 5PM local time on any day will be credited to your Account as of that day. Payments received at our processing facility after 5PM local time will be credited to your Account as of the next day. If you have misplaced your envelope, send your Payment to Discover, PO Box 6103, Carol Stream, IL 60197-6103. Please allow 7-10 days for delivery. If your Payment is returned unpaid, we reserve the right to resubmit it as an electronic debit. **Payments made online or by phone before Midnight Eastern Time on any day except your Statement Closing Date will be credited as of the same day; on your Statement Closing Date, online and phone payments must be made before 5:00 PM Eastern Time to be credited as of that day.**

You can also make a Payment or set up automatic payments by calling 1-800-347-2683. Automatic payments for the billing period shown on your statement will be deducted on the Payment Due Date shown on that statement, or the next automatic payment date referred to on your statement, unless you request a recurring payment date that occurs before your Payment Due Date. In order to schedule monthly payments by telephone, you will need this statement and your bank account information. You will be asked to provide the last four (4) digits of the social security number of the primary borrower as your electronic signature. By providing those numbers, you will be agreeing to this authorization to allow us and your bank to deduct each payment you authorize, in the amount selected by you, from your bank account. You also authorize us to initiate debit or credit entries to your bank account, as applicable, to correct an error in the processing of such payment. You can cancel or modify a payment from your bank account until 5:00 PM Eastern Time on the day such payment is scheduled by calling 1-800-347-2683 or by mail at Discover, PO Box 30421, Salt Lake City, UT 84130-0421. Same day online or phone payments from bank account made after 5:00 PM Eastern Time may be modified before Midnight Eastern Time of that day. Payments from Cashback Bonus cannot be modified or cancelled after being made or scheduled.

If your payments may vary in amount, we will tell you on each monthly billing statement when your payment will be made and how much it will be. You must ensure that sufficient funds are available in your bank account, and all transactions must comply with U.S. law.

You can set up automatic payments for: (i) statement New Balance, (ii) statement Minimum Payment Due, (iii) statement Minimum Payment Due plus a fixed dollar amount, or (iv) other dollar amount. If your scheduled "Other dollar amount" payment is not enough to cover the Minimum Payment Due as listed on your monthly billing statement, your scheduled payment for that month will be increased to cover the Minimum Payment Due. If the scheduled payment is greater than the Minimum Payment Due, any excess will be applied in accordance with your Cardmember Agreement. If your scheduled payment is greater than the New Balance on your billing statement, that payment will be processed only for the amount of your New Balance. Your automatic payment amount may be less than the amount indicated on the billing statement based on credits or payments after the Close Date.

If you enroll by phone in our automatic payment service, please fill-in the following blanks below and retain the authorization for your records.

Amount
○ Full Pay _____ ○ Min Pay _____
○ Min Pay+ $_____ ○ Other Amount $ _____
Bank Routing #_____
Bank Account #_____
Monthly on the ○ Payment Due Date, or ○ _____ Day of the month (INSERT DATE)

Credit Reporting. Credit Reporting. We may report information about your Account to credit bureaus. Late payments, missed payments, or other defaults on your Account may be reflected in your credit report. We normally report the status and payment history of your Account to credit reporting agencies each month. If you believe that our report is inaccurate or incomplete, please write us at this address: Discover, PO Box 30939, Salt Lake City, UT 84130-0939. Please include your name, address, home telephone number and Account number.

Paying Interest. Your due date is at least 25 days after the close of each billing period (at least 23 days for billing periods that begin in February). We will begin charging interest on Cash Advances and Balance Transfers as of the later of the Transaction Date or the first day of the billing period in which the transaction posted to your Account. If you pay the New Balance on your current billing statement by the Payment Due Date shown on that billing statement, we will not impose interest charges on New Purchases. New Purchases are Purchases that first appear on the next billing statement. Interest will continue to accrue each day on purchases that appeared on previous billing statements until you pay the New Balance in full and will be billed in the next billing cycle.

How We Calculate Interest Charges. We Use the Daily Balance Method (including current transactions) to calculate the Balance Subject to Interest Rate. For more information, please call us at 1-800-347-2683.

Balance Subject To Interest Rate. Your statement shows a Balance Subject to Interest Rate. It shows this for each transaction category. The Balance Subject to Interest Rate is the average of the daily balances during the billing period.

Credit Balances. If your Account has a credit balance, the amount is shown on the front of your billing statement. A credit balance is money that is owed to you. You may make charges against this amount if your Account is open. We will send you a refund of any remaining balance of $1.00 or more after 6 months, or as otherwise required by applicable law, or upon request made to the address in the Contact Us section on page 3 of your billing statement.

Balance Transfers. Balance Transfers are offered at our discretion and accrue interest at the standard purchase rate unless we tell you otherwise.

Discover may monitor and/or record telephone calls between you and Discover representatives for quality assurance purposes.

Send inquiries to Discover, PO Box 30943, Salt Lake City, UT 84130

The Discover® card is issued by Discover Bank, Member FDIC.

DIT23-27.0420

Change of Address

If correct on front, do not use. To make changes to your address, email or telephone number, please print clearly in blue or black ink, in the space provided or visit Discover.com.

Street Address		Home Phone	
		Work Phone	
City		Email	
State, Zip			

ONLINE
Discover.com or
download our app

PHONE
1-800-347-2683
TDD 1-800-347-7449

PAYMENTS
Discover
PO Box 6103
Carol Stream
IL 60197-6103

DISCOVER IT® CARD ENDING IN 9611
OPEN TO CLOSE DATE: 06/13/2022 - 07/12/2022

Transactions

TRANS. DATE | **PAYMENTS AND CREDITS** | **AMOUNT**

TRANS. DATE | **PURCHASES** | **MERCHANT CATEGORY** | **AMOUNT**

06/20 H B LEISURE SESAME PLACE LANGHORNE PA Merchandise $10.00

Cashback Bonus® Rewards

5% Cashback Bonus®

JUL-SEP Activate at discover.com/5

Restaurants and PayPal

Earn up to $75 in 5% cash back each quarter. Plus earn 1% cash back on all other purchases.

For details, see Information For You section.

Transactions continued

TRANS. DATE	PURCHASES	MERCHANT CATEGORY	AMOUNT
06/20	SESAME PLACE-FOOD SERV LANGHORNE PA	Restaurants	$52.27
06/20	SESAME PLACE-FOOD SERV LANGHORNE PA	Restaurants	$7.78
06/20	SESAME PLACE-FOOD SERV LANGHORNE PA	Restaurants	$37.81
06/20	SESAME PLACE-FOOD SERV LANGHORNE PA	Restaurants	$12.78
06/20	SESAME PLACE-FOOD SERV LANGHORNE PA	Restaurants	$22.24
06/20	SESAME PLACE 407-545-5550 FL	Travel/Entertainment	$40.00
06/20	SESAME PLACE - MERCH LANGHORNE PA	Travel/Entertainment	$18.01
06/20	SESAME PLACE-GIFT CARD LANGHORNE PA	Travel/Entertainment	$31.80
06/20	BEST LOCKERS SESAME LANGHORNE PA	Services	$40.00

ONLINE
Discover.com or
download our app

PHONE
1-800-347-2683
TDD 1-800-347-7449

PAYMENTS
Discover
PO Box 6103
Carol Stream
IL 60197-6103

DISCOVER IT® CARD ENDING IN 9611
OPEN TO CLOSE DATE: 06/13/2022 - 07/12/2022

Transactions continued

TRANS. DATE	PURCHASES	MERCHANT CATEGORY	AMOUNT

Continued on next page

Transactions continued

TRANS. DATE	PURCHASES	MERCHANT CATEGORY	AMOUNT

Fees and Interest Charged

TOTAL FEES FOR THIS PERIOD	$0.00
TOTAL INTEREST FOR THIS PERIOD	$0.00

2022 TOTALS YEAR-TO-DATE CHARGED	AMOUNT
TOTAL FEES CHARGED IN 2022	$0.00

ONLINE
Discover.com or
download our app

PHONE
1-800-347-2683
TDD 1-800-347-7449

PAYMENTS
Discover
PO Box 6103
Carol Stream
IL 60197-6103

DISCOVER IT® CARD ENDING IN 9611
OPEN TO CLOSE DATE: 06/13/2022 - 07/12/2022

Interest Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

CURRENT BILLING PERIOD: 30 DAYS

TYPE OF BALANCE	APR*	PROMO APR EXPIRES**	BALANCE SUBJECT TO INTEREST RATE	INTEREST CHARGE
Purchases	22.49% V	N/A	$0.00	$0.00
Cash Advances	26.49% V	N/A	$0.00	$0.00

V = VARIABLE RATE

* If your account is currently enrolled in a special program or is placed into one during the term of the offer, you will receive the benefit of the lower rate while the special program is in effect. This includes, if applicable, any lower rates as authorized under the Servicemembers Civil Relief Act.
** This is the date your promotional rate expires and the remaining balance will be moved to your standard APR disclosed when you accepted the offer. Please note: Changing your payment due date may change your Promo APR Expiration Date.
*** For more information, please call us at 1-800-347-2683.

Information For You

FICO® Credit Score Terms

Your FICO® Credit Score, key factors, and other credit information use the FICO® Score 8 model. They are based on data from TransUnion® and may be different from other credit scores and other credit information provided by different bureaus. This information is intended for and only provided to Primary account holders who have an available score. Your score, key factors and other credit information are available on Discover.com and cardmembers are also provided a score on statements. Customers will see up to a year of recent scores online. Discover and other lenders may use different inputs, such as FICO® Credit Scores, other credit scores and more information in credit decisions. This benefit may change or end in the future. FICO is a registered trademark of Fair Isaac Corporation in the United States and other countries.

If you prefer not to receive your FICO® Credit Score just call us at 1-800-DISCOVER (1-800-347-2683). Please give us two billing cycles to process your request.

Discover Financial Services and Fair Isaac are not credit repair organizations as defined under federal or state law, including the Credit Repair Organizations Act. Discover Financial Services and Fair Isaac do not provide "credit repair" services or assistance regarding "rebuilding" or "improving" your credit record, credit history or credit rating.

Availability of FICO® Credit Score

As an active cardmember, you may see your FICO® Credit Score on your monthly statement or online. Reasons why you may not see your FICO® Credit Score include: if you opt out; if you have key information that is mismatched or missing, as one example, an address change that has not been updated with Discover or TransUnion®; if your credit history is too new; if your account status is abandoned, bankrupt, fraud, lost or stolen, closed, revoked, or charged off; if you have a foreign address. Your FICO® Score is disclosed on statements when your statement is available. You may not receive a statement if you have no account activity such as no purchase transactions, fees, interest, or payments for approximately 30 days.

Discover Home Loans Advertising Disclosure

This is not a commitment to lend. You must submit additional credit and property information for approval. Not all applicants will be approved. Rates, program terms, and conditions are subject to change without notice. Products not currently available in IA or MD. This offer is not valid on cooperatives, condotels, investment properties, manufactured homes, mobile homes or secondary homes. Other restrictions and limitations apply. All loan programs are offered by Discover Bank, 2500 Lake Cook Road, Riverwoods, IL 60015. NOTE: No Discover Card accounts may be paid off with this home loan. Discover makes loans without regard to race, color, religion, national origin, sex, handicap, or familial status. NMLS ID 684042.

Cashback Bonus® Rewards

Activate to earn 5% Cashback Bonus at **Restaurants** and **PayPal** from 7/1/22 (or the date on which you activate 5%, whichever is later) through 9/30/22, on up to $1,500 in purchases. **Restaurant** purchases include those made at merchants classified as full-service restaurants, cafes, cafeterias, fast-food locations, and restaurant delivery services. **PayPal** eligible purchases are made through the PayPal wallet online, money transfers via PayPal using your card, and point-of-sale transactions using PayPal Here. Payments made through Xoom transfer services are not eligible for 5%. Using PayPal on restaurant purchases will only earn a total of 5%. PayPal and the PayPal logo are trademarks of PayPal or its Affiliates. Listed merchants are in no way sponsoring or affiliated with this program. Purchases must be made with merchants in the U.S. To qualify for 5%, the purchase transaction date must be before or on the last day of the offer or promotion. For online purchases, the transaction date from the merchant may be the date when the item ships. Rewards are added to your account within two billing periods. Even if a purchase appears to fit in a 5% category, the merchant may not have a merchant category code (MCC) in that category. Merchants and payment processors are assigned an MCC based on their typical products and services. Discover Card does not assign MCCs to merchants. Certain third-party payment accounts and digital wallet transactions may not earn 5% if the technology does not provide sufficient transaction details or a qualifying MCC. Learn more at Discover.com/digitalwallets. See Cashback Bonus Program Terms and Conditions for more information.

More From Discover

Continued on next page

As a Discover cardmember, we could save you money - Because you're part of the Discover family, you could get a lower interest rate on a personal loan. With loan amounts up to $35K, flexible repayment terms, and a great fixed rate, you could accomplish your financial goals and possibly save hundreds, even thousands, of dollars on interest on higher-rate debt. Apply now at DiscoverPersonalLoans.com or 1-888-347-9424.

OPEN TO CLOSE DATE: 06/13/2022 - 07/12/2022

Good
670 - 739

Fair
580 - 669

Poor
300 - 579

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EXHIBIT 56

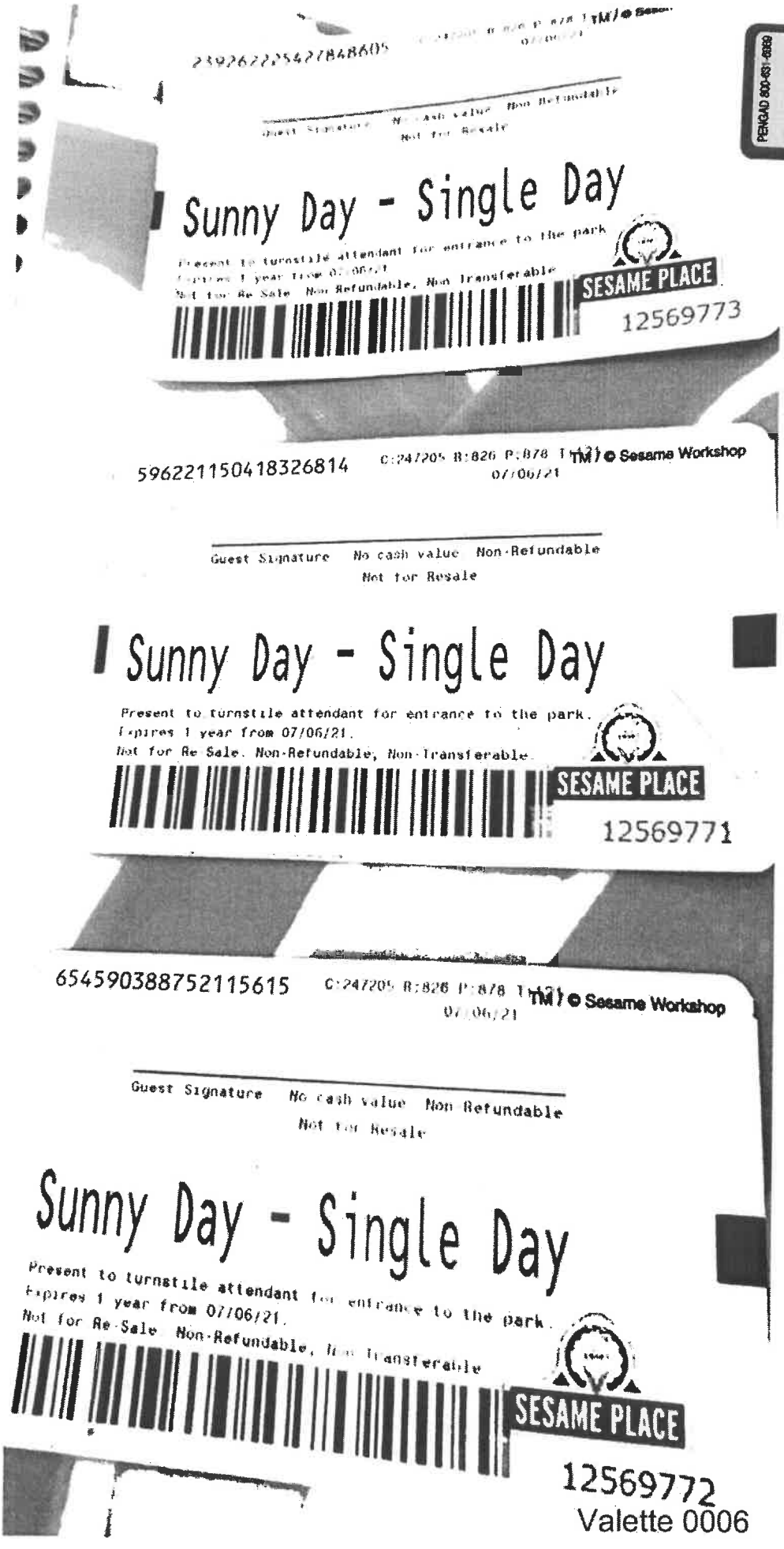
EXHIBIT
Valette-16
2/20/23
Sunny Day - Single Day
Present to turnstile attendant for entrance to the park.
Expires 1 year from 07/06/21.
Not for Re Sale. Non-Refundable, Non-Transferable.
SESAME PLACE
12569773
596221150418326814
TM & © Sesame Workshop
07/06/21
Guest Signature No cash value Non-Refundable
Not for Resale
Sunny Day - Single Day
Present to turnstile attendant for entrance to the park.
Expires 1 year from 07/06/21.
Not for Re Sale. Non-Refundable, Non-Transferable.
SESAME PLACE
12569771
654590388752115615
TM & © Sesame Workshop
07/06/21
Guest Signature No cash value Non Refundable
Not for Resale
Sunny Day - Single Day
Present to turnstile attendant for entrance to the park.
Expires 1 year from 07/06/21.
Not for Re-Sale. Non-Refundable, Non-Transferable
SESAME PLACE
12569772
Valette 0006

Exhibit 57

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
----------X
QUINTON BURNS, ET AL.,,

Plaintiffs,

NO. 22-cv-02941

V.

SEAWORLD PARKS & ENTERTAINMENT, INC.; AND SEAWORLD PARKS & ENTERTAINMENT LLC,

Defendants.
----------X

1540 Broadway
New York, New York 10036

April 6, 2023
9:30 a.m.

EXAMINATION BEFORE TRIAL of LAUREN WILLIE, the Plaintiff herein, taken by the Defendant, pursuant to Article 31 of the Civil Practice Law & Rules of Testimony, and Order, held at the above-mentioned time and place, before Lauren A. Fitzgerald, a Notary Public of the State of New York.

LAUREN WILLIE, after having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

EXAMINATION

BY MR. SIMPSON:

THE VIDEOGRAPHER: Good morning. We are now on the record. This begins Videotape Number 1 in the deposition of Lauren Willie in the matter of Quinton Burns, Et Al v. Seaworld Parks & Entertainment, Inc. And Seaworld Parks & Entertainment LLC.

Today is Thursday April 6th, 2023, and the time is 9:30 a.m. This deposition is being taken at Duane Morris LLP 1540 Broadway Suite 1400 New York, New York 10036 at the request of Duane Morris. And the court reporter is Lauren Fitzgerald of Magna Legal Services. Will counsel and parties present state their appearances and whom they represent.

MR. RUFF: Good morning. Malcolm Ruff, R-U-F-F, on behalf of all plaintiffs.

MR. SIMPSON: John Simpson representing the defendants.

MR. SMOLIJ: Alex Smolij representing the defendants.

MR. SIMPSON: Also I think appearing by zoom is inhouse lawyer, Laurie Beecher for Sea World Parks and Entertainment.

THE VIDEOGRAPHER: Will the court reporter please swear in the witness?

(Witness sworn.

Q. State your name for the record, please.

A. My name is Lauren Willie.

Q. State your address for the record, please.

A. 68 East 19th Street, apartment 6G Brooklyn, New York 11226.

Q. Good morning, Mrs. Willie, I'm sure your lawyer has explained how this is going to work. I wanted to go over ground rules for today's deposition, so we are on the same page. As you can see, the court reporter will be taking your testimony down and that will result in a transcript. We

are also recording it by videotape, but it's important that we don't talk at the same time so let me finish the question before you answer it, and I'll try not to interrupt you. Emotions get high sometimes and people talk over each other but it will be a lot better outcome if we have a clean transcript, and we don't talk at the same time. Is that okay with you?

A. Yes.

Q. At certain points your lawyer may object to the form of my question or other aspects of my question. He's doing that for the record and unless he instructs you not to answer, you are to answer the question. Do we understand that?

A. Yes.

Q. This isn't an endurance contest so any time that you want to take a break, feel free to ask for one, but I just ask that if you want a break that we not do it in the middle of the question and that we finish the question and answer and then we can take a break.

Mrs. Willie, is there any reason that would interfere with your ability to testify today?

A. No.

Q. You're not under any medication that would effect your ability to testify?

A. No.

Q. You understand that you're under oath; is that correct?

A. Yes.

Q. And that the legal penalties of perjury will apply to this deposition. Do you understand that?

A. Yes.

MR. SIMPSON: I'm going to mark as Lauren Willie Exhibit No. 1.

(Whereupon, first amended notice of videotaped deposition was marked as Lauren Willie Exhibit 1 for Identification.)

Q. I'm going to ask you, ma'am, if you recognize that as your videotape notice of deposition?

A. Yes.

Q. Mrs. Willie, describe for me what

you did, if anything, to prepare for today's deposition.

A. I met with our attorney a few times, my husband and I met with our attorney a few times remotely for a few hours per session, and we talked about what the proceedings would be like and what was to be expected.

Q. Which lawyer did you meet with?

A. Malcolm Ruff.

Q. Was any other lawyer present?

A. No.

Q. And when did these -- you say they were by Zoom?

A. Yes.

Q. When did these Zoom meetings occur?

A. They occurred over the last three years or so.

Q. Do you know how long each one of them lasted?

A. Between 30 minutes to about two and half hours.

Q. Have you discussed today's

deposition with anyone else?

A. My husband.

Q. Anyone other than your husband?

A. No.

Q. In preparing for the deposition today, did you review any documents?

A. This document, the suit itself and some of our photos and other items.

Q. When you say, "this document", you're referring to Exhibit 1?

A. Yes, sir, Exhibit 1.

Q. And the suit, that's the complaint or the first amended complaint in this lawsuit?

A. Yes.

Q. Have you reviewed any of the transcripts of the other depositions that were taken in this case?

A. No.

Q. What is your highest level of education?

A. I have a master's degree, two master's degrees, the second was supposed to be a doctorate, but I changed paths.

Q. And what institution did you get the degree from?

A. New York University.

Q. And what were the years?

A. The first was 2000 to 2001 and the second was 2004 to 2009.

Q. And I apologize if I asked you this before, but what were the concentrations of these degrees?

A. The first was performance studies and the second was educational theater.

Q. Are you currently employed?

A. Yes.

Q. How are you currently employed?

A. I am Junior High School theater and Spanish teacher.

Q. In the City of New York?

A. In Brooklyn, yes.

Q. Brooklyn?

A. Yes.

Q. How long have you held that job?

A. This is my 22nd year.

Q. So it's fair to say that you've had that job from January 1st, 2018 to the

present?

A. Oh, yes.

Q. Mrs. Willie, do you understand that you are plaintiff suing Sea World?

A. Yes.

Q. Describe for me how you came to be a plaintiff in this case.

A. So we visited Sesame Place on July 10th for a birthday event for my daughter. We had the experience of discrimination that occurred that day, and on the 17th of July, we started to see some other videos posted that had similar experiences to ours, and so we debated it at first, and then on the 18th, we posted our video on social media. My husband posted it, and I reposted it, and it was picked up by the social media handle Frobabies and from that the Zerlina Maxwell saw it, the producer Deja Sanderlin contacted us to appear and talk about our experience, and we reached out to customer service from Sesame Place on the 25th, nobody got in contact with us, and then we

Willie No. 2, which for the record is the class action complaint filed in this action on September 28th, 2022.

(Whereupon, class action complaint was marked as Lauren Willie Exhibit 2 for Identification.)

Q. Do you recognize this document?

A. Yes.

Q. You could turn to paragraphs 22 to 24, which is on page 5. Mrs. Willie, did you review paragraphs 22 through 24 in this document before it was filed with the Court?

MR. RUFF: Objection. You can answer.

A. The amended, no.

Q. Is it accurate that plaintiff Lauren Willie is an adult black citizen in the United States?

A. Yes.

Q. And is it accurate that L.W. is a minor black citizen in the United States?

A. Yes.

Q. If you could look at paragraphs 99 through 107 of this document, which is

on pages 15 through 17. These are allegations that concern the Willies. Do you see that?

A. Yes.

MR. RUFF: Objection, as to the narrative.

Q. Did you review paragraphs 99 through 107 of this document before it was filed with the Court?

A. No.

Q. Are you aware, Mrs. Willie, in addition to being a plaintiff in the case that you are representative of a class?

MR. RUFF: Objection. Calls for legal conclusion.

A. Yes.

Q. Describe for me what your understanding of your role as a class representative is?

MR. RUFF: Objection. Calls for legal conclusion. You can answer.

A. I am a representative of both myself and the other families that are involved in the class action lawsuit.

Q. Do you have an understanding as to what you're expected to do as class representative?

MR. RUFF: Objection. You can answer.

A. Yes.

Q. What is your understanding?

A. I am to speak on my behalf, on behalf of my child and on behalf of the other families about my experience.

Q. Do you have an understanding of whether your daughter is also a class representative?

MR. RUFF: Objection. Calls for legal conclusion. You can answer.

A. Yes.

Q. What's your understanding?

A. That if this goes to trial, she may be asked to speak.

Q. Do you have any other understanding of what your daughter's role is?

MR. SIMPSON: Do you want to take a minute? Do you want to go off the record?

MR. RUFF: Yes. Let's go off the

record.

THE VIDEOGRAPHER: We are going off the record. The time is 9:44.

(Whereupon, an off-the-record discussion was held.)

THE VIDEOGRAPHER: We are back on the record and the time is 9:48.

Q. Mrs. Willie, have you been paid any money or given anything of value to be a class representative?

A. No.

Q. Have you been promised any money or anything of value to be a class rep?

A. No.

Q. Do you -- what do you do, if anything, to keep informed as to the status of the case?

MR. RUFF: Objection as to any privileged content of her testimony. You can answer.

A. They keep us pretty much apprised of everything that is going on.

Q. They being --

A. The law firm.

L. WILLIE

Q. What is your understanding as to what the current status of the case is?

MR. RUFF: Objection. This calls for legal conclusion, and I'm objecting to the form of the question. You can answer the question.

A. It's my understanding it was supposed to go to trial in November but it's possibly been pushed to 2024.

Q. Have you ever been a party to any kind of lawsuit, whether criminal or civil?

A. I was once in a car accident and the people that were on the bus that hit my car tried to sue me, but other than that, no.

Q. Have you ever given sworn testimony in connection with any kind of case?

A. I don't remember.

Q. Have you ever made a complaint of discrimination to any state or federal agency?

A. No.

Q. Now, you indicated earlier in

L. WILLIE

your testimony that your family went to Sesame Place on July 10th, 2022; is that correct?

A. Yes.

Q. Describe for me the basis for your admission to the park. How did you get in?

A. We purchased season passes online.

Q. And how did you do that?

A. How did we.

Q. Describe the process in which you purchased the season pass.

A. We went to the website, and we went to the section that talks about admission, we purchased two season passes, and we paid for the season passes. They were on sale.

Q. And you say, "we went to the website", is that --

A. My husband and I.

Q. In the mechanics of actually making the purchase, who did the clicking on the computer?

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A. That would be me.

Q. And you indicated that you paid for it with a credit card?

A. Yes.

Q. Whose name was that credit card in?

A. I believe it was mine.

Q. Do you still have the statements that concern that credit card purchase?

A. If I don't physically have them -- we do everything digitally, so it's online.

Q. But you have access to them in your online account?

A. Yes.

MR. SIMPSON: I'll show you what we've marked as Exhibit Lauren Willie Exhibit 3. And this is, for the record, plaintiff's answers to defendant's first set of interrogatories.

(Whereupon, plaintiff's answers to defendant's first set of interrogatories was marked as Lauren Willie Exhibit 3 for Identification.)

L. WILLIE

Q. If you could take a minute to look at this document. And my question to you, ma'am, is: Do you recognize it?

A. No.

Q. If you look at the last page of the document that indicates that apparently a DocuSign by Lauren Willie, individually, and as next friend of L.W., a minor. Do you recognize that as your DocuSign signature?

A. Which page you said?

Q. The very last one.

A. Yes.

Q. Okay. Do you recognize that this is an affirmation under penalties of perjury, as to the truth of these answers?

A. Yes. I'm sorry. I hadn't seen it laid out like this.

Q. If we could look at the answer to Interrogatory No. 2, which is on page 2 -- excuse me Interrogatory No. 1, which is on page 2. There is an indication, if you look in paragraph C, it states "Mrs. Willie purchased the 2019 silver season passes in

July 2019, dinner with Elmo on 08/04/19 and the gold season passes on 6/20/22, which expire in 2023."

Is it the case that the gold season pass is expired in January of 2023?

A. Yes.

Q. They weren't renewed?

A. No.

Q. And when you paid for the gold season passes, was your credit card debited each month for the payments, or how did that work?

A. No it was a one time fee.

Q. So it was a lump sum payment?

A. Yes.

Q. As to the credit card that you used to buy the gold passes, has that -- was that credit card used by anyone else at the time?

A. For which of the passes are you talking about, the gold one?

Q. The ones that you used to get into Sesame Place in July of 2022?

A. The card, no.

Q. You're the sole user?

A. I think so, yes, because I think I used my debit card, not the joint card that we have.

MR. SIMPSON: Counsel, we will request that Mrs. Willie produce the statement for that card because we think it's responsive to her document request.

Q. When you were on the website purchasing the season passes, when you were going through that process, do you recall any situation where you had to click, "I agree", in order to advance to the next page?

MR. RUFF: Objection. Assumes a fact not in evidence. Objection to form. You can answer.

A. I don't remember.

Q. Do you recall whether you had to click a box, "I agree", or anything similar in order to advance to the next page to completion the transaction?

MR. RUFF: Same objection. You can answer.

A. I don't remember.

Q. Did you have a chance to review everything that was presented to you on the website before you executed a transaction?

A. Everything being the purchase of the two season passes?

Q. Whatever was exhibited to you, do you feel like you had a chance to review it before you executed the transaction?

MR. RUFF: Objection. That's a compound question. Objection as to form. You can answer.

A. I saw that we were purchasing two gold season passes and that was that. And that was what it showed that we were purchasing and then the fees, whatever else was affiliated with it.

Q. After this ticket purchase was made, was anything e-mailed to you by Sesame Place?

A. The receipt of the purchase.

Q. Did you retain that receipt?

A. Yes.

Q. Do you still have it?

A. Yes, I gave it to my lawyers.

MR. SIMPSON: Well, I think that may be something that was not produced, so if you could take a look, Mr. Ruff, we will request that you produce that.

Q. Did you print anything out in connection with the transaction?

A. No.

MR. SIMPSON: Showing you what we've marked as L. Willie Exhibit No. 4, for the record.

(Whereupon, season pass was marked as Lauren Willie Exhibit 4 for Identification.)

Q. Mrs. Willie, can you take a look at this document, and my question to you is: Do you recognize this as a copy of the gold season pass that you used to gain access to Sesame Place on July 10th of 2022?

A. Yes. May I ask a question?

MR. RUFF: No.

MR. SIMPSON: If you want to take a break, that's fine.

THE WITNESS: No.

L. WILLIE

MR. SIMPSON: I'm showing you what we've marked as L. Willie Exhibit No. 5, which for the record is a document filed in this case in connection with the motion to dismiss on November 2nd, 2022, as ECF number 29-3.

MR. RUFF: Objection. This document is not a piece of the record of this case. It's a part of your motion. She has no personal knowledge of this document, and so I'm objecting to you even showing this to her.

MR. SIMPSON: Well, it is in the record of the case.

MR. RUFF: It's in the record as an exhibit in your motion. This is not a piece of evidence that pertains to any of the plaintiff. Mrs. Willie has no personal knowledge of this document. It assumes a fact that is not in evidence.

MR. SIMPSON: Well, I object to the speaking objection, since you've not prompted her.

(Whereupon, terms and conditions was

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marked as Lauren Willie Exhibit 5 for Identification.)

Q. The question for the witness, and Mrs. Willie, I want you to look at page 4-7 through 6-7, those three pages, which are entitled "EZ PAY Terms and Conditions." Do you see that?

A. Yes.

Q. Do you recognize this document?

MR. RUFF: Objection. I'm going to have this continuing objection to all of this line of questions on this document. There is no foundation for the document. That's my objection.

Q. Do you recognize document Mrs. -- do you recognize the EZ Pay terms and conditions, Mrs. Willie?

A. No.

Q. When you bought the season passes, Mrs. Willie -- well, if you want to read it, go ahead.

A. No. I'm listening.

Q. Well, you need -- I need your attention.

L. WILLIE

A. Sorry.

Q. So we are done with that document, you can put this aside.

When you gained access to Sesame Place on July 10th, 2022, did you have to state or declare your race or ethnicity?

MR. RUFF: Objection to form, as it calls for legal conclusion. You can answer.

A. No.

Q. When you bought the ticket that you gained or the season pass that you gained access to the park with, were you asked to declare your race or ethnicity?

MR. RUFF: Same objection. You can answer.

A. No.

Q. All right, Mrs. Willie, turning your attention to the events on July 10th, 2022. Describe for the record in your own words what happened that you're suing Sea World about?

MR. RUFF: Objection as to form, as it calls for legal conclusion. You can answer.

A. On July 10th, my husband and I

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along with -- my husband and I took our daughter L.W. to Sesame Place. We went with my brother-in-law, Keith, my sister-in-law, Tina, my brother-in-law, Sammy, their son, Camero, my brother, Benjamin, his wife, Bri and their twins Abigail and Benjamin. We all met -- we met the Brooklyn part of the family and drove down together and my brother lives in Washington D.C. and he drove up and met us with his kids. We all went in and we were having a wonderful time. It was almost time for my brother and the twins and his wife to head back because it takes longer for them to get back, then it does for us to get up here and L.W. saw the Rosita character, and because we are trying to raise her in a bilingual household, she was very excited to see the character and ran towards her and Rosita did not -- the character actor did not stop walking, did not acknowledge her presence, and the handler that was behind her didn't stop and say, hey, look there is a kid here, and

she's trying to get your attention and then the Rosita character skipped off to a place about maybe 20, 30 feet away where a white child was standing and taking pictures with her parents and jumped in the picture and posed with the parents and the child, and I just remember what my daughter's face looked like.

And so in that moment as parents we had a choice to make, do we react as we felt necessary and demand accountability in that moment and time and then possibly sully the whole day for my daughter or do we stuff it down and try to distract her so that she can still have a happy birthday, and as uncomfortable as it was, we chose the latter, because she was only turning four, and I don't know how much she can differentiate between the characters at the park and the characters on the show, and so if we told her, or if we reacted would be ruining something that she loves, because we wanted to take a stance in that moment or because we wanted to right the wrong

right then, and so we tried to just push passed and distract her, but the feeling, the suffocating feeling that -- my child had to be subjected to something because she had her -- because she was who she was, and her skin was not right, and it's uncomfortable, to say the very least, it's angering. It makes it hard, so we tried to pivot and take her to see something else that she would enjoy and do the best to salvage the day, so that it wouldn't weigh on her the way that it was weighing on us.

Q. At the time that this series of events that you described happened, did L.W. say anything to you about how she felt about it?

A. She said why didn't Rosita stop or something like that, and we were like oh, honey, she had to go, you know, they have to be at different places, you know, we made excuses for it.

Q. But what exactly did you tell her?

A. We said oh, honey, we will

probably see her again, let's go on and find something else to do. You know, we tried to just keep her spirits up, because we didn't want for the whole day to be waisted because of that.

Q. And is it the case that your husband Rodney Willie was present when this happened?

A. Yes, everyone was there.

Q. Did Rodney Willie say anything to you about how he felt about the experience?

A. We have that thing that couples often do where you can communicate without having to say much by just, you know, a few looks to each other and when we looked at each other, we had an entire conversation what are we about to do, are we going to say something about this, are we going to -- and then when L.W. was a little ahead of us, we started to talk about it and do I need to go over to customer service and say something and we were like, no, let's just continue with the day, and let's just keep going and try to make the best of it.

Q. So who was it that said do we need to go --

A. I asked if I should go to customer service.

Q. Let me ask the question.

A. Sorry.

Q. Who was it that said should we go to customer service?

A. That was me.

Q. And what was Mr. Willie's response to that?

A. He kind of shrugged it off and said, no, let's just keep going.

Q. So what time of day did this interaction take place, the best you can recall?

A. Somewhere between 3 and 5, 3 to 5, yeah.

Q. After it happened, what did you do at that point, did you go home, what else did you do?

MR. RUFF: Objection to form. That's a compound question.

Q. What did you do after this

L. WILLIE

incident happened?

MR. RUFF: You can answer.

A. We continued to walk around the park and see if there was any rides for the kids to go on or activities they wanted to do. I think we were waiting to see if one of the parades, well, not the parade but there is a performance in front of Sesame Place that happens at certain points in the day, and we were going to try to get to that, and so we were trying to fill the time before the next scheduled performance.

Q. And how would you say that this experience has effected you personally?

A. I'm angry, I'm sad. It has made me question a lot of things. I'm not a stranger to discrimination and micro-aggressions but my hope was always been in raising a black child in this country at this time that maybe she will be spared from some of the stuff that my husband and I endured or that our parents endured and to know that that's not the case is enraging and disheartening. And to

L. WILLIE

not be able to shield my child from something makes me feel helpless. It makes me feel anxious, and it makes me feel like I'm having trouble breathing, and it makes me question a lot of other interactions. L.W. is the only black child in her class and so sometimes when her teacher says certain things, it makes me look at the situation probably a little more scrutiny then I would otherwise because I'm wondering is this something else that I need to shield her from, and is this something I need to bring up to the administration. It makes me -- it's unfair, because it ripples into other places. We were talking about maybe going to another amusement park, and I'm worried that, we are worried that if we take her somewhere else is she going to have a similar situation, are we going to be paying someone to embarrass and mistreat and leave our child out. That's not something we should have to think about all the time.

L. WILLIE

That's not something we should have to -- it's not something we should have to deal with. She should be able to just go to the same places as her white classmates, and it not be an issue and she not be left out, so I'm probably going off too much.

Q. Well, the question was: How has this effected you?

A. So I had open heart surgery in May of 2021 and so I'm very aware of feelings in my chest, because I'm always -- my brother died in 2014 of a heart attack, my mother almost died in 2020 from the same condition, which is why I had the surgery in 2021, and so when anxiety like this comes up, it gets tight in my chest, and so now I'm not only worried about the discrimination, I'm worried that, oh my goodness, is something going to happen to me where I'm now going to fall down in front of my child, and so I have to work on anxiety a lot, because it's tight in my chest, what happens, and it scares me, because I don't want to subject her to that

L. WILLIE

possibility, but it's a very real possibility. I don't know.

Q. Have you seen a physician about the --

A. No. I had surgery for it so they tell me that I have to stay calm which --

Q. Let me finish my question. Have you seen a physician with respect to this experience insofar as it's effected your heart condition?

MR. RUFF: Objection as to compound question, as to the form. You can answer.

A. No, not directly. I've talked with my aortic surgeon about anxiety and I've asked him, is this a cause for concern and he's like well, you know, you don't want to put too much stain on yourself and you can still have a regular life but, you know, don't try to start, don't invite too much stress.

Q. But did you have that conversation with your doctor after July 10th, 2022?

A. I have to see him every three to

protect her.

So she know that Rosita didn't stop for her but she doesn't realize that it was a person inside the Rosita suit that was probably discriminating against her and that it wasn't Rosita.

Q. So just so the record is clear, Mrs. Willie, is it your belief that the employee of Sesame Place inside that suit did what they did -- let me strike that.

Is it your belief that the employee inside that Rosita suit refused to interact with your daughter because your daughter is black?

A. Yes.

Q. Have you told your daughter that?

A. That?

Q. That the employee inside the suit refused to interact with her because L.W. is black?

A. No.

Q. Did anything else happen on July 10th, 2022, that you regard as discriminatory?

A. So later on that afternoon, we saw that Rosita was going to be at a meet-and-greet, certain locations in the park where the characters stand and greet children, and we got in line, and we were the last people on line. When there was no one behind us and when we got to the front, the same handler that had been with Rosita before stepped in front of us, and said Rosita won't be seeing anybody -- the last family walked up to go take pictures and then she stepped in front of us and said Rosita won't be seeing anyone else today.

Q. And you say this was a meet-and-greet?

A. That's, I believe, that's what they call it where they have the characters stationed at different locations in the park and at scheduled times they'll tell you which characters are going to be where and so we saw, we thought to ourselves, okay, well, maybe what happened was an accident, and maybe it wasn't a deliberate slight, and so we got on line with the same

character and the same handler and the family in front of us went and there was no one behind us, no one was coming over to the line, and the handler stepped in front of us between us and the family that was ahead of us and said Rosita will not be seeing anyone else today.

Q. So you were in line?

A. We were on line.

Q. What exactly did the handler, the person -- first of all, describe the person for me in terms of what race they were.

A. The person that was walking with Rosita was a white woman, a white girl. I'm not sure her age. She was a late adolescent, early 20's probably, blonde hair, she had on a yellow Sesame Place shirt, and I think the shorts they wear are green.

Q. And this is the same person that was accompanying the Rosita character when the Rosita character walked passed your child?

A. Yes.

Q. How long after the walking passed your child incident, did this meet-and-greet incident take place?

A. Maybe about an hour or so.

Q. And where exactly in the park was it?

A. This was by the main, when you first walk in there is a big circular, like a town square kind of circle space where they have bushes cut in the shapes of the different Sesame Street characters, and it was -- the main entrance is on the other side, this was like maybe at about 9:00 from the main entrance.

Q. And when you say that there is a schedule for meet-and-greets, where was that schedule located?

A. They posted the Sesame Street app -- Sesame Place app, excuse me, has the schedule for each day, that they put out on the app, so that you can see where different events are going to be taking place.

Q. And that's how you actually

figured out where to go to have a meet-and-greet with Rosita; is that correct?

A. Yes.

Q. What exactly did this person accompanying Rosita say when she cut the line off?

MR. RUFF: Objection. I believe this question has been answered.

Q. Tell me exactly what she said.

MR. RUFF: Objection to form. This is asked and answered. She can answer.

A. Rosita won't be seeing anyone else today.

Q. And do you doubt the truthfulness of that?

MR. RUFF: Objection, as to calls for speculation.

Q. Did you believe it or not believe it?

A. I did not believe it. I felt that she had seen us before and we were a fairly large group, and they -- my child looked exactly the same as she did when

they walked passed her, and there was no one else -- if there were like five other families I could understand maybe doing that because I do know that they have a schedule that they have to keep but it was just us. That was it. There was no reason to do that a second time to my child.

Q. Is it your belied that your exclusion from the Rosita meet-and-greet line was based on the fact that you're black?

A. Yes.

Q. And based on the fact that your daughter is black?

A. Yes.

Q. Was there anything else that happened that day that you regard as discriminatory?

MR. RUFF: Objection as to form, as it calls for legal conclusion. Can you answer the question.

Q. Let me ask you this, before you answer that. What is your understanding of the word discrimination?

MR. RUFF: Objection to form, as it calls for legal conclusion. You can answer the question.

A. Discrimination is to exclude or treat someone poorly based on actual or perceived race, ethnicity, gender, weight, age, any of the isms.

Q. So based on your understanding of the term discrimination, did anything else happen on July 10th, 2022, other than what we've already discussed that you regard as discrimination?

A. There was an incident that occurred at the Rosita cabana where the food -- we were purchasing food. It was supposed to be something where you just grab and go, but there was nothing prepared and my husband ordered food for our group, and it seemed to us, as though other people's food orders were being made faster than ours was. It took 30, maybe 45 minutes. Definitely 30 minutes for us to get quesadillas, which I mean, you just heat and go, and so it didn't seem logical

and chips and salsa so it didn't seem to make sense, that we had four small kids under the age of seven, and we weren't getting our food, but other people seemed to be getting theirs.

And at the time, we thought, okay, you know, what it's post-Covid, training is bad, maybe they just haven't -- you know, they are not used to all of this number of people coming to the park, but then when you put all of these things together, it starts to seem like it is pattern behavior.

Q. This incident with Rosita's cabana, when in relationship to Rosita walking passed your child did this happen?

A. That was before. That was maybe around noon-ish.

Q. And the food being provided to other customers, what was the ethnicity of the other customers that were getting it ahead of you?

A. White presenting.

Q. And you believe that the slow service that your party experienced was

because you're black?
A. Yes.
Q. Is there anything else that happened on July 10th, 2022, that you regard as discriminatory?
A. No.
Q. After the experience with Rosita not interacting with your child, did you discuss that with anyone, other than your lawyer?
A. On the way home we -- once -- I'm trying to remember if she fell asleep in the car. My husband and I discussed it briefly, but on the 17th when we saw the other videos, we talked about it a little bit more, and then when we posted, then we posted our video on the 18th and people on social media started to comment then after we did the interview with Zerlina Maxwell show, people who hadn't seen the social media stuff reached out to us and were like oh my goodness, I'm so sorry to hear that that happened, that's so terrible, but in-depth discussions, no. Just mostly

people expressing, coworkers and people we knew from social settings reaching out to us. All of it was electronic. I don't think we had any conversation with anyone outside of each other, and the parties, my siblings, my brothers and siblings in-law. And we didn't really talk about it with other folks at that point.
Q. You say it was by electronic, in what manner was it electronic?
A. Text messages, comments on social media posts, direct messaging on social media. There were a few people trying to defend the park, and so when the first few -- part of the reason we posted was because a few people were defending the park when the first video came out and then we saw the second video and then we put ours out, then it started to be more of an online discussion but not in-depth. It was just like, wow, I can't believe they did that, you know, that kind of thing and essentially what we were saying was the same things that we said on the MSNBC

interview which is people were calling for a boycott of Sesame Street, and we were trying to explain, that they are not the same entity and these are licensed characters. It's not Sesame Street. Sesame Street, Sesame Workshop isn't the one doing this. This is the park. These are the employees of the park that are doing this, so that was pretty much the conversation that we were having when people said stuff online to us.
Q. In terms of what you just said about the difference between the park and workshop, what do you base that on?
A. Because it's not -- who says children's television workshop, it's on the paperwork, it's Sea World, I mean, but before that I knew that it wasn't -- that they were licensed characters. I knew that it wasn't Sesame Street.
And Sesame Street issued a statement as well saying they were going to help the park to do better training, and help the park to do better education, and so that

was one of the reasons, that I also knew that it wasn't that they were two separate entities.
Q. In terms of the communications that you mentioned, did any of this occur by e-mail?
A. No.
Q. And do you still have the text messages that you described?
A. Yes. I submitted them. Not the direct messages. Those are all on the post that we posted on social media, his post, my post, but the text messages, I did submit.
Q. Submit to your lawyer?
A. Yes.
MR. SIMPSON: So we would request they be produced as well. I don't believe we got any text messages.
MR. RUFF: I'll do a review.
MR. SIMPSON: I'm pretty sure we didn't because I would of remembered that.
Q. In terms of your direct messages formats, what were the social media

platforms in which you made those direct messages or had those direct messages?
A. Instagram.
Q. Anything else?
A. No.
Q. If you could look at Exhibit 3, and if you could turn to page 4, which is the answer to Interrogatory No. 2 and generally Interrogatory No. 2 asks for you to describe certain information for each instance in which you contain that Sesame Place costume characters refused to engage with you or ignored you. And there was an objection made by your lawyer and the answer beginning on page four, and it starts out about halfway, maybe the third of the way down with the Paragraph No. A. Do you see that where it starts out L.W. was attempting to interact with Rosita?
A. Yes.
Q. And is that the correct time that this happened, 4:59 p.m.?
A. It may have been a little bit earlier. It was an estimate.

Q. It says the location of the attempted interaction was down from Oscar's crazy taxi ride close to Sesame Plaza and at a designated meet-and-greet for Rosita. Just so we are clear, this incident, when Rosita passed by your child, was at a designated meet-and-greet spot?
A. She was walking from the designated meet-and-greet spot.
Q. So she had already done her meet-and-greet and was finished with that and on her way back somewhere else, is that how it worked?
A. I'm not sure where she was going, but I know that she was on route somewhere.
Q. On route from the meet-and-greet or on her way to the meet-and-greet?
A. On her way from where the meet-and-greet was supposed to be scheduled.
Q. In paragraph E it says L.W. ran up to Rosita as she was walking by, Rosita waved minor L.W. off and ran over to take a photograph with a white child that was

already taking a photograph in front of a backdrop. You reference here to, "white child", what do you mean by white child?
A. She was not a child of color.
Q. Do you know what ethnicity this child was or is?
MR. RUFF: Objection. That's asked and answered. Objection.
Q. Was she possibly Hispanic with white skin?
MR. RUFF: Objection, as to the form, as that calls for speculation. You're asking her to speculate.
Q. Do you know?
A. She was white presenting and her parents were white presenting.
Q. Other than what she looked like, do you have any claims for asserting that she is "white"?
A. No.
Q. Do you know this child?
A. No.
Q. Do you know this child's parents?
A. No.

Q. Do you have any information at all about their ethnicity, other than what they looked like?
A. No.
Q. After this Rosita passes by your child and goes and gets photographs with the white child, did you keep on going or did you turn around and go back to get a closer look?
MR. RUFF: Objection to form, as to the compound question. You can answer.
A. So Rosita was coming this way (indicating) my daughter ran towards her, she passed us and went about 20, 30 feet away from us, so it was close enough that I could see -- we could all see, and then in addition my brother-in-law was filming the whole interaction, so we watched it in real time, and then we've watched it countless other times, as the camera pans over and then Rosita is posing gleefully with this other child.
Q. But you didn't go back to get a closer look at the white child?

L. WILLIE

A. No.

MR. RUFF: Objection to form, as it was asked and answered, but you can answer.

A. Sorry. No, I did not.

Q. If we go further down into paragraph E, there is a reference to later that same afternoon that Rosita was at her designated place for meet-and-greets and L.W. tried to get in line to take photographs with Rosita. The park employee that was accompanying Rosita throughout the park barred Mrs. Willie and L.W. from entering the line and told them that Rosita would not be seeing anyone else because she needed to get ready for the parade. Do you see that?

A. Yes.

Q. Is it a fact that the handler told you that Rosita needed to get ready for the parade?

A. She said Rosita is not seeing anyone else today, that she's got to get ready for -- yes, she did say that she has to get ready for the parade, but the parade

L. WILLIE

didn't start for another hour and 30 minutes.

Q. Do you have any information about what this employee may have needed to do to get ready for the parade?

A. No.

Q. Did you go to the parade?

A. No.

Q. Do you know whether Rosita was in fact in the parade?

A. No.

Q. Just so the record is clear, with respect to this situation described in this answer, where you were excluded from the line, just physically, where did that happen in comparison to where the first Rosita incident happened?

A. It was the location she was walking away from, so that situation that I described earlier where it's the -- where I guess it's the double tundra. I'm not sure, the circle where the bushes are, that looks like the characters. That was one of the places for the meet-and-greets, so she

L. WILLIE

was standing there and taking pictures. We tried to get on line, and well, we were standing there and she stepped in front of us and told us she would not be seeing anyone else.

Q. To your knowledge, were any photographs taken of this second incident with Rosita when you were barred from the line?

A. No.

Q. To your knowledge, were there any videos of that incident?

A. No.

THE VIDEOGRAPHER: The time is 10:40. We are going off the record.

(Whereupon, an off-the-record discussion was held.)

THE VIDEOGRAPHER: We are back on the record and the time is 10:49.

Q. Mrs. Willie, if you could look at Exhibit No. 3 again and direct your attention to page 2, the answer No. 1, paragraph 2 it says plaintiff's Lauren Willie, Mrs. Willie and minor plaintiff,

L. WILLIE

L.W., visited the park in August of 2019 October 2020 and on 7/10/2022. Do you see that statement?

A. Yes.

Q. Is there anything that occurred during the August of 2019 visit that you regard as discriminatory?

A. No.

Q. Is there anything that occurred in October 2020 that you regard as discriminatory?

A. No.

Q. These interrogatory answers were served on us in this case, as the record indicates, on December 20th, 2022. From and after December 20, 2022, have you been back to Sesame Place Langhorne, Pennsylvania?

A. No.

Q. Since December 20th, 2022, has Sesame Place or Sea World done anything to you that you regard as discriminatory?

MR. RUFF: Objection as to relevance, but you can answer.

L. WILLIE

A. No.

Q. If you could look at the answer again on Exhibit 3, Interrogatory No. 3, which is page 4. This was a question that required into each incident in which you contend -- excuse me. As to each instance in which you contended that Sesame Street costume characters refused to engage with you and asked you information about when you complained about this. Do you see that? And then it goes on on the next page on 5 to identify the person to whom you complained, describe the response you received, if any, and identify each person you provided with the response, et cetera.

And in your answer here was Mrs. Willie called Sesame Place's customer service to complain. Mrs. Willie was on the phone with customer service for about an hour and 30 minutes. Following her phone call Mrs. Willie received a call back from Sesame Place's customer service to verify her e-mail. Mrs. Willie never received a call back or e-mail response to

L. WILLIE

address her complaint.

As to that answer, you indicated here that you were on the telephone about an hour and 30 minutes; is that correct?

A. Yes.

Q. How much of that time was spent being on hold?

A. I believe maybe about an hour.

Q. So you were actually on hold for an hour?

MR. RUFF: Objection. Asked and answered. You can answer.

A. I was on hold waiting for the person to pick up, so you're on hold while you wait for somebody in the queue to pick you up, right, and then you're on the phone with them and you speak and they put you on hold to speak to someone else, then they put you on hold again to speak to someone else so overall the whole hour and half phone call, I would say maybe about 45 minutes to an hour was on hold, both the lead up to get the representative and then the intermittent holds after that.

L. WILLIE

Q. When exactly did this customer service call occur?

A. July 25th.

Q. And why are you certain about that, you had notes about it?

MR. RUFF: Objection, as to the compound nature of the question.

Q. Why are you certain about it?

MR. RUFF: You can answer.

A. Because I had the call back on the 25th as a voicemail from them.

Q. And when you actually got a human being and a chance to talk to them, what did you tell them?

A. I said that we were one of the families who had posted a video of our child on social media, and I'm sure that they are receiving a deluge of calls at this point, and what are they doing at this point to remedy the situation.

Q. Okay. Did you get a response?

A. I was told I'm very sorry that happened to you, hold on, they came back and they apologized again and they said we

L. WILLIE

are trying to see about extending your season passes for a year, and I said is that the extent of what you are going to do, and they said hold on, and then they came back and they said that they were talking with their supervisors, put me on hold a few more times and then they said somebody will be getting back to you shortly, and then they gave me -- because at first I spoke to one customer service, and then they escalated it up to -- I can't remember the name of what it was, client services. I'm not sure exactly. I don't want to misspeak, but they said that they would be e-mailing us something and then they called us back that day to make sure that they had the correct e-mail. I called them back at the number they gave me to verify the e-mail and then we didn't hear anything else from them.

Q. Did any of these individuals identify themselves by name?

A. First name, but not anything beyond that, and I don't remember the

names.
Q. You don't have any recollection of the first names?
A. No. But I think I still have the voicemail saved. I would be able to look and see the name there.
Q. So do you recall what the voicemail actually said?
A. The voicemail said that it was whoever it was with Sesame Place customer service, whatever the correct term of who they escalated it to was and they wanted to verify the e-mail that I gave them and to please call them back, and they gave me the number.
Q. So you still have that voice mail?
A. I belive I do.
MR. SIMPSON: We will request that counsel produce that.
Q. Did you take any notes with respect to this call to the customer service number?
A. No.

Q. Do you have any other record other than the voicemail of what went on during this call?
A. No.
Q. Other than this customer service call that you've described, have you made any other complaints about the events of July 10, 2022?
A. On July 10th, I reached out to Sesame Place on their Twitter direct message to tell them about the poor service that we received at Rosita's restaurant or I believe I called it the cabana earlier. I'm not sure, something Spanish naming for her restaurant. Maybe it was Rosita's Casita. I can't remember what the name of it is. But I reached out to them and explained to them that as season pass holders that we were supposed to receive discounts on food, we didn't get the discount, and that the food took an extra long time to come and I think they gave us $10 in Sesame Place bucks or something like that and they said, oh, well, no, season

pass holders don't get discount on food and that it's just merchandise or something else.
Q. Do you still have that direct message?
A. Yes.
MR. SIMPSON: We would request that that be produced, counsel.
Q. Is it your belief that the failure to give you the discounts was based on your race?
MR. RUFF: Objection. Assumes a fact that's not in evidence. I'll object to the form. You can answer the question.
A. I think that it's not explained to everyone working at the registers what the extent of the discounts people are supposed to receive are. I'm almost certain that we are entitled to discounts, even if they are small for the food but definitely for purchasing items, and we did not get it at the Rosita restaurant.
Q. Did you ask for it -- did you point out the fact that you were gold

season pass holders and were entitled to the discounts?
A. My husband Rodney was the one who purchased the food, so I'm not sure what his exchange with them was. I just know that they did not issue us any discounts.
Q. And you indicated that you ultimately got some sort of coupon or Sesame Place dollars. And I can't remember how you described it.
A. I think it was Sesame Place -- I might be making this term up, but I believe it was Sesame Place bucks. They offered us some sort of coupon, something, in the Twitter direct message exchange.
Q. So that would be in these direct messages on Twitter that you have?
A. Yes.
Q. Have you made any other complaints?
A. Beyond to the attorneys, no.
MR. SIMPSON: Mrs. Willie, let me show you what we've marked as Exhibit 6, which I'll represent to you is a screen shot of

what appears when one goes to Footnote 12 of the first amended complaints and clicks on the URL located at that document, and that's the videotape that's attached to the Willie allegations of the complaint.

(Whereupon, photograph was marked as Lauren Willie Exhibit 6 for Identification.)

Q. Do you recognize this as a screen shot of that video?

A. Yes.

MR. SIMPSON: Counsel, what we are going to do here is play a few videos, and what I've done is put them on this medium and they are labeled Willie Videos 1 through 8, and it's a combination of videos that your client produced, and I'll identify them as we go, as well as videos that are in the public domain.

MR. RUFF: How are you marking them?

MR. SIMPSON: This stick will be Exhibit No. 7. So with respect to Exhibit No. 7, we are going to play Willie Video No. 1 at this point.

(Whereupon, videos were marked as

Lauren Willie Exhibit 7 for Identification.)

(Video played.)

Q. Do you recognize this video Mrs. Willie?

A. Yes.

Q. Who made this video?

A. My brother-in-law, Keith.

Q. And his name is Keith Middleton?

A. Yes.

Q. And you were present when it was made, correct?

A. Yes.

Q. From the time -- can you describe the process that occurred, if you know, from the time the video was made until the point at which it was provided to the lawyers, how did that come about, if you know?

MR. RUFF: Objection. Can you restate that?

Q. You didn't take the video, correct?

A. No.

Q. And your lawyers didn't take the

video, correct?

A. No.

Q. So describe the process, if you know, about how the video came from being made by Mr. Middleton and provided to your counsel?

A. He shared it with my husband and I, and we shared with our counsel.

Q. Do you know whether this video has been edited in any way?

A. It has not.

Q. Before it was linked to the first amended complaint in this case, was this video that we just played, Video No. 1, posted anywhere on the internet?

A. The first part of it was posted up until she walks off. I had a recording and we didn't have my brother-in-law's recording yet at that point on the 18th and then my brother-in-law sent us his video on the 18th and that's what you have. My video I had stopped because you can hear my voice on it, L.W., L.W., because it became clear to me she wasn't stopping, and I was

trying to bring my child back to me because I didn't know if the other woman was going to move her or say something to her, so we had my video but then my brother-in-law sent us his on -- I think he actually sent it on the 19th, not the 18th, I'm sorry. He sent it on the 19th after we did the interview.

Q. Let's run this again, Video No. 1.

(Video played.)

Q. Now, it sounds like as this incident occurred people were laughing. Did you hear that?

A. I heard my husband saying oh, it's Rosita, and I heard my daughter yelling Rosita. I did not hear laughter.

Q. You didn't hear any laughter?

A. I heard my brother-in-law saying it's racial.

Q. So Keith Middleton said that's racial?

A. Yes.

Q. And the female voice saying L.W.,

L. WILLIE

that's your voice?

A. Yes.

MR. SIMPSON: Let me show you what we've marked as Exhibit 8, which is a document you produced in this case bates labeled Willie 00858.

(Whereupon, photographs was marked as Lauren Willie Exhibits 8 through 12 for Identification.)

Q. Do you recognize this document, Mrs. Willie?

A. Yes.

Q. And I assume this is a photograph; is that correct?

A. Yes.

Q. Do you know who took this photograph?

A. Either my husband or myself. It's not me because I'm in the photo, so my husband must have taken it.

Q. And this is a photograph of that same Rosita interaction that we just saw on the videotape, correct?

A. Yes.

L. WILLIE

Q. Can you identify the person that is in the photograph to the right of the woman in the yellow shirt and black pants?

A. My daughter L.W. is the child with the blue, excuse me, with the turquoise sundress, my nephew Benjamin is the small child with the yellow swim trunks and the white shirt and the green and white hat. My niece Abigail is the girl in the teal sundress standing next to L.W. in the pink Crocs. My brother Benjamin is the large man with the white shirt and the green hat. His wife Bri is the woman in the black shirt and shorts standing behind him with the white Crocs. My nephew Cameron is standing behind Bri with the blue trunks and the blue shoes and the greyish T-shirt. And I'm standing to the right of Bri with the white shirt and my hand on my hip.

Q. Based on the video that we just played, Mrs. Willie, is it your testimony that this Sesame Place employee actually saw your daughter and deliberately refused

L. WILLIE

to engage with her?

MR. RUFF: Objection as to the compound nature of the question, as to the form.

Q. Is it your testimony that the Sesame Place employee inside the Rosita suit actually saw your daughter?

A. From this photo you can see her looking directly at my child.

Q. What is your understanding as to what the character looks through in terms of their ability to see?

A. They have a mesh screen in the mouth to be able to see.

Q. Is it your testimony that the character saw your child and deliberately refused to interact with her because she is black?

A. Yes.

Q. If it's the case that the employee did not see your daughter and simply bypassed her, would that still be discrimination in your mind?

MR. RUFF: Objection as to form, as it calls for speculation.

L. WILLIE

A. There is someone walking with her, so even if by some chance costumes designed for people to work in a park with small children who are all around or a little bit bigger than my child could not see through the costume then the person who was walking with her certainly could and could have stopped her, so that she could have just waved to my child, acknowledged my child, something or any of the four children that were with us.

Q. Is it your understanding that -- well, do you have any knowledge about the rules are that these employees have to follow when they are walking back and forth in the park?

MR. RUFF: Objection as to form. The question, it calls for an answer, which she doesn't have personal knowledge. You can answer.

A. I don't know the rules of the employees in the park, but I do know that from the moment they are on stage to the moment they are not, they should be in

character and the character Rosita would not ignore any children.

Q. If you could look at Exhibit 2, the class action complaint, and I direct your attention to page 16, paragraph 102 and references made by the terms of the contract between the Willies and Sea World. Sea world's costume character performers were obligated to not to refuse to on the basis of race meet-and-greet with Sea World customers to include the Willies. Insofar as the document makes reference to a contract, what is your understanding of what the terms of that contract are?

MR. RUFF: Objection as to the form and it calls for legal conclusion. You can answer.

A. We paid money to attend the park and to receive fair and equal treatment as white families, and we feel that we did not receive that.

Q. Is it your understanding that this contract that is referenced in the document obligates the employees to

interact with every child in the park regardless of the circumstance?

MR. RUFF: Objection. Same objection as last objection. Form. Calls for legal conclusion. You can answer.

A. Yes.

Q. And is this understanding that you have referenced in any of the documents that we've been over today; for example, if you could look at Exhibit 4, and is this understanding that you described stated anywhere in Exhibit 4?

A. No.

Q. And if you could look at Exhibit 5, is this understanding that you described stated anywhere to your knowledge in Exhibit 5?

A. I have not seen Exhibit 5 until today so I have not read through all of this.

Q. So you couldn't say?

A. I couldn't speak to it, no.

Q. Do you know whether as Rosita walked passed L.W. and went on down to be

photographed with the other child, do you know whether L.W. actually saw that part?

A. I think she did.

Q. Did she say that she did?

A. She didn't state it.

Q. I'll show you what we marked as Exhibit No. 9. Mrs. Willie, I'll represent to you that this is a freeze frame of the last part of the video that we just played, Video No. 1, and do you recognize this as a representation of the point at which Rosita is being photographed with the other child?

A. Yes.

Q. And it's your testimony that this child is white?

A. Yes.

Q. Is it possible that this child is some ethnic minority?

MR. RUFF: Objection as to form. Argumentative. You can answer.

A. This child doesn't present as an ethnic minority and so my assumption is what I said, that this child is a white child.

Q. Is it your understanding that the place where this photograph in Exhibit 9 was made, the wings are on this backdrop, is it your understanding that this is a meet-and-greet location?

MR. RUFF: Objection as to the form and mischaracterizes her prior testimony.

A. That is not one of the meet-and-greet locations.

Q. Do you know what this location is?

A. It's a mural.

Q. Other than being available for photographs, does it have any other purpose that you're aware of?

A. It looks like it's mural that is blocking something. I don't know what's behind it though.

MR. SIMPSON: I'll show you what we've marked as L. Willie Exhibit No. 10, which for the record, are two photographs that were produced in this case as Willie 00830, and willie 00842. Do you recognize these two photographs?

L. WILLIE

inclusive, equitable and entertaining experience to our guests."

Do you have any information of the training, if any, that Sesame Place conducted for its employees?

A. Since this happened?

Q. Yes.

A. No.

MR. RUFF: Objection. You can answer.

A. No. I don't.

Q. Do you have any information about what training was conducted before this incident occurred?

A. No, I do not.

Q. Have you made a return trip to Sesame Place to see if any of the training discussed in Exhibit 21 has had an effect?

A. No, I have not.

Q. Let's run the Video No. 8 from 07:50 through 08:20.

(Video played.)

Q. So Mrs. Willie, is it fair to say that your view that if the employee is true to the character, in terms of in this

L. WILLIE

instance, Rosita, and stays true to that character, that none of these snubs would have happened; is that correct?

MR. RUFF: Objection as to form, calls for speculation. You can answer the question.

A. From my knowledge of Sesame Street and the characters of Sesame Street, they don't promote discrimination or any other kind of mistreatment of anyone else. The park even has an autism certified park to make sure that children with autism spectrum disorder have a place that they can go to unpack, to do whatever else, so for a character to treat children's badly based on their race or their perceived race is not in alignment with what the views of Sesame Street, the characters that they are licensing should be.

Q. But it's fair based on your understanding of the Rosita character that Rosita is not a racist character, correct?

MR. RUFF: Objection as to form. Calls for legal conclusion. You can answer.

L. WILLIE

A. Rosita's character has had story arcs in which she deals with being afraid of discriminated against because of her father's citizenship status, so no, the character is not racist. The character should be one of inclusivity and should be one that embraces children of all colors, creeds and anything else. It shouldn't be a character that somebody would associate with racism.

Q. And if the employee portraying the character is faithful to the character's characteristics, then there wouldn't be any reason that there would be any discriminatory conduct, would there?

MR. RUFF: Objection as to form. Calls for legal speculation.

A. If the character behaved as Rosita, then no, there wouldn't be any cause for any of this.

Q. Mrs. Willie, if we can go back to your interrogatory answers, which is Exhibit 3, and now I'll direct your attention to page 5, Interrogatory No. 4,

L. WILLIE

which asks you to state each item of economic loss or damage that you contend that you have suffered as a result of the incidents you alleged occurred at Sesame Place in the amended Class Action Complaint. And your answer to No. 4 was economic losses include the cost of tickets to Sesame Place and see answer to Interrogatories No. 1. My question, Mrs. Willie, to you is other than the cost of the tickets to Sesame Place, are you claiming any other economic loss in this lawsuit?

A. No.

Q. Excuse me, I didn't hear you.

A. I want to look at interrogatory 1, just to reference it back. Hold on just a second. Can you repeat the question, please?

Q. Yes. The question is: Other than the cost of tickets to Sesame Place, are you claiming any other economic loss in this lawsuit?

A. No.

L. WILLIE

Q. Are you claiming any type of economic loss on behalf of your daughter, L.W.?

A. No. Beyond what's stated, no.

Q. If we can go to Interrogatories No. 5, which is also on page 5. The question basically was to have you describe whether you've suffered any humiliation, embarrassment, mental anguish, psychological stress, et cetera, and a number of things that we will get into in a minute, and then whether there were, you know, professionals that were called upon the dates of service and so forth. Your answer to Interrogatory No. 5 states that "Plaintiffs experienced racial trauma as a result of defendant's discriminatory practices."

And just focussing on that Mrs. Willie, in your words, what constitutes the racial trauma, you, Lauren Willie, suffered in this case?

MR. RUFF: Objection. Calls for legal conclusion. You can answer.

L. WILLIE

A. Racial trauma is any psychological, emotional, maybe physical aftermath that someone, in this case, my husband, myself and some small part, L.W., suffered as a result of being discriminated against because of our race and not perceiving fair and equal treatment because of our race and we most certainly have suffered those things. I've already described the way that the anxiety manifests for me. I have lost sleep wondering if I did the right thing in the time, if I didn't do the right thing. I've been angry, he's been angry, the feeling of impotence that it creates for us as parents, and not being able to effectively protect our most precious thing or for others not to treat her the way that we believe and know that she should be treated. That is the fact that I can't watch video of my child being ignored by some child probably or young person probably working their summer job without it bringing me to tears because I'm

L. WILLIE

constantly questioning whether I did the right thing, whether we did the right thing, whether there was something else that we could have done in the time, whether she is going to grow up and resent us because of it.

Q. Do you want to take a break or?

A. I'm fine.

Q. Would you say that based on what you've observed and the way you've described it that L.W. has experienced racial trauma?

A. I think she has, but I don't know that she can articulate it yet. I mean, she's only four. Well, she'll tell you she's four and a half now, but I'm sure of it, and when she's older she may call back to it because it's in public domain, she'll find it, and she'll ask us if we did everything we could.

Q. Well, what else do you think you could have did at the time that you didn't do?

A. I don't know, start screaming, go

L. WILLIE

and demand and speak to customer service and hold the person accountable in that instance. I don't know but I hadn't thought about that until just now that she will see all of this when she gets older. She's going to know about all of this so it doesn't matter if I try to protect her then, because she will see this later on. I literally just realized that. I don't know how that escaped me all of this time.

So whether she feels it now, she will feel it. She feels something now and she will feel it more later on when she is older and I don't know what that -- how that's going to effect her. I don't know if she's going to ask us well, why did you keep letting me watch that show if this is how they treat -- I don't know if she'll be able to make that distinction, when she is older. I know she can't make the distinction now but -- we just wanted to go celebrate the birthday with the characters that she likes. I didn't know this was going to happen. I would have never put my

child in harm's way like that. I don't think anybody would, and it's not right. She should have been treated the same way. Rosita should have skipped up to her the same way she did that other little girl or at least given her a high five or something. It's not right.

Q. Would you like to take a break, ma'am?

A. No. No. It's not going to go away. It's still going to be there. We can go on.

Q. If we could go back to Interrogatory No. 5 on page 5. The question listed a number of things asking you whether you've suffered them and I'd like to go over them, if you can do it at this point. I think you've already mentioned humiliation and embarrassment. Do you thing you suffered mental anguish?

A. Absolutely yes.

Q. Do you think you've suffered psychological stress?

A. Yes.

Q. Depression?

A. To some extent, yes.

Q. Have you suffered anxiety?

A. Absolutely.

Q. Have you suffered loss of self-respect?

A. We've questioned ourselves a lot. My husband is a man's man, as the phrase goes and there is nothing he wouldn't do to protect his girls and to know that he has -- he grappled with like those feelings of not being able to keep us safe in that moment. Every loss or every grief brings up other ones, right, so we are raising a little black child in the post George Floyd, post Breonna Taylor world, where during Covid everyday my husband had to go to work. I was able to work remotely but he had to go to work and everyday I worried that he was going to fit a description and not be able to come home, and so in that moment, in that exchange, that we had without saying a word, I looked at him and part of what I was saying to him was please

don't do anything, because if he had, I know they would have arrested him or done something worse, and I shouldn't have to thing about that at Sesame Place. I should be able to just go and enjoy my family. She wants to go to Disney and I don't want to take her anywhere else where this could happen, and this happens whenever we talk about it, whenever we think about it. Something that seems so small and insignificant but it's got this lasting effect on us, it just keeps ricocheting through our lives and all we wanted to do was celebrate her birthday. That was it. And it shouldn't make us feel like this. It shouldn't be like this. We shouldn't be feeling the same way that our parents felt when they were growing up. We are supposed to be growing up in this world where everybody is the same color, whatever people say, and it's not true, not for black folks it's not. For other people, maybe, but not for us. And this just proves it. We don't have to be getting

shot in order to have this racial trauma and we don't have to be getting arrested to have it, we just get ignored and worry about what happens after. I'm sorry.

Q. That's okay. Do you want to take a break?

A. No, I want to finish.

Q. Just to finish the list here because, you know, I have to go through these things.

A. I know. Let's go.

Q. Let's go back to the interrogatory. Would you say that you have suffered posttraumatic stress?

A. Absolutely.

Q. And the it just goes on to say other mental illness or injuries. Are there any other mental illness or injuries that we haven't listed?

A. No. Loss of sleep but, I mean, that's anxiety-based.

Q. For the items that you've described having suffered, Mrs. Willie, have you sought any professional treatment

L. WILLIE

MR. RUFF: Same objection.

A. No.

MR. SIMPSON: Let's take a break. I want to confer with my colleagues. We will go off the record.

THE VIDEOGRAPHER: We are going off the record. The time is 12:27.

((Whereupon, an off-the-record discussion was held.)

THE VIDEOGRAPHER: We are back on the record. The time is 12:33.

MR. SIMPSON: Okay. I have no further questions of this witness at this time. I will say though, we want, we will send you a letter that itemizes the things that we think should be produced, and I hate to say it, but I'm going to keep the deposition open in the event that we have to come back. I hope we don't have to do that, but just for purposes of the record, we might have to resume it, if we find something material that we need to cover with the witness.

MR. RUFF: Just so we are clear, from my notes I have request for receipts.

L. WILLIE

MR. SIMPSON: Receipt for the purchase.

MR. RUFF: I also have receipt for text messages.

MR. SIMPSON: Correct.

MR. RUFF: The direct messages on Instagram.

MR. SIMPSON: Correct.

MR. RUFF: The voicemail from customer service.

MR. SIMPSON: Correct.

MR. RUFF: And the Twitter direct messages.

MR. SIMPSON: Yes.

MR. RUFF: We will look into all of those requests. For the record the witness will read and sign, but I do have some questions for Mrs. Willie very briefly.

EXAMINATION

BY MR. RUFF:

Q. Mrs. Willie, you testified earlier about a second attempt to interact with the Rosita character at your July 10th visit to Sesame Place. Do you remember the ethnicity of the other folks that were in

L. WILLIE

the line for that meet-and-greet?

A. The people who were immediately in front of us were white.

Q. Did you recognize the ethnicity of any of the other folks that were in the line ahead of you?

A. No.

Q. You testified earlier that you have not been back to visit Sesame Place in Langhorne, that's the correct name of the town, right?

MR. SIMPSON: Correct.

Q. Would you ever visit Sesame Place in the future?

A. Provided that they do the things that they said they were going to do in the second statement and give us some sort of assurance that that happened, then yes.

Q. Just to explore that, give me one second. Just to be clear, we are talking about Exhibit No. 21. It's your testimony that if Sesame Place conducted training for their employees and they better understood and recognized and delivered an inclusive

L. WILLIE

equitable and entertaining experience to their guests that you would be willing to revisit the park?

MR. SIMPSON: Object to the form.

A. Yes.

MR. SIMPSON: I don't think it was clear and object to the form and she needs to answer.

MR. RUFF: Well, let me try and rephrase it. What's your objection to the question?

MR. SIMPSON: Compound.

Q. Your testimony is that if Sesame Place conducts training -- well, let me ask you in a different way. What would it take for you to be convinced that Sesame Place had implemented enough changes for you to revisit the park?

A. I would hope that they would notify the families that are listed in the group and let us know what had happened in terms of the trainings that they have done, and I guess invite us to come back to see that they had done the things they said

they were going to do.
Q. Okay. You were asked about your answers to the interrogatories of Exhibit 3. On page 1, I direct your attention to letter A under the introductory paragraph. Could you read that for me?
A. The information provided in these answered is not based solely on the knowledge of the executing parties, but includes knowledge of the parties agents, representatives and attorney's unless privileged.
Q. So is it your -- was that, this phrase, that's in this interrogatory, WAS that your understanding of the way these answers were produced?
MR. SIMPSON: Objection. Leading.
MR. RUFF: Let me rephrase that.
Q. Did you understand this phrase before you signed this document?
A. Yes.
Q. You were asked about an Exhibit 2 on page 28, the paragraph H, the amount of money that is requested in this lawsuit.

In your opinion, how much compensation, as far as dollars are concerned, would it take for you to be satisfied that Sesame Place or that Sea World the defendants in this case had adequately addressed the allegations in this lawsuit?
MR. SIMPSON: Objection. Vague.
Q. You can answer.
A. I found that people don't really change unless it costs them. And so I don't know how much it would take for a company of the size of Sea World, and it's parent company to realize that this number of families wouldn't be coming forward if it wasn't actually something wrong, and it needs to be fixed so that other children and that their parents don't feel the way that we do, so I don't know if that amount would be what it takes, or if it would need to be more. I'm not sure, but something needs to be done.
Q. Does your daughter L.W. have an understanding of her ethnicity?
A. Absolutely.

Q. How do you know that?
A. Because she will tell you in a heartbeat that she is a black girl, and she is very proud of that.
Q. How do you know that she is proud of it?
A. Because she will say it.
Q. Were you able to see -- you testified earlier about the first instance where Rosita walked passed your daughter and ignored her, and I'm trying to identify the video, I think it was Willie Video No. 1, were you able to see your daughter's face after Rosita ignored her?
A. Yes.
Q. What was your reaction to her? Did you see her react in any way?
A. She was shocked. She was sad.
Q. How did you know that?
A. Because I made her. I know my baby's faces. She didn't look happy. She looked like she was confused and didn't understand.
Q. What was -- sorry. You can

finish.
A. She just loves the character and didn't understand why the character wouldn't love her the same way.
Q. What was -- did you have any reaction to seeing her reaction?
A. It's heartbreaking, you know, you see your kid's disappointed and when you tell them no you can't do this or something else, but there is usually a reason behind why you're telling your child not to do that and they eventually understand those, but this one, there is no reason, other than ignorance, and how do you make that fathomable to a little kid.
Q. You just testified that viewing your daughter in that moment was heartbreaking. Had you ever experienced that same emotion prior to this incident?
A. With L.W.?
Q. No. I mean, just in general, have you ever had a comparable experience in that type of emotion, which you've identified as heartbreak?

L. WILLIE

A. You learn as a black person to pick your battles and early on you figure out that reacting to certain things isn't always going to get you the outcome you want, so you have to approach it differently, and yes, I've had that feeling before. I've had that feeling more times than I should, and it's just all the more intense when it's happening to your baby because you hope that you will be able to keep them from feeling that misery, that uncomfortable suffocating feeling of being seen but not being seen and being seen and being mistreated, so yes, I have felt it, and I now better understand how my mother felt when she had to speak to teachers on my behalf or address concerns from curriculum that wasn't what it should have been, and that's why I'm here, I guess, because I don't want this to happen to anybody else's child.

MR. RUFF: That's all I have at this time.

MR. SIMPSON: No further questions.

MR. RUFF: Again, I would just assert the witness's right to read and sign her deposition transcript.

THE VIDEOGRAPHER: This concludes the deposition. The time is 12:46.

(Time Noted: 12:46 p.m.)

_____
LAUREN WILLIE

Signed and subscribed to
before me, this_____day
of _____ 2023.

_____
Notary Public

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~oOo~

CERTIFICATE

STATE OF NEW YORK)
:
COUNTY OF PENNSYLVANIA

I, LAUREN A. FITZGERALD, a Notary Public within and for the State of New York, do hereby certify:

THAT LAUREN WILLIE, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 6TH of APRIL 2023.

_____
LAUREN A. FITZGERALD

EXHIBIT 58

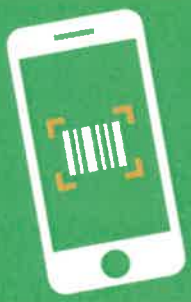
From: Sesame Place Philadelphia <sesameplace@m.seaworldparks.com>
Date: June 20, 2022 at 6:53:18 PM EDT
To: blitzlily81818@gmail.com
Subject: **Your order is ready!**
Reply-To: SeaWorld Parks & Entertainment <reply-fec7157172600c7e-466_HTML-32157555-526002807-23058@m.seaworldparks.com>

Thank you for your purchase! Your tickets are enclosed.

SESAME PLACE
PHILADELPHIA

Your order has been processed

SEE MY ORDER



Before you visit the park, download the App to save purchases to your phone, navigate the park, see wait times and plan your day.

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ANDROID APP ON Google Play

- Your Purchase Summary -

- E-Ticket Details -

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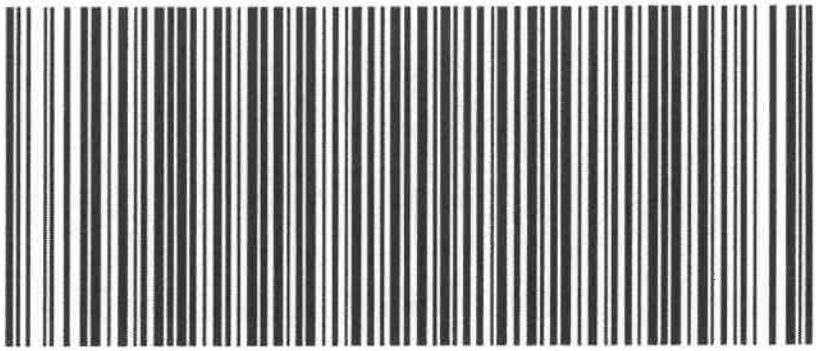
Sesame Place | 100 Sesame Road | Langhorne, PA 19047

215-702-ELMO

Privacy Policy

THIS IS YOUR TICKET
PROCEED TO THE PARK

Sesame Place Philadelphia 2022 Gold Season Pass



A597 44653 42836 59458

Redemption

Step 1: Print this Season Pass or show on your mobile device.
Step 2: Take Season Pass to park entrance to enter park.
Step 3: Save this for future visits. If you would like to receive a physical pass, please visit Guest Relations or Welcome Center.

Legal Terms

Valid at Sesame Place. Includes Free Preferred Parking, based on availability, Also includes 15% discount on food, beverages, cabanas, dines and stroller rentals. A 20% discount merchandise, and photos. A 30% discount on Magic Queues. This Season Pass may not be transferred or resold. This Season Pass is only valid for the person listed above. This Season Pass is non-transferable and nonrefundable. Pass void if altered. Photo enrollment required for entry. Please refer to EZpay terms and conditions. Season Pass expires on 1/2/23.

THIS IS YOUR TICKET
PROCEED TO THE PARK

Sesame Place Philadelphia 2022 Gold Season Pass

A147 17730 25148 74238

Lauren Willie

Redemption

Step 1: Print this Season Pass or show on your mobile device.
Step 2: Take Season Pass to park entrance to enter park.
Step 3: Save this for future visits. If you would like to receive a physical pass, please visit Guest Relations or Welcome Center.

Legal Terms

Valid at Sesame Place. Includes Free Preferred Parking, based on availability, Also includes 15% discount on food, beverages, cabanas, dines and stroller rentals. A 20% discount merchandise, and photos. A 30% discount on Magic Queues. This Season Pass may not be transferred or resold. This Season Pass is only valid for the person listed above. This Season Pass is non-transferable and nonrefundable. Pass void if altered. Photo enrollment required for entry. Please refer to EZpay terms and conditions. Season Pass expires on 1/2/23.

SESAME PLACE

Sesame Place Pass Member Guest Ticket

Confirmed Special Guest

[redacted]

voucher#: 1092 66783 18345 3729

[redacted]

Pass Member Barcode:
A147177302514874238

Redemption

Step 1: Verify our hours of operations
Step 2: Print this eTicket or show on your mobile device
Step 3: Proceed directly to the park entrance and present this eTicket and a Photo ID to enter the park.

Legal Terms

Valid for one visit to Sesame Place any operating day through January 2, 2023. This ticket is only valid for person listed on the ticket. This ticket may not be transferred or resold. Ticket value expires on 1/2/23. Tickets are nonrefundable. Ticket void if altered. In order to ensure our guests' comfort and safety, Sesame Place may be subject to capacity limitations. Admission into the park maybe suspended during the day. Admission is not guaranteed.

THIS IS YOUR TICKET

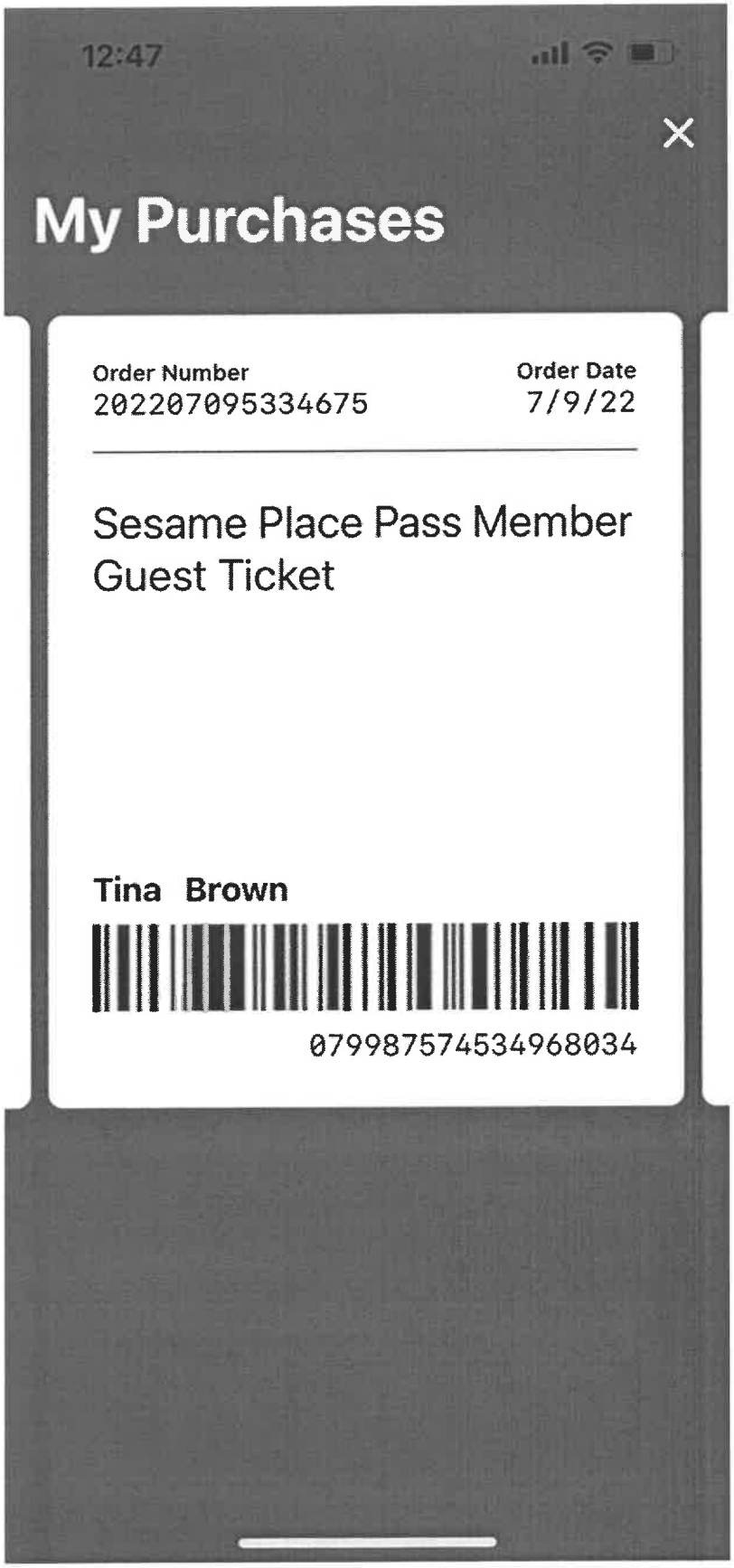
Proceed directly to park entrance

Thank you for your visit.
Be sure to join us again.

SEAWORLD PARKS & ENTERTAINMENT

Discovery Cove · Aquatica · SeaWorld · Busch Gardens · Adventure Island · Water Country USA · Sesame Place

12:47
My Purchases
Order Number
202207095334675
Order Date
7/9/22
Sesame Place Pass Member Guest Ticket
Cameron Brown
7494193430494937 42


12:47
My Purchases
Order Number
202207095334675
Order Date
7/9/22
Sesame Place Pass Member Guest Ticket
Tina Brown
079987574534968034

12:47
My Purchases
Order Number
202207095334675
Order Date
7/9/22
Sesame Place Pass Member Guest Ticket
Keith Middleton
5772981002634905 41

12:47
My Purchases
Order Number
202207095334675
Order Date
7/9/22
Sesame Place Pass Member Guest Ticket
Lola WILLIE
1092667831834537 29

12:47
My Purchases
Order Number
202206205304347
Order Date
6/20/22
Sesame Place Philadelphia
2022 Gold Season Pass
Rodney Willie
A5974465342836594 58

12:47
My Purchases
Order Number
202206205304347
Order Date
6/20/22
Sesame Place Philadelphia
2022 Gold Season Pass
Lauren Willie
A147177302514874238

EXHIBIT 59

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CASE NO. 22-cv-02941

- - -

QUINTON BURNS, et al,

Plaintiffs,

vs.

SEAWORLD PARKS & ENTERTAINMENT, INC.; and SEAWORLD PARKS & ENTERTAINMENT, LLC,

Defendants

- - -

VIDEOTAPED VIRTUAL DEPOSITION EXAMINATION OF

KIENNA CHILDS ALEXANDER

TUESDAY, AUGUST 15, 2023

- - -

REPORTED BY: HEATHER A. KIRSCH, CCR

- - -

MAGNA LEGAL SERVICES
(866) 624-6221

A Yes.
Q Okay. Somehow were you still allowed to enter though, even though the name -- it didn't reflect your name?
A Yes.
Q Okay. Okay. So you said that you purchased the silver pass, you believe it was a silver pass, on September 11th, 2021. Do you know how long that pass was good for?
A For the 2002 season.
Q So is that like the end of 2022, was that your understanding?
A Yes.
Q And was this the first time you had ever purchased a -- a season pass to Sesame Place?
A Yes.
Q And was this Langston's first season pass as well?
A Yes.
Q All right. And why did you -- why did you choose the season pass over a single day ticket?
A Because I wanted to have memories at Sesame Place. I thought it would be great for us to enjoy the remainder of the season and to

be able to start 2022 off at the park as well.
Q And were there any particular perks that you were -- that had interested you in purchasing that pass, perks that were provided to pass holders?
A The perks of having a smile on his face. That was what the perk was for me. That's it.
Q Okay. So during this 2021 visit with Langston in September, was there an incident there that caused you to -- to obtain counsel -- obtain your legal counsel?
A Yes.
Q Okay. Can you explain that to me?
A The visit to the park started off really well. The weather was really nice. It was perfect. I had my sister and my niece and my son in tow. And they're best cousins, so it was really -- it was a good day going for us.
We decided as a family to go up to the Two Tube Rider, I believe it's called. And we had the children pretty much in front of us because we were leading them on to get on to the ride.
As we were approaching and letting the tube

attendant know that they were getting on the ride, we weren't going to be getting on with them.
Q Okay.
A Immediately let us know that they couldn't get on the ride if they didn't have someone 14 and older with them.
Q Do you know why that -- was there an explanation as to why that was?
A There was no real explanation.
Q Okay. So what happened next?
A My sister and I were baffled. We were baffled by the attendant's demeanor, body language and the way she came off. She was adamant that our kids can't get on unless someone 14 and over is on the ride with them.
We then asked her well, why can't they get on, the rules are stated behind you and it clearly indicates that in order for someone to get on that they have to be over 36 inches, then no person had to ride with them, when we were explaining to her it's behind you.
And she stood there with the measuring stick in hand and she let us know that she does

not make the rules. And if we want, we can speak to the supervisor. And it really took us -- that really took us by surprise because we didn't quite understand why she was doing that. We then --
Q I was going to ask you a question about you called her the attendant, is that -- did I hear that correct?
A She was a ride attendant, yes.
Q Okay. And I think you said she, did I hear that right?
A Yes.
Q So this was a female ride attendant, is that right?
A Yes.
Q Okay. Can you recall a physical description of her?
A She was a white female.
Q Okay. If you had to estimate an age, what did you think her age range could be?
A Between 16 and 17 years old.
Q Okay. So you thought she was a teenager?
A Yes.
Q Okay. And did you make note of a name tag

or any other identifying information?
A At that point in time I did not, no.
Q Okay. Okay. Sorry to interrupt you, if you can continue then, I just wanted to make sure I could get some more information about her.
A We were pointing towards the children saying there are other kids getting on here. The ride attendant was adamant that someone 14 and older has to get on and I don't make the rules.
At that point in time, my son got really upset and he said she doesn't want us to get on this ride, started crying. And he said okay, let's get on a different ride.
And that's when I kind of didn't know what was happening at that point because there were other children, specifically white children, that were in the line that was obviously younger and shorter than our brown children standing there.
As my son was getting upset and I was trying to console him to the best of my ability, my niece, Desai, with all of her bravery, more

bravery than I had because I was completely in shock that it was happening, pointed over to the kids who were white and she said those kids are getting on the ride. Why can't we get on the ride? We're getting on this ride.
And it was at that point that I realized like what was really happening with the ride attendant. She wanted us to be with our kids and the other kids was okay to get on, even though they were smaller in stature and clearly younger.
And it was at that point also that I realized that I couldn't just let it go because my niece, she clearly was articulating that the other kids looked different than they did, but they were the ones being held back from getting on the ride.
Just as all of this was occurring, an associate walked up. And I'm assuming that it was a supervisor. We explained that the ride attendant was not letting us get on and the ride attendant said it as well, they need to have someone 14 and older.
The individual associate that approached us

said no, they can get on. That's when I knew what had just occurred wasn't right at all. She already had her biases and an issue with our physical appeal. It was us.
Q So the associate that you mentioned that walked up, you said that you thought that she could -- excuse me, you thought the person that walked up was a supervisor, is that right?
A I assumed her to be such.
Q Okay. So also female, was that right?
A Yes.
Q Okay. Was there anything about her outfit or demeanor that caused you to believe she was a supervisor?
A The way that the ride attendant changed -- the way she was approaching us, it changed once that individual walked over. Prior to her coming to us she was already defensive and didn't want us to be on the ride with the kids. But once another person came over and my son was beyond upset and inconsolable, it changed.
Q Now, you had just said that she was defensive and did not want to be on the ride

with the kids. I just want to clarify what you're saying. She didn't want you to be on the ride with the kids, is that what you're saying?
A She didn't want our kids to go on there without having some type of, I guess, parental involvement. She was not allowing them to get in the line like the other white children who were in the line by themselves.
Q Sorry, go ahead. I thought you were finished. Go ahead.
A Ours had a different set of rules.
Q Okay. At this time in September of 2021, was Langston have been 7, is that right?
A Yes.
Q Okay. And then your niece, do you recall how old she was at the time?
A She would have been 6.
Q Okay.
A A few months apart.
Q I'm sorry, what was the last part?
A They're a few months apart.
Q Few months apart. Okay. Do you recall how tall Langston was that summer when he was 7?
A He had to be at least four feet tall.

Q Okay.
A He's very tall for his age.
Q Okay. And what about Desai, do you recall where she stood in terms of height?
A She's maybe, at the time, a half inch, if that, under Langston.
Q Okay.
A She too is tall.
Q So when that supervisor came up, how long did it take from the time you walked up and had the first exchange with the associate and she told you that they couldn't get on the ride without someone over 14, how long before the supervisor came over?
A I don't recall the amount of time. Everything was just happening. It was just happening.
Q Okay. Was it under a minute?
A I don't recall the exact time. I can't commit to a timing.
Q Okay.
A It wasn't long.
Q Okay. And so after the supervisor came over and said -- and corrected that associate

and said that the kids were able to ride by themselves, what happened?
A The ride attendant said sorry, but the damage was already done.
Q Now, did that ride attendant apologize to you?
A She said sorry.
Q Okay. Did you -- did you view that as an apology?
A No.
Q Okay. Why not?
A I viewed it as she was caught because we were adamant that what she was doing wasn't right.
Q Did you -- you had mentioned that -- that you attributed this to being the color of your children or your skin, is that right?
A Yes.
Q Okay. Did the ride attendant say anything racially motivated or something in the line of like a racial slur?
A No.
Q Okay. Was there any other circumstance about that exchange that -- that led you to the

conclusion that she told you that based on race?
A Yes.
Q Okay. What was that?
A The fact that the children that were in line by themselves were white.
Q And how did you know that they were white?
A They appeared to be white versus black.
Q Okay. So after the -- the ride attendant said she was sorry, what happened next?
A Our kids proceeded to go on in line, but my sister and I walked around the steps to meet them up at the top.
Q And then what happened next?
A They did get on the two tubes. And I had to put on a brave face because they had just went through a really traumatic experience, of which my niece called out pretty much that she saw other kids that don't look like they did getting on the ride. So I just pulled out my phone and took a picture, tried to smile and document a moment that should have been really, really fun.
Q When you said that this -- I believe you

said Desai was the child that had said something about how the other kids looked different, was she the one that said it?
A She didn't say they looked different. She said those other kids are getting on the ride. And it was her that verbalized it, we're getting on this too. We're getting on this ride.
Q At any point did you or your sister tell the kids that this was occurring due to race?
A No. We did not say those words at all.
Q Okay. At some later point in time did you ever tell the kids that that occurred, that they were initially denied to go on by themselves due to race?
A No.
Q What did you do after the -- let me back up. This was a water ride at the water park section of Sesame Place, correct?
A Yes.
Q Prior to this two tubed ride had you -- had your kids been to other water rides in the park?
A I don't recall exactly, but I believe

we did.
Q Okay.
A Sorry.
Q Go ahead. I didn't mean to step over you there.
A We were around the entire park.
Q Okay. Do you recall the names of any other water rides that they had gone on that day?
A I believe I remember the lazy river.
Q Any others?
A I can't recall the names.
Q Okay. And did you or your sister join in on any water rides that day?
A Yeah.
Q Do you remember which one you went on?
A The lazy river.
Q Okay. I would call that mom speed.
A Right.
Q Okay. And after you were finished with the tube ride do you remember what else you did in the park, if anything, that day?
A The remainder of the day was a blur.
Q Do you recall what time of day this occurred? Was it like morning or afternoon?

Sure.
A I don't recall what time of day it was, but after it took place, I recall it being a damper on the day, but we tried to keep our faces still positive because of what transpired prior to.
Q Okay. But you -- you remained in the park after the water ride? You didn't like exit as soon as you got off?
A I don't recall.
Q Okay. Do you remember around what time you left the park that day?
A I don't remember the time.
Q Now, before you left the park did you have any occasion to like go to guest services or customer service to detail what had happened on the water ride?
A I didn't go to the physical guest services because I couldn't believe what actually happened, but I did detail it in writing.
MS. PARDO: Okay. I want to pull up -- Aleks, if you could pull up Alexander 009 to 0012. And I'm going to show you a

document, Miss Alexander. We can page through it and then I'll ask you some questions about it. And sorry, I believe that was the one -- yes. Okay.
MR. RICHARDSON: Is this Exhibit Number 3?
MS. PARDO: Excuse me?
MR. RICHARDSON: Is this Exhibit Number 3?
MS. PARDO: I haven't marked anything yet.
MR. RICHARDSON: Okay. Is number 2 the other Subpoena, by the way? I just want to make sure.
MS. PARDO: Yes. Number 2 is the Document Subpoena.
MR. RICHARDSON: Okay. Okay.
BY MS. PARDO:
Q Okay. Miss Alexander, do you recognize this? And we can scroll through, if you would like to see it.
A Yes.
Q Okay. What are you seeing on the screen? What does this look like to you?

A It was a message that I sent to Sesame Place.
MS. PARDO: Okay. And Aleks, if you can scroll down so it's visible, I just want to point out the Bates Numbers for the record.
Okay. So I believe this is 9 through 12, so let's see if we can get it to view. Okay. There's page 10. So I'm going to have this marked as Alexander Exhibit 3.

* * *

(Whereupon, Exhibit 3 was marked for identification.)

* * *

MR. PARDO: Now, I will submit for the record that this is a document that we received today via email from plaintiff's counsel.
BY MS. PARDO:
Q Miss Alexander, when was -- at what point in time did you search your electronic devices for text messages?

A I'm sorry, clarify your question?
Q So I guess I'll first start by saying is this -- is this a text message chain?
A This is a direct message sent to Sesame Place via their Facebook portal.
Q Okay. Okay. And I see that it has a date on the top, September 14th, 2021, is that correct?
A Yes.
Q And do you recall actually typing a message through Sesame Place's Facebook portal on September 14th, 2021?
A Yes.
Q Okay. When did you actually pull up this -- this chain in order to produce it in this lawsuit?
A If I'm not mistaken, I believe last year. I don't recall the exact date.
Q Okay. So it wasn't as though you just collected this like yesterday?
A No.
Q Okay. Okay. I'd like to take -- take you through the text and ask you some questions about it. And I note that in the first

paragraph it says that you were trying to file a formal complaint, but it looks like you were limited in the amount that you could type. Was that accurate?
A Yes.
Q Okay. And when you say you wanted to file a formal complaint, by what means were you trying to do that?
A By reaching out to Sesame Place to advise them of what transpired during our visit.
Q Okay. And how were you reaching out? Was it like through a link online or some other fashion?
A I don't recall.
Q Okay. Okay. But then -- but at some point you decided to turn to Facebook Messenger instead to type this out, is that right?
A It was always through this -- this means. I didn't go to another place at first. It was first through the DM.
Q Okay. Got it. Now, in this paragraph, if you scroll down, Aleks, I'm looking at the middle paragraph, it says, "Upon approaching the water ride."

You had recounted how the associate advised you that your children couldn't go -- would need someone to -- to ride. Now, you're referencing there -- it says, "Our children, who stand well over four feet."
Is there a reason why you had used the four feet cut off when you were communicating this?
A The rules behind the ride attendant clearly indicated that anyone under 36 inches would need to have someone ride with them.
Q Okay. Okay. So it wasn't like there was a -- the attendant did not say they need to be four feet, but that's just you're making the point that you thought the kids were around four feet, is that right?
A Yes.
Q Okay. All right. You can scroll up a little bit more, Aleks, so we can keep reading. Now, when you had asked the ride attendant about the 36 inches, what was -- and the fact that they were listed, what was the response to?
A She responded that -- that they need to have someone 14 and over. She never even looked to see the rules that were plastered in

big letters right behind her.
Q I see what you're saying. Okay. And you had indicated that your sister is also a season pass member, is that right?
A I was under the impression that she was.
Q Okay. Did -- at some point did you that -- did you get other information about that?
A I never asked her if she was.
Q Okay. Okay. So sitting here today, you don't know if she actually had a pass or not, but at the time you thought she did?
A Yes, I thought she did.
Q Okay. Did your sister -- did your sister also contact Mr. Richardson or his firm about this incident?
A Not to my knowledge. I know what I did.
Q Okay. So did you have any discussions with her about whether she also was going to contact the Murphy Falcon firm?
A I didn't ask her who she would contact. Only thing we decided was someone needs to bring this to their attention and I was

the one that was going to do it.
Q Are you -- do you know whether your sister made a similar complaint through any -- through Facebook Messenger for Sesame Place or any other channel?
A Not to my knowledge. I can only testify to what I did.
MS. PARDO: Okay. Okay. Aleks, if you could come down a bit more, I want to get to the next paragraph. Okay. I want to -- maybe go up just a little bit more. Okay.
BY MS. PARDO:
Q Okay. In the middle of the page, you have -- you had written, "This comment baffled both my sister and I, but it got worse quickly."
Tell me what you meant by "it got worse quickly"?
A She was defensive. She did not -- she just did not want our kids on that ride. And she quickly switched it and said if you like, you can speak to a supervisor.
I didn't know where that was coming from. It was actually a bit frightening to see that

happening in front of my kids, but especially in front of my niece, when it didn't have to escalate, but she did that. That's what I mean by it got worse. It was not getting better.
MS. PARDO: I see. Okay. All right. Aleks, can you go down a little bit further, maybe to the start of the next page.
BY MS. PARDO:
Q Okay. So it looks like you continue telling Sesame Place that the supervisor said that your children -- your children and your niece could indeed ride the ride alone. And you indicated that, Your son became upset at the behavior of the associate."
I think earlier you had said that he was crying?
A He said it's okay, she doesn't want us to get on this ride, we can go find a different ride. And he was upset, he was crying. And that's when my niece -- that's when my niece, in all her young bravery, said those kids are getting on there, why can't we get on there. We're getting on this ride. So she was taking a stand as a little -- little kid.

I said no. I see that those kids over there are getting on. Those kids were white children. They weren't being put through what we were being put through. Just because we asked for our kids to get on the ride without us.
So yes, he was upset. He was rightfully upset. And I'm rightfully upset too because all of the training, the ability to recognize racial bias, discriminatory practices, I couldn't protect him at that point because it was unfolding.
And the person who was putting it into a child-like voice was my niece. She had the courage to say no, this doesn't look right. She was putting it together. And this is excruciating to have to keep replaying this at this point because they didn't deserve that. They didn't.
That teenager was brought in that park that day in terms of that -- in charge of that ride and there was nothing that I could do because it was happening. It was unfolding in front of me.
Q Did you at any point in time believe that

the associate had made a mistake?
A Absolutely, yes.
Q Okay. But a mistake that was not attributable to race? Did you ever -- did it occur to you that perhaps this associate could have been making a mistake or were you certain that that could not be the case?
A The mistake was that she was profiling us. That was the mistake that I saw.
Q And that's your opinion that she was profiling you, is that right?
A That's what I felt and went through.
Q Now, the supervisor that came by wasn't profiling you, was she?
A I don't know. I know what she said was that we could be allowed to go on to the ride.
Q And then your son did go on the ride then, correct?
A My son and my niece after we was able to get on that ride.
MS. PARDO: Okay. Okay. I see on the bottom -- if you could go right to the bottom of this, Aleks.

BY MS. PARDO:
Q Okay. Okay. In the very last part you had said, "You were disappointed -- I'm sorry, go back a little bit, Aleks.
You said, "Sesame Place was not the fun and friendly place for us to be. And as a silver season pass holder, I am disappointed and definitely wouldn't recommend others to take out a pass."
Do you see that part?
A Yes, I do.
Q Okay. And did you, in fact, tell anyone not to buy a season pass to Sesame Place?
A I didn't tell anyone about this incident.
Q Did you -- after the September 21st, 2021 visit, did you go back to Sesame Place?
A I did.
Q When was that?
A That was in May of 2022.
Q Okay. And who -- who accompanied you to the park in May of 2022?
A It was Langston.
Q Was it just the two of you?

A It was just the two of us, yes.
Q Okay. And what made you decide to go back?
A Langston made me decide to go back. Langston really enjoyed Sesame Place. He liked watching it on TV and he wanted to go just he and I just to celebrate his birthday.
I was apprehensive. I didn't want to really go. I also don't want to break my son's heart. I don't want to be the person that broke his heart, so I said we can go, let's go.
Q Okay.
A And --
Q I'm sorry.
A I wanted him to enjoy Sesame Place something that I actually grew up loving it myself, I was able to afford to take him there, I said you know what, let's go. I'll take you, let's go to Sesame Place. We went.
Q Did you experience any problems during your visit in May of 2022?
A In May of 2022 it was again a lot of teenagers that were overseeing the park in many ways. And there were some issues in breakdown of communication, how the rides were being taken

care of.
And I did go to guest relations then to just tell them that there's a lot happening in this park where they're having issues with keeping decorum and order.
Q Tell me a little bit about that. So a lot happening in this park and a breakdown in communication, can you give me an example of what you mean?
A As I recall, there was issues about the lines being backed up, a lot of the rides had been closed.
Q Okay.
A It was a semi-chaotic situation.
Q So is it fair to say that the nature of your complaint was more about like staffing or things that were open versus closed, is that like the nature of your complaint at that time?
A For that visit it was decorum. It was organizational behavior and who was in charge versus who wasn't.
Q Okay. And what do you mean by who was in charge versus who wasn't?
A I tried to find out who I could speak

to about the lines and getting the -- my son really on the rides. It was just -- it was just really a lot of chaos.
Q Okay. You mentioned that you had spoken with someone from guest services about your visit in May of 2022?
A Yes.
Q Do you recall where in the park you spoke to somebody?
A In guest services.
Q Is that the area at the front of the park?
A Yes.
Q Okay. And they took down your name, is that right?
A Not to my knowledge.
Q Okay. And what came of that discussion that you had with the guest services person?
A They provided us a fast pass to use in the park.
Q Okay. And what -- what did a fast pass enable you to do?
A Stand on the opposite side and not in the line, but the lines were still long there, too.

Q And did the fast pass help the situation?
A No.
Q Why not?
A There was still chaos in the park.
Q And by chaos do you mean that the lines were just too long?
A There didn't seem to be any order. It wasn't organized as other parks seem to seemingly be.
Q And do you mean -- I'm just trying to get a nature of what you mean. Like was there still a cue with a ride at each line?
A Yes.
Q And what was different about the cue for the rides than what you previously experienced?
A I compared it to my times at Disney water parks, where it was a bit more orderly.
MS. PARDO: Okay. Okay. Aleks, can you bring up an email that Miss Alexander had sent on September 15th, 2021?
BY MS. PARDO:
Q Okay. Miss Alexander, I'm pulling up a document that you provided to us in discovery. On the bottom right-hand corner it has a Bate

stamp, which is a number that we put on, consecutive number -- I'm sorry, that your counsel added to the document and this is 07 -- 0007. Do you recognize this document?
A Yes, I do.
Q Okay. And is -- it looks to be an email in the from field it says Kienna Childs -- do you see that -- at AOL.com. Do you see that?
A Yes.
Q Is that an email address that you utilize?
A Yes.
Q And I see that it's sent to GuestComments@SesamePlace.com in the to field, is that correct?
A Yes.
Q Was this an email that you sent on September 15th, 2021?
A Yes.
Q Okay. And where did you obtain the guest comments address?
A I can't recall if it was just part of that automated reply.
Q Okay. But it's not like somebody like handed you the address and said send it here or

anything like that?
A No.
Q Okay. And I read this and it looks like that you utilized what the text you had written before and then you put it into the email, is that right?
A I recounted the story.
Q Okay. And then you sent this email to Seaworld -- or sorry, Sesame Place, correct?
A Yes.
Q Okay. Did you get a response from Sesame Place after either your direct message or this email?
A No.
Q Okay. Did anybody ever send you an email back that said this was received?
A I can't recall.
Q Okay. You know how sometimes it's automated, it says we got your message and we'll get back to you, do you remember receiving something like that?
A I can't recall.
Q Okay. But you didn't actually get a phone call from anybody at Sesame Place, did you?

A No.
MS. PARDO: Okay. I wanted to go and pull up another document. And Aleks, this is going to be the ticket, which I believe has Bates Number of 005 and 006.
BY MS. PARDO:
Q Miss Alexander, I would like you to take a look at this document. It's a two page document and it does have the 005 and 006 in the right-hand lower corners. And tell me if you recognize this document?
A Yes.
Q Okay. And what is it?
A It's two season pass tickets to Sesame Place.
Q Okay. And so once you buy your -- your season pass, do you then print something out before you go to the park, is that how that works?
A Yes.
Q Okay. Was this the printout that you used for the -- one of your visits to the park?
A Yes.
Q Okay. Do you remember which visit?

EXHIBIT 60

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUINTON BURNS, et al.,

Plaintiffs,

vs.

CIVIL ACTION

NO. 22-cv-02941

SEAWORLD PARKS & ENTERTAINMENT, INC.; and SEAWORLD PARKS & ENTERTAINMENT LLC,

Defendants.
_____/

Remote Videoconference Video Deposition of

SCHAMEESE BRITTON

Monday, August 28, 2023

1:05 p.m.

Job No.: 1014603

Pages: 1 - 54

Reported by: Toni R. Thompson, RMR

- - -

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Do you know how long that conversation lasted?
A I don't recall.
Q Ms. Britton, did you review any documents related to this case in preparation for today's deposition?
A No.
Q Have you reviewed any of the transcripts of the other witnesses who testified in this case?
A No.
Q Could you state your date of birth for the record.
A December 29th, 1991.
Q And what's your highest level of education?
A Some college.
Q Where did you go to college?
A FIT in New York City.
Q And you did not complete it; is that correct?
A Yes.
Q Did you graduate from high school?

A Yes.
Q And when was that?
A 2010.
Q How are you currently employed you?
A I work for AvalonBay on President Street in Baltimore, Maryland, as a concierge.
Q And how long have you held that job?
A Like maybe a year or so now.
Q And before that Avalon job how were you employed?
A I wasn't. I was out of work due to COVID.
Q Prior to COVID, what was your last job?
A I was an armed SPO for the Canadian Embassy.
Q All right. You used abbreviations. Could you spell that out? What do you mean? You said SPO?
A Yeah, an armed special police officer.
Q And where was that job located?
A In Washington, D.C.
Q Ms. Britton, have you ever been either a plaintiff or a defendant in a civil lawsuit?

A No.
Q Have you ever been a defendant in a criminal case?
A No.
Q Have you ever testified as a witness in a civil case that you know of?
A No.
Q Have you ever testified as a witness in a criminal case?
A No.
Q Do you know when you became a client of the law firm of Murphy Falcon?
A Last year sometime. I don't recall the date. No, not last year. Yeah, last year, 2022. I don't recall the date.
Q All right. And without telling me what the lawyers may have said to you or what you said to the lawyers, describe how you came to be a client of Murphy Falcon.
A I just reached out to them about the incident that happened and they took my case on --
Q And when you say --

A -- but I didn't know anything --
Q I'm sorry.
A -- about anybody else.
Q I'm sorry. I did exactly what I told you I wouldn't do, which is cut you off, so I apologize for that.
When you make reference to the incident, which incident are you referring to?
A The Sesame Place incident on June 16th, 2022.
Q So this would be the incident that involves you?
A And my children.
Q And your children, okay.
MR. SIMPSON: At this point in time, Mr. Smolij, I want to run a videotape that we're going to mark for this deposition as Exhibit 1, which has previously been exhibited several times in this case, and one of the versions of it is Valette Deposition Exhibit 2, Video No. 3.
(Britton Deposition Exhibit 1 was marked

for identification and attached to the transcript.)

MR. SIMPSON: So, Ms. Britton, I want to run this videotape and then ask you a question about it.

(Video played.)

BY MR. SIMPSON:

Q Ms. Britton, have you seen that tape before?

A I have.

Q Do you know on what platform or source you saw that tape?

A It was surfacing on Instagram.

Q And do you know just timing-wise whether you saw that tape before or after you contacted Murphy Falcon?

A After.

Q So you saw the tape -- you contacted the lawyers first and then you saw the tape we just ran?

A Um-hum.

Q You have to answer yes or no, we don't --

A Oh, yes.

Q Thank you.

Now, you indicated that there was an incident on June 16th, 2022, involving yourself and your children at Sesame Place; is that correct?

A Yes.

Q All right. I'd like to show you at this point a document that was produced in this case as Britton, Schameese 00 -- or 010 to 012. We're going to mark this as Exhibit 2.

A Okay.

(Britton Deposition Exhibit 2 was marked for identification and attached to the transcript.)

MR. SIMPSON: And, Mr. Smolij, if you could just scroll through, it's a three-page document.

MR. SMOLIJ: (Complied.)

BY MR. SIMPSON:

Q Ms. Britton, do you recognize this as the ticket that you used to get into Sesame Place on June 16th, 2022?

A Yes.

Q All right.

MR. SIMPSON: If we could go back to the top, Mr. Smolij.

MR. SMOLIJ: (Complied.)

BY MR. SIMPSON:

Q Okay. So it lists here yourself, Schameese Britton; correct?

A Yes.

Q All right. Let's go to the next page. It states Kingston Colbert. Who is Kingston Colbert?

A My son.

Q And then let's go to the next page. It lists Makaylah Moore. Who is Makaylah Moore?

A My daughter.

Q So were Kingston Colbert and Makaylah Moore with you on the, on June 16th, 2022, to Sesame Place?

A Yes.

Q All right.

MR. SIMPSON: If we could pull up the next ticket, which is a ticket that was produced in this case as Britton, Schameese 0001.

(Britton Deposition Exhibit 3 was marked for identification and attached to the transcript.)

BY MR. SIMPSON:

Q Do you recognize this document, Ms. Britton?

A Yes.

Q It indicates a person on here named Richard Moore. Who is Richard Moore?

A Their dad. My children's dad.

Q All right. And I take it that Richard Moore went with you and the other two children on June 16th, 2022, to Sesame Place; is that correct?

A The other three, yes.

Q So there was a third child present?

A Yes.

Q And who was that third child, what was the name?

A Asa Moore.

Q That's Asa, A-s-a?

A Yes.

Q All right. What is Kingston Colbert's

date of birth?
A April 1st, 2012.
Q And what is Makaylah, Makaylah's date of birth?
A November 25th, 2014.
Q What is Asa Moore's date of birth?
A June 16th, 2020.
Q So on this date in question, Ms. Britton --
MR. SIMPSON: You can take this down, Mr. Smolij.
MR. SMOLIJ: (Complied.)
BY MR. SIMPSON:
Q On this date in question, June 16th, 2022, describe for me in your own words what happened that you're complaining about with respect to Sesame Place.
A We were at Sesame Place for Asa's birthday and it was the time of the parade. The characters were coming down and Telly, the character, the pink character was coming down high-fiving all the families, all the Caucasian families, and once he

got to my family he went around them and continued on to high-five the other families.
Q Do you believe that this actions by the character Telly were discriminatory?
A Yeah.
Q Why would you say that? Why do you say that?
A Because he high-fived all the Caucasian families and then when he got to us it was a no, and then went around to the next set of families, so.
Q When this -- Ms. Britton, when this happened how did you feel about it?
A I was mad. Yeah, that was it. I was basically -- I was mad, and made because who wants their child ignored. Like it's not a good feeling.
Q Did your -- did any of your children who were with you at the time have a reaction to the Telly conduct?
A Yes, Kingston asked why were they ignored, my daughter asked was it something they did, and Asa was just sad, he started to cry a little bit. So that was it.

Q When Kingston asked the question that you just said did you respond?
A Honestly all I said was, Y'all didn't do anything, don't worry about it, it's not y'all fault. And at the time I was seven months' pregnant so I was really just all over the place; too tired, wasn't trying to stress out and have my baby stressing out, so that was pretty much it.
Q And when Makaylah asked her question did you respond to her directly?
A No, I just told them the same thing.
Q Did you say anything specific to Asa about the Telly --
A Oh, I just -- oh, sorry.
I just said, It's okay, because he really -- you know, he was just crying a little bit.
Q Did the dad -- did I guess the children's father, Mr. Moore, have a reaction to the Telly situation?
A Yeah, he was, he was, he was pretty upset. And we did say something to one of the workers and he was just like, Well, just tell a manager. It was

real dismissive so that just made us extra mad, like a lack of care and just like, okay, whatever.
Q Do you recall what Mr. Moore said to you about the Telly conduct?
A No, not really. It was, it was -- it wasn't anything good, though. We definitely said we would be complaining, and that was it.
Q Was he angry?
A Yes.
Q And you described apparently you had a conversation about this Telly conduct with one of the other employees; is that correct?
A Yes.
Q When, when did that happen?
A After the fact. They were coming down telling everyone to back up across the line, don't come across the line, and then we said something to him and that was it.
Q This person that you had this interaction with, was this still while the parade was underway or was it after the parade was over?
A It was during, while they were still in

passing, yeah.

Q And can you describe what this person looked like?

A I want to say he had on a uniform shirt, yellow or blue if I'm not mistaken. I can't recall. He was Caucasian and maybe a brunette. I'm not sure. That's all that I can remember.

Q All right. What specifically did you say to this person?

A I said, Excuse me, the character just ignored my kids, and he just was like, Go tell the manager, like he didn't care. So we honestly just left.

Q All right. And what, if anything, do you remember that Mr. Moore said to this person, this person that you spoke to?

A I don't recall.

Q Was this person male or female?

A Male.

Q And he indicated you should go talk to the manager, is that what he said?

A Yeah, someone higher up.

Q Did you do that?

A No, we left and said we weren't coming back because of the treatment. Like I said, I was pregnant and hot, tired, it was a lot of emotion going on, so we just wanted to get away.

Q All right. Did Mr. Moore make a comment or a complaint to any of the managers?

A No, we left.

Q So after this parade was over you just walked out of the park, got in your car and went home?

A Um-hum, yep. We drove home and that was it.

Q That day, apart from the parade that you just described, did you have any other interactions with Sesame Place employees dressed as characters?

A No.

Q For example, did you stand in line for a photograph with one of the characters?

A Nothing at all.

Q All right. So you didn't go to dine or you didn't go to any of the shows?

A Nope.

Q Had you been to Sesame Place before this trip on June 16th?

A No. I don't recall. I don't think I've been.

Q In addition to not talking to the manager at the park, after you got home did you contact Sesame Place and complain about what had happened?

A No, I contacted my mother and told her what happened, and then decided that I would find a lawyer who can maybe take a racial case. That was it.

Q All right. Other than the situation that you described with the Telly character in the parade, was there anything else on June 16th, 2022, that you experienced at Sesame Place that you believe is discriminatory?

A No.

Q So I take it after talking to your mother you didn't, for example, call the guest complaint hotline at Sesame Place; correct?

A Nope, I just searched for lawyers.

Q You didn't send -- didn't send any kind of email or any other communication to Sesame Place; is that correct?

A Right, correct.

Q All right. At this point I want to run, Ms. Britton, the videotape that you produced in this case, and we're going to mark this as Exhibit 4 to your deposition.

(Britton Deposition Exhibit 4 was marked for identification and attached to the transcript.)

THE WITNESS: I can't see anything.

(Video played.)

BY MR. SIMPSON:

Q Ms. Britton, do you recognize this tape?

A Yes, I do.

Q Who made this video?

A Me.

Q Is this the complete video, or is it part of a larger video that you made?

A It's a complete video.

MR. SIMPSON: If we could go back and run

CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, Toni R. Thompson, RMR, Court Reporter, the officer before whom the foregoing proceedings was taken, do hereby certify that the foregoing transcript is a true and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 6th day of September 2023.

My Commission Expires:
January 18, 2025

_____
NOTARY PUBLIC IN AND FOR
THE STATE OF MARYLAND

EXHIBIT 61

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUINTON BURNS, et. al. :
:
:
vs. :
:
:
SEAWORLD PARKS & :
ENTERTAINMENT, :
INCORPORATED, and :
SEAWORLD PARKS & :
ENTERTAINMENT, LLC. : NO. 22-cv-02941

TUESDAY, AUGUST 29, 2023

Videotaped Deposition was taken of CURTIS BRONSON, in the above-captioned matter through Magna Legal Services, 1635 Market Street, 8th Floor, Philadelphia, Pennsylvania at 1:03 p.m., on the above date, before Sheila Klos, Registered Court Reporter and Notary Public in the Commonwealth of Pennsylvania.

MAGNA LEGAL SERVICES

A I haven't seen that video, no.
Q You mentioned at the outset that you took a trip to Seaworld and had an experience with which you were not satisfied. So in your own words, sir, describe for me what happened.
A Okay. I went to Sesame Place and not Seaworld.
Q I'm sorry. That was my mistake.
A I just wanted to be clear on where I was.
Q You are absolutely right to correct me. Yes.
A I was at Sesame Place. And could you repeat your question?
Q I'm sorry. In your own words, describe for me what happened when you went to Sesame Place and you had a situation that you regarded as unsatisfactory.
A Okay. It was my children's first time going because they wanted to experience a roller coaster. I took them to a place where there would be roller coasters for their size and age. We went to Sesame Place. We rode a couple of coasters, and then it was time for the parade. And so we got off of -- Oscar The Grouch was at

the end of the parade route. And we walked up to the parade. And we stood I would say about 30 yards from where the police, the police and security stand at the end of the parade route. And so we were about 30 yards up further than them.

And the characters were coming down. The float stopped prior to getting to us, but the characters continued to walk down. The characters spoke to children next to us, and then didn't address my children, and walked across the street and addressed children that were directly across from us. So they addressed the children directly next to us and directly across from us.

And so my son was yelling and yelling and trying to get their attention and saying -- I'm saying yelling. He is six now. He was five at the time. And so he was doing as most kids do, he was respectfully saying, Hi, Hi, Hi, Excuse me. And they ignored him.

So then he started getting upset. And he was like, Why won't they talk to me? They didn't even wave at him. So there is one thing to greet the children, and then there is another thing if

you are on a time schedule or something, you at least acknowledge them by waving. The characters didn't wave. They didn't speak to him, and he was really hurt by it.

So then I took out my camera as the character was across from us and started to record, and my son continued to call. And then when they ignored him, he started walking away. He was upset. And he was like, I don't want to be here anymore. And he asked, Why don't they talk to me? He asked, Why don't they talk to brown people?

So to do that to a five year old, of course, enraged me. I asked if they wanted to leave the park. He said he wanted to ride Oscar The Grouch again. But for the rest of the day, he kept asking me why the characters wouldn't engage with him, why they wouldn't speak to him, why they didn't wave at him. What was wrong with him?

So I sent my wife the video. I sent her a text explaining why I sent her the video. And told her that we probably wouldn't come back here. And then I don't know, I guess two or three weeks after that, she informed me that someone else was

complaining of the same type of event happening with them and their child. And I just, I left it alone. And I would just address my son whenever. He still talk about it. It's frustrating. But that's been my experience, and he hasn't forgotten it.
Q Are you finished with your answer?
A Yeah. I'm finished my answer.
Q Okay. You indicated that there were children on this trip. Could you identify those children, please?
A John Bronson. He was nine turning ten at the time -- no. He was ten turning eleven. I'm sorry. He is turning eleven this year. Okay.
Q Just what is his date of birth? That will make it simpler. We don't have to do the math.
A I have six of them. I have six kids. John's birthday is 10/9/11.
Q Who was the other child with you at the time?
A The one I was speaking about was Christian. I have nicknames for them, so it take me a second to remember their real names.

Christian Bronson. He is 12/24/16.
Q Were there any other children with you?
A No. Christian has a twin brother who wasn't ready to ride roller coasters at the time, so he wasn't there.
Q Ethnically, sir, how do you identify?
A African American.
Q Ethnically, how does John identify?
A African American.
Q And ethnically, how does Christian identify?
A African American.
Q As I understand your testimony, you were at the rearend of the parade, and the parade stopped. The float stopped, but the characters kept moving; is that correct?
A Correct. So the float stops maybe 50 yards from where the security and police are, and then the characters continued. There are characters walking in front of the float, and they continued to walk and greet the people at the parade. I don't know what the technical term they might use for it. But the parade-goers are lined up on either side of the street and the characters

interact with them. So yeah, the float stopped about 50 yards from the security detail, and the characters continued to walk down.
Q You indicated that the characters walked past your children but then interacted with white children. Is that what happened?
A Correct. There was a family next to where we were standing to the right. There was no one else to the left of us that were really paying attention to the parade, and then directly across.
Q Did the characters ignore both of your children, or just Christian?
A Christian was the only one interested in interacting. John was eating ice cream or something.
Q So this didn't, as far as could you tell, this didn't affect or phase John?
A He was mad for his little brother because he felt like they were picking on his little brother.
Q You mentioned characters, i.e., more than one. Can you describe the Sesame characters, Sesame Street characters that this was involved with?

A I am not -- the characters I grew up with, these weren't those characters. So they were two of the newer characters, so I couldn't really tell you. Even the colors are fuzzy to me. I think one was like pinkish, like a weird purple/pink, and the other one was blue.
Q Can you remember anything else about them in terms of how tall they were, what kind of clothing they might have been wearing, garb, etcetera?
A No, I can't remember any of that. But their backs should be in the video.
Q So you took a video after these interactions occurred; is that correct?
A Yeah. While they were walking away is when I got the camera out. I was taking stills of my children, but I didn't think to get the camera out until after they were ignoring them.
Q You indicated that your child, I guess Christian asked why they weren't interacting with him. What did you tell him, if anything?
A I told him, I believe at first I told him that they were on a time limit and they were trying to finish up the parade. And my children

are very smart. My eleven year old is going to Masterman. They all have straight As, so they think on their feet. And he immediately said to me, Well, he spoke to everyone else. So it was hard, it was hard for me to avoid the racial conversation.
Q Did you discuss the racial issue with Christian at the time?
A I did. And I told him sometimes people don't like brown people. And that turned into a bigger, a lot more questions that I just tried to get past without confusing him.
Q Did you have a discussion with John about this situation with the characters at the time?
A No, because I had -- John is of an age where during the school year that year, one of our trips where I went on a trip with him and his class, we visited a couple of the slave quarters that are around the City of Philadelphia. And so he is familiar with racism and all of that and what black and brown people have gone through in the country and even in the City.
Q Did John say anything to you about the interaction, what his opinion of it was?

A No. He was just quiet the rest of the day. And I would try to stop him from answering Christian because he was answering in anger.
Q You indicated that you sent the video -- first of all, let me ask you. Did you actually take still photographs at the time?
A Not, not of what was going on. I might, I may have. I haven't like gone back through all of that stuff to try to -- you asked what did I do to prepare. I didn't go back through all of my pictures and try to find what I took on that day. As I said earlier, all I did was sent my wife the video and gave her an explanation of what was going on and my displeasure and our son's displeasure and what happened.
Q Would you mind, sir, looking on your phone to see if you still have those photographs? Because we would request that you produce them in this case if they still exist.
A Okay. Are you asking me to look right now?
Q No. No, not right now. After we are finished today.
A Six kids, football and hockey, I have

thousands and thousands of pictures to look through to try to find that picture. So --
Q Also, we would request -- I'm going to show you the video that you produced that was produced in this case. But we would also ask if you could look on your phone and give us a more precise date about when that video was taken. Would you agree to do that?
A Sure.
Q When you sent the video to your wife, how did you send it to her?
A Text. We all have Apple phones, so I texted it to her.
Q What did your text to her say?
A I think it just said, They didn't talk to Meathead -- Meathead is his nickname, why I was struggling to get Christian out. But I was saying, They didn't talk to Meathead and he is upset. And she asked, What happened? And I don't remember exactly what I said after that. Yeah, I don't remember exactly what I said. She might still have it. I don't know. I'll have to look through my computer.
Q We would appreciate getting that if you

wouldn't mind, sir.
Just for the record, Mr. Bronson, did you say that your son's nickname was Meathead?
A Yes.
Q How soon after the actual incident in question did you send this video to your wife?
A As we were walking away from the parade route, so it was minutes later. Like maybe one minute.
Q Did she respond?
A She did.
Q By text?
A By text.
Q Do you recall what she said?
A What happened?
Q Did you have a conversation with her about it over text?
A I don't remember. I don't remember if it was a voice call, writing text out or a voice text message. I don't remember.
Q Do you remember after the point at which you sent her the video maybe the next day or the day after, discussing this incident with your wife?

A Yes.
Q What did you say?
A I have experienced a lot of -- I have experienced a lot of racism in my time, and so I know when it's something deliberate and something that's not deliberate. And I told her that I felt like this was definitely a deliberate avoiding Meathead.
Q What did your wife say in response?
A I think her response was something like, I don't like -- I don't like amusement parks anyway, so let's not go back. Because at the time we were considering getting memberships.
Q Mr. Bronson, was this your first trip to Sesame Place?
A Not my first trip in my life. Again, I have six kids, so I have been there a couple of times prior.
Q Had you ever experienced anything in these prior trips that you would regard as racially offensive?
A No. This was our -- this was my first time going to the parade. Normally, my children are older and they want to go to a more adult park

characters that ignored Christian?
A Yes. Yes. I thought it was like a pinkish-purple. That's what I was trying to describe the color straight from memory earlier when I was speaking as to the color.
Q So this is one of the characters that you tried to get their attention to interact with Christian?
A Yes.
MR. SIMPSON: I have no further questions for this witness at this time.
BY MR. DUNCAN:
Q Mr. Bronson, just a couple questions for you here to follow up, maybe only one.
You have talked a little bit earlier about your son's experiences. Do you think that counselling would be helpful for him?
A I believe it will. I believe it will. Because nothing I have said to him has, over the year and whatever months, has made him comfortable interacting with characters at the amusement park in Disney. So I kind of don't want him jaded for life because of this.
MR. DUNCAN: Sir, that's the only

question I have. Thank you very much.
MR. SIMPSON: I have no further questions.
VIDEOTAPE TECHNICIAN: With that, we are now off the record at the time of 2:28 p.m.
(Whereupon, the deposition was concluded at 2:28 p.m.)
(Whereupon, the witness was excused.)
(REGARDING TRANSCRIPTS.)
COURT REPORTER: Does everyone need a transcript?
MR. DUNCAN: I'll take the transcript.
MR. SIMPSON: Defendants will take a transcript and the video. Regular service is fine.

CERTIFICATION PAGE

This is to certify that the witness, CURTIS BRONSON, was duly sworn by me, Sheila Klos, Certified Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, and that the foregoing transcript is a true and accurate record of the deposition testimony given on August 29, 2023.

Sheila Klos
Court Reporter

EXHIBIT 62

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

----------X

QUINTON BURNS, et al.,

Plaintiffs,

-against- Case No.: 22-cv-02941

SEAWORLD PARKS & ENTERTAINMENT, INC.,

and SEAWORLD PARKS & ENTERTAINMENT LLC,

Defendants.

----------X

EXAMINATION BEFORE TRIAL of MAKEDA BRYAN, in the above-entitled action, taken by the Defendants, before Binita Shrestha, a certified stenographic shorthand reporter and notary public within and for the State of New York.

M. BRYAN

Q. How was it resolved?
A. It was mutual dismissal, a mutual dismissal.
Q. I didn't quite hear that. You said a mutual dismissal?
A. It was a mutual dismissal, yes.
Q. So the charges were dropped?
A. Yeah.
Q. Have you been a party to any other -- since you became 18, any other criminal case?
A. Yeah, but I don't have any charges against me. There is nothing -- yeah, I don't have a record. I don't have any charges against me.
Q. All right. Have you ever testified at a trial in a civil case?
A. What do you mean? Like, if I --
Q. Like you had to go to court and testify as a witness in a trial?
A. No. I was never a witness to anything.
Q. Have you ever been a witness in a criminal case that you know of?

M. BRYAN

A. No.
Q. I take it that -- we already established that Mr. Richardson represents you; is that correct?
A. Yes.
Q. Would you walk me through the timeline and how you came to be a client of Mr. Richardson?
A. Um --
Q. Without telling me what you said to him, just how it came about that you became his client.
A. After the incident -- I'm sorry. Just give me a moment.
There was an incident at Sesame Place, and I reached out to the law firm for representation.
Q. All right. Now, this incident, did that involve you, or did it involve someone else?
A. My children. I was there with my children.
Q. And this incident, do you remember the date?

M. BRYAN

A. July 8th of '21.
Q. And is this the incident --
(Simultaneous speakers.)
A. I'm sorry. It was --
Q. Excuse me?
A. I'm not sure of the year. It was either '21 or '22. I believe it was '21. It was July 8th of '21.
Q. All right. Let me, at this point, show you a videotape, and maybe we can pinpoint the day when it was you contacted Mr. Richardson and his firm.
We're going to play for the record what's been previously marked as Valette Deposition Exhibit 2, Video No. 3, and we're going to designate video as Exhibit 1 to this deposition.
MR. RICHARDSON: I'm sorry. I didn't get the designation. I think you said Malette [phonetic]. I don't -- I don't know what you said, but --
MR. SIMPSON: We've already played this multiple times, but this was Valette Deposition 2 --

M. BRYAN

MR. RICHARDSON: Oh, Valette. Okay. I'm sorry. I didn't understand.
MR. SIMPSON: Video Number 3, and this tape, which we've seen multiple times in multiple depositions, will also be Exhibit 1 to this deposition, so if we could just play that, please.
(Bryan Exhibit 1, video, deemed marked for identification.)
Q. Ms. Bryan, do you believe that you contacted Mr. Richardson after or before you saw the video we just played?
Well, let me back it up. Have you ever seen that video before?
MR. RICHARDSON: Yes. Thank you.
A. Pardon?
Q. Have you ever seen the video that we just played before?
A. Yeah, on the news.
Q. Okay. And do you think you contacted Mr. Richardson before or after

M. BRYAN

you saw that video -- after you saw that video?

A. I don't remember. I don't know.

Q. If that video -- if it were -- I were to tell you that that video was made on July 16th, 2022, would that refresh your recollection about whether your incident at Sesame Place was 2021 or 2022?

A. I guess it was 2022 then. Because time has just gone so fast. It was '22 then.

I mean, can you give me a moment to check to get the date correct?

MR. RICHARDSON: No, no, no. Don't do that. Let's just -- we're only going by your best recollection.

If you don't recall, just say you don't recall.

THE WITNESS: It was last year. It was --

(Simultaneous speakers.)

BY MR. SIMPSON:

Q. If there is something that you

M. BRYAN

could look like that would clarify this, it would be helpful.

A. Okay --

Q. What would you check to find out?

A. My videos. I have videos of what happened the day that we were there, so. But it was -- I'm pretty sure it was '22. It wasn't so long ago.

MR. RICHARDSON: Don't check the videos.

THE WITNESS: Huh?

MR. RICHARDSON: Don't check the videos.

THE WITNESS: Okay. It was '22.

BY MR. SIMPSON:

Q. These videos you made reference to are the ones that you -- that have been produced in this case?

A. Yes.

Q. The ones you gave your lawyers?

A. Yes, sir.

Q. Okay. And you think those

M. BRYAN

videos would actually tell us the date?

A. Yeah. Everything is -- is -- is date and time stamped when it happened.

Q. All right. So as you -- as we started out, you said that you got up today to come to talk about an incident in Sesame Place?

A. Yes.

Q. So in your own words, ma'am, describe for me what happened the day in question.

A. I took my children, my three children, to Sesame Place to celebrate my two youngest children's birthday, their sixth birthday.

And they were enjoying their time at the park. We went to the parade.

And during the parade, when there is like character interaction time where the kids can, you know, hug the characters, give high fives, talk to the characters, take a quick picture with them, and we were expecting all of that to happen, and it didn't.

M. BRYAN

They were -- instead, they were ignored. They were shunned. They were passed by. And, you know, they were very aware of what was happening to them.

My daughter, she even asked, "Why did he ignore me? Why did the character ignore me?"

You know, my son went for a hug, and he was ignored. The character like just didn't even entertain him, and my son actually walked up to the character for a hug with his arms stretched for a hug that he never received.

He just ignored the children that were there. My daughter was there as well. She was greatly affected by what happened, and watching it. And all she could do was console her younger siblings.

And they wanted to leave the parade after that. They didn't even want to be at the parade anymore. They wanted to go do something else.

Q. Are you complete with your

M. BRYAN

answer?
A. Yeah.
Q. Could you name the children that went with you that day?
A. Yeah. Joanna Bryan, Josiah Bryan, and Amara Bryan.
Q. And what is Joanna's date of birth?
A. 7/7/17.
Q. What is Josiah's date of birth?
A. 7/7/17.
Q. So they are twins?
A. Yeah.
Q. And is it Amara? Is that the third person?
A. Yeah. You said it right, yeah, Amara.
Q. What is her date of birth?
A. 12/3/2009.
Q. As to your daughter, Joanna -- is that how -- am I pronouncing her name correctly?
A. Yes. It's Joanna. Yeah, you did.

M. BRYAN

Q. As to Joanna, which was the character that she -- which was the character that didn't pay attention to her?
A. A purple character -- or was it a blue? My gosh. I'm so sorry.
I believe it was a blue character.
Q. Do you happen to remember the name of the character?
A. No.
Q. And I take you testified that Josiah sought to be hugged by one of the characters; is that correct?
A. Yes.
Q. Do you remember the name of that character?
A. (Inaudible.)
THE REPORTER: I'm sorry. Could you repeat that? I didn't get the answer.
MR. SIMPSON: You didn't get the question or the answer?
THE REPORTER: I didn't get the

M. BRYAN

answer.
THE WITNESS: Ernie.
THE REPORTER: Ernie. Thank you.
BY MR. SIMPSON:
Q. You indicated that your -- I guess it was -- Joanna asked why --
A. Yeah.
Q. -- she was ignored; is that correct?
A. Yes, she did.
Q. And did you answer that question?
A. I told her to come, and I gave her a hug.
Q. Did you have any further discussion with her about why this might have happened?
A. Um, not at the moment, no, because there was so much going on. Yeah, it was -- it happened really fast.
I wasn't too sure of what was happening, and then I just wanted to comfort them. They were -- their

M. BRYAN

feelings were really hurt.
Q. And you said you didn't have a discussion at the moment.
Did you have a discussion at some later time --
A. Yeah, they --
Q. -- with her about what had happened?
A. Yes. They wanted to talk about it a lot, yeah.
Q. Okay. As to Joanna, what did you -- what did you tell her like about what had happened?
A. I explained to her that this is just people in the costumes. You shouldn't be upset with the character itself because, at that time, they did enjoy watching Sesame Place. You know, so I told them not to be upset with the character. It's just a person in the costume that made a mistake.
It's the same for her brother. Well, we're not talking about him now. But that's how I -- that's how I

M. BRYAN
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MAKEDA BRYAN

M. BRYAN
ACKNOWLEDGMENT
STATE OF NEW YORK)
ss:
COUNTY OF NEW YORK)

I, MAKEDA BRYAN, hereby certify that I have read the transcript of my testimony taken under oath in my deposition on the 21st day of August, 2023, that the transcript is a true, complete and correct record of what was asked, answered and said during this deposition, and that the answers on the record as given by me are true and correct except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

_____
MAKEDA BRYAN

Subscribed and sworn to before me this _____ day of _____, 2023.

_____
NOTARY PUBLIC

M. BRYAN
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M. BRYAN
CERTIFICATE
STATE OF NEW YORK)
)ss.
COUNTY OF NEW YORK)

I, BINITA SHRESTHA, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:
That the witness whose testimony is hereinbefore set forth was duly sworn by me, and the foregoing transcript is a true record of the testimony given by such witness.
I further certify that I am not interested in the outcome of the said action, nor connected with, nor related to any of the parties in said action, nor to their respective counsel.
IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of August, 2023.

_____
BINITA SHRESTHA

Notary ID. No. 01SH6155661
Commission Expires November 13, 2026

EXHIBIT 63

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NO. 22-CV-02941

- - -

QUINTON BURNS, et al., :

Plaintiffs, :

- vs - :

SEAWORLD PARKS & ENTERTAINMENT, INC.; and SEAWORLD PARKS & ENTERTAINMENT, LLC, :

Defendants. :

- - -

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF

YOLANDA BILLUPS

Virtual Videoconference

August 18, 2023

- - -

REPORTED BY:

EDWARD J. RUGGERI, RPR, CCR, FPR-C

- - -

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I'm going to show you an exhibit that we're going to mark for the record as Billups Exhibit-3.

- - -

(At this time, a document was marked for identification as Exhibit Billups-3.)

- - -

BY MR. SMOLIJ:

Q. This was produced to us for the record with the Bates label Billups, Yolanda 0001.

Ms. Billups, do you recognize this document?

A. Yes. It's the ticket for Sesame Place that I purchased.

Q. And there are three tickets here, correct?

A. Yes, it is.

Q. And you gave these tickets to your lawyer to produce to us, correct?

A. Correct.

Q. And who are these three tickets for?

A. Me, Shawn Tucker and Sequoia Page.

Q. Okay.

A. Me and my two younger children.

Q. And you used these tickets to visit Sesame Place Langhorne on July 4, 2022, correct?

A. Correct.

Q. Okay.

Ms. Billups, I'm going to show you a video that your lawyers produced to us on your behalf as video 2. We're going to mark that as Billups Exhibit-4.

- - -

(At this time, a video was marked for identification as Exhibit Billups-4.)

- - -

BY MR. SMOLIJ:

Q. I'm going to play it all the way through, and then I'm going to ask you some questions about it.

Is that all right?

A. Sure.

Q. Okay. Just one second here. Okay.

Can you see that okay?

A. Yes.

Q. Okay.

I'm going to play it all the way through and then ask you some questions.

A. Okay. Could you make it a little bigger when you play it?

Q. Yeah. I'm going to try doing that again.

A. Thank you.

Q. Okay.

That's about as big as I can make it.

Can you see that or no?

A. Yeah. I can see it, but -- yeah. I can see.

Q. Okay.

- - -

(At this time, a video was played.)

- - -

BY MR. SMOLIJ:

Q. Okay.

So, Ms. Billups, did you record that video?

A. Yes, I did.

Q. And did you use your cell phone to record it?

A. Yes, I did.

Q. And you recorded that during your visit to Sesame Place Langhorne on July 4, 2022, correct?

A. Yes.

Q. And you gave that video to your lawyer so that they could produce it to us, right?

A. Yes.

Q. Has that video been edited in any way since you took it?

A. No, it has not.

Q. Okay.

And it depicts a part of a parade at Sesame Place, right?

A. Yes.

Q. Do you remember whether this

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parade was at 3:00 p.m. or 7:00 p.m.?
A. This parade was at 7:00 p.m.
Q. That was a 7:00 p.m. parade?
A. Yes.
Q. Okay.
I'm going to quickly run the video from 0 seconds to 22 seconds, so I'm going to pull it up again.
- - -
(At this time, a video was played.)
- - -
BY MR. SMOLIJ:
Q. Okay.
I'm going to show you a screen shot of the 22 second mark of that video that we're going to mark as Billups Exhibit-5.
- - -
(At this time, a screenshot was marked for identification as Exhibit Billups-5.)
- - -
BY MR. SMOLIJ:

Q. Ms. Billups, is this picture an accurate portrayal of the video where I just stopped it?
A. Can you make it bigger?
Q. That's about as big as I can make it there.
Can you see that?
A. Yes.
Q. Okay.
So is this an accurate portrayal of the video where I just stopped it?
A. Yes.
Q. Okay.
Do you know the two children in this frame?
A. Do I know the two children in front of me?
Q. Yes.
A. They're the lady that's sitting right there, that's her daughters.
Q. Okay.
A. I don't physically know them, know them.

Q. Okay.
So these are the daughters of the woman who is at the bottom of this picture?
A. Yes.
Q. And you don't know these children or that woman personally?
A. No.
Q. Okay.
Ms. Billups, in the video that we played for you just previously all the way through, did your child -- either of your children appear in that video?
A. In the video, they're standing right next to me.
Q. Okay.
So they're standing next to you.
So they're standing sort of behind the front row?
A. Yes. We're right there.
Q. Okay.
A. Because I was on the side of the lady with the -- I'm next to the lady

with the white shirt. When I stood up to take the videos and stuff, that's where I'm at. I'm directly next to her but behind her.
Q. Okay.
So were your children to your right or your left?
A. I'm to her left.
Q. But your children, were they to your right or your left?
A. My left.
Q. Okay.
I'm going to replay the video quickly and see if we can just identify where your children are then.
Okay?
A. Go ahead.
- - -
(At this time, a video was played.)
- - -
BY MR. SMOLIJ:
Q. Okay.
So I have the video stopped.

is to the left of me.
Q. Okay. Understood.
So, Ms. Billups, I'm going to go back through quickly and I'm going to show you a couple more pieces of this video.
Okay?
A. Sure.
Q. So I'm going to run it from 55 seconds to 1 minute and 4 seconds.
- - -
(At this time, a video was played.)
- - -
BY MR. SMOLIJ:
Q. Okay.
Ms. Billups, in that part of the video we see Grover walk by the two children in front of you, and he touches one of those children's hands, correct?
A. Correct.
Q. Can you tell what race that child is?
A. They're Hispanic.

Q. Okay.
I'm going to keep going a little bit more.
- - -
(At this time, a video was played.)
- - -
BY MR. SMOLIJ:
Q. I'm going to jump back and play it from 1 minute to about 1 minute and 6 seconds.
- - -
(At this time, a video was played.)
- - -
BY MR. SMOLIJ:
Q. So here we see Grover interacting with two children to the right of you.
Do you see that?
A. Yes.
Q. Do you know who those children are?
A. Do I know who they are?

Q. Yes.
A. No, I do not.
Q. Okay.
Can you identify what race those children are?
A. They're African-American.
Q. I'm sorry. You broke up.
Could you please repeat that?
A. They're African-American, black.
Q. Okay. Thank you.
Now, I'm going to run the video from 2 minutes and 38 seconds to 2 minutes and 58 seconds.
- - -
(At this time, a video was played.)
- - -
BY MR. SMOLIJ:
Q. So, Ms. Billups, in that part of the video, that shows Cookie Monster running down both sides of the street with his hands out, correct?
A. Correct.

Q. And he's interacting with people on both sides of the street, right?
A. Yes, he is.
Q. And he's interacting with them by holding his hands out and brushing everybody's hands on both sides of the street, right?
A. Yes.
Q. Okay.
Now, I'm going to run the video from 3 minutes 6 seconds to 3 minutes and 14 seconds.
- - -
(At this time, a video was played.)
- - -
BY MR. SMOLIJ:
Q. Ms. Billups, I'm going to show you a screen shot of that part of the video at 3 minutes and 11 seconds.
A. Okay.
Q. Ms. Billups --
A. You're showing the same video or a new video?

MR. SMOLIJ: Sounds good to me, Ron.
MR. RICHARDSON: All right. Thanks.
- - -
THE VIDEOGRAPHER: The time is 1:37 p.m., and we are off the record.
- - -
(At this time, a short break was taken.)
- - -
THE VIDEOGRAPHER: The time is 1:45 p.m., and we are back on the record.
- - -
BY MR. RICHARDSON:
Q. Okay.
So, Ms. Billups, this is Ron Richardson. I'm going to ask you some follow-up questions.
All right?
A. Sure.
Q. I'm going to share the screen and pull up this video that you produced.

Do you recognize this video?
A. Yes.
Q. I'm going to play it all the way through, and then I'm just going to ask you some questions.
A. Sure.
Q. I may stop it at one point.
- - -
(At this time, a video was played.)
- - -
BY MR. RICHARDSON:
Q. Do you recognize that character that's in the video?
A. Yes.
Q. What character --
A. Excuse me. Wait a minute. This is not the video that he showed, though, correct?
Q. It is not. This is video number one.
A. Okay. Okay. Yes. I do recognize the character in this video.
Q. I'm going to mark this video

number one as Exhibit No. 8.
- - -
(At this time, a video was marked for identification as Exhibit Billups-8.)
- - -
BY MR. RICHARDSON:
Q. And what is the cast of -- the costume character that is depicted in this particular video?
A. That character with the blue is Rosita.
Q. Okay.
And do you happen to know the character that's in the pink?
A. I cannot see that character that good.
Q. Okay. We'll keep playing it.
- - -
(At this time, a video was played.)
- - -
BY MR. RICHARDSON:
Q. Do you recognize that

character?
A. Yes. I recognize that character.
Q. What character is that?
A. I don't know the actual name of the character.
Q. Have you ever heard of a character called Abby Cadabby?
A. Yes.
Q. Do you happen to know whether or not that's that character?
A. I have --
Q. If you don't know, it's okay.
A. I have to see -- I can't see it clearly.
Q. That's okay.
Did you hear somebody just say something? Did you hear anybody in the video say Abby Cadabby?
A. Abby Cadabby is the girl with the two ponytails.
Q. Okay.
MR. SMOLIJ: Ron, sorry to interrupt. We're not hearing sound.

MR. RICHARDSON: You're not hearing sound?
THE WITNESS: You can't hear me?
MR. SMOLIJ: No. We can hear you, Ms. Billups. We just -- I can't hear sound on the video.
MR. RICHARDSON: I hear it perfectly. I don't know why no one else is hearing it. All right. Well, without sound, I don't know what to tell you.
THE WITNESS: And that's my son right there. That's his head in the camera.
MR. RICHARDSON: Okay.
THE WITNESS: That's Elmo.
BY MR. RICHARDSON:
Q. That's Elmo?
A. Yes.
Q. Thank you.
A. That's my son and my daughter.
Q. Ms. Billups, in that video number one, did the Elmo character

interact with anybody that you believe was a member of a minority race?
A. No, they did not.
Q. Did -- anywhere in video number one, did the character, Abby Cadabby, interact with anyone that you considered to be a member of a minority race?
A. No, they did not.
Q. And in video number one, did the character, Rosita, interact with anyone you believe was a member of a minority race?
A. No, they did not.
Q. And is video number one one of the reasons why you are pursuing a claim for racial discrimination at Sesame Place?
A. Yes, I am.
Q. I'm now showing you a photograph that you produced.
Do you recognize this photo, Ms. Billups?
A. Yes, I do. That is a photo of Rosita as she ran past all of the black and whites. She actually -- when he ran

past them, he ran to that Caucasian -- the white lady and her son and took a picture with them and engaged with them in a conversation and everything.
Q. And did this character, Rosita, that's depicted in this photo that I'm going to mark as Exhibit No. 9, did this particular character go by you and your children?
A. They went by me and my children, and then they also -- it was another child that, like, reached out. He was a black boy. Reached out his hand just as well as my children did, and Rosita pulled back.
- - -
(At this time, photographs were marked for identification as Exhibit Billups-9.)
- - -
BY MR. SMOLIJ:
Q. And when the character, Rosita, pulled back, did she turn around and go to someone else?

A. Yeah. She went to the white people. She didn't want to -- she didn't engage with black people at all.
Q. And is this photo one of the reasons why you are pursuing a race discrimination case against Sesame Place?
A. Yes. I'm sorry. Yes.
MR. SMOLIJ: Objection, leading.
BY MR. RICHARDSON:
Q. I'm going to take it out of share for a second.
Ms. Billups, approximately what time was it that you and your family arrived at the Sesame Place amusement park on the 4th of July of 2022?
A. I want to say anywhere between 12:00 -- between 12:00 and 1:30 p.m.
Q. And who was with you at the time?
A. It was myself, my 11-year-old daughter, which was 10 at the time, and my six-year-old son, who was five at the time.

MR. SMOLIJ: Ron, are you marking those photos as an exhibit?
MR. RICHARDSON: I've marked them all collectively as Exhibit No. 10.
MR. SMOLIJ: Including the ones you just showed? Okay.
MR. RICHARDSON: Yes. They're altogether.
BY MR. RICHARDSON:
Q. So, Ms. Billups, what did you and your family do after you left the pool?
A. After we left the pool, we went out of the Sesame Place altogether to go eat. We went to a little restaurant near Sesame Place.
Q. Okay.
Did you ever have an occasion to go back to the customer service booth?
A. Yes. I did go back to the customer service booth upon coming back from eating. We went back to the customer service booth, and someone was actually in

the booth. It was a white young lady with, like, a dark blonde color hair. And I stated to her and I also pulled it up on my phone, the e-mail for the tickets. I explained to her that they charged me more online for the tickets, and I was trying to just get the difference reimbursed to me.
She then said -- so I said, well -- I said what's the different price. She said, it says $24.99, and I said no. I said, that's --
Q. Well, we're having a hard time hearing you, and you're talking way too fast.
So can you just slow down a little bit and get closer to the phone with your mouth?
A. Can you hear me now?
Q. Just barely. It sounds faint.
A. Okay. That's because of the wind probably. Can you hear me now?
Q. Okay.
We can hear you.

A. So I went to the customer service booth. It was a Caucasian, white young lady with darkish blonde hair. I stated to her that they charged me extra online for the tickets that I purchased online. She says, well, it's $24.99 and up. I said, no, it's not. I said this is the advertisement they put on and what I paid for it. I said but they charged extra, so I just wanted reimbursement.
She's, like, well, there's nothing I can do about that. I said so you mean to tell me that you cannot give back the difference, because it was wrong that you all -- it was like an additional 30 something dollars. And she was like, well, like I said, the $24.99 and up and that's -- I said, you know what -- I said, clearly, this park is not for us, and she said, clearly, it's not. And I was about to get rude, but I didn't, and I just walked out.
When we left from customer service, I went and my kids got these

fries and everything to get prepped for the parade. They got fries, and I purchased them --
Q. It's really hard to hear you, Ms. Billups. I apologize.
A. Because it's very windy.
Q. Right now you sound fine. I just don't know what --
A. Okay. Can you hear me now?
Q. Yes.
A. Okay. So I don't know what part you all didn't hear.
Q. That's okay. Let me go back to the customer relations booth.
You said that you made a comment to the young lady that obviously this place is not for us.
What was her response?
A. Clearly, it's not.
Q. And what did you take from that statement?
A. That it's clearly not for black people, because everything that I experienced up from the time I got up to

the park with the racial discrimination is -- it led up to that. That reassured everything with her stating, clearly, it's not.

Q. Do you know -- can you give us any idea of how old you think that woman was or that person was at the customer relations booth?

A. I want to say she was in between the ages of about -- I want to say about 18 and 22, 23.

Q. Okay.

A. She was young.

Q. And did she have a name tag on?

A. I do not recall her having a name tag on, no.

Q. Okay.

And how did that affect you that this person behind the customer relations booth made the statement that it -- something to the effect that it is not?

A. It affected me very bad because I'm big on racism. I don't like racism.

And to actually be physically present right there, and it hit me right in my face. It really, really hurt. And it has me to this point that I honestly started looking at white people differently.

Q. I'll share the screen with you one more time.

A. I'm sorry?

Q. I'm going to share the screen with you one more time.

Can you see what's on the screen?

A. Yes. This is the e-mail that I sent to SeaWorld in reference to me constantly calling corporate about this situation and them not returning my call right away. When she did return my call three weeks later from SeaWorld -- I don't remember the lady's name, but she was from SeaWorld, and I told her about the situation, and she insulted me by saying, well, I'll refund you the money for your tickets, and I'll talk to my staff.

I said, well, that's not enough

because this is, like, I'm -- I said I really am hurt and upset and so is my children. This is our first time experiencing Sesame Place. The first time my children experienced Sesame Place, and I did not agree with the treatment that we received at all. And due to her not doing anything at all and basically still insulting, I sent the e-mail.

Q. So what we're looking at is an e-mail that appears to be -- is that your e-mail address?

A. Yes, it is.

Q. And it's to Sesame Place Philadelphia.

Do you see that?

A. Yes.

Q. It's dated August 3, 2022, at 10:06 a.m.?

A. Yes. I sent it -- though if you look down, it should say August the 1st.

Q. Can you read -- are you able to read that short, little statement that you

typed into the e-mail?

A. It's not big enough.

Q. Okay.

I will read it, and you can follow along with me and let me know if I've read it correctly from what you can tell from your phone. It says, "Hello, I see you didn't really ask questions that matter. You have poor customer service, very racist workers and characters and treated me and my family horrible. Somewhere I will never visit again and would not recommend any black people to that place at all. Clearly, it is not for colored people," with an exclamation point.

Did I read that correctly?

A. Yes, you did.

Q. You state in the e-mail that they have poor customer service.

What did you mean by that?

A. I meant that the customer service rep that I encountered with, she was very rude and discriminative, and the

lot and watched the fireworks from the parking lot.

MR. RICHARDSON: I have no further questions. If we are done, then the witness will read and sign.

MR. SMOLIJ: No further questions from me either.

MR. RICHARDSON: Okay. Ms. Billups, you're done.

THE WITNESS: All right. Thank you, guys.

THE VIDEOGRAPHER: The time is 2:49 p.m., and we are off the record.

(Whereupon, the witness was excused.)

(Whereupon, the deposition concluded at approximately 2:49 p.m.)

CERTIFICATION

I hereby certify that the foregoing is a true and accurate transcript of the stenographic notes taken by me in the aforementioned matter.

Edward J. Ruggeri
Registered Professional Reporter,
Certified Court Reporter and
Notary Public

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