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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC.; and SEAWORLD PARKS & ENTERTAINMENT LLC,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	
	:	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment LLC (collectively "Defendants") move pursuant to Federal Rule of Civil Procedure 56 for an order of judgment on the entirety of Plaintiffs' Amended Class Action Complaint. This motion is supported by the accompanying Memorandum, which is being filed contemporaneously and which Defendants incorporate by reference.

Dated: December 18, 2023

Respectfully submitted,

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DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

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I. INTRODUCTION

Plaintiffs were not satisfied with their Sesame Place experiences. They filed a federal court class action alleging race discrimination in violation of 42 U.S.C. § 1981 and negligence based on their experiences. After more than a year of discovery, including the production of thousands of pages of documents and fifty depositions, Plaintiffs do not have evidence establishing the essential elements of their claims, and summary judgment should be granted to Defendants.

As to their § 1981 claim, after the Court's motion to dismiss ruling, Plaintiffs must show that a costumed character refused to interact with them. Many of the named Plaintiffs cannot do so. Their own videos show, and they admitted in their depositions, that the costumed characters at issue did interact with their children, just not in the way they thought their children wanted to be interacted with. That theory did not survive the motion to dismiss hearing when Plaintiffs' counsel admitted that Plaintiffs are not arguing that guests are entitled to the personalized interactions they desire. As to the other Named Plaintiffs whose scenarios include a costumed character's alleged refusal to interact, the factual evidence shows that there were legitimate non-discriminatory reasons why. It was not because of the race of the child, but because the costumed character performer could not see the child due to the positioning of the costume's field of vision, because they did not have time to provide an individual interaction because they had to move to their next mark along the parade route, or because of the positioning of the children along the parade route. Plaintiffs therefore cannot show the necessary discriminatory intent. They also cannot show the violation of any contractual right. While it is certainly the case that there is a right not to be discriminated against at a theme park like Sesame Place, that right is provided by federal and state law, not by the only alleged contracts at issue here—Plaintiffs' tickets/season passes. "[N]ot every negative interaction is a product of discrimination." *Calhoun v. TJM Trevose, LLC*, 2023 WL 5208853, at *1 (E.D. Pa. Aug. 14, 2023). Here, Plaintiffs may have had what they

consider to be negative interactions, but they cannot show that those interactions were the product of intentional race discrimination or that they resulted in the impairment of a contractual right, and thus have failed to establish the essential elements of their § 1981 claim.

Because Plaintiffs cannot establish their § 1981 claim, their negligence *per se* claim based on it fails. The negligence *per se* claim also fails for the additional reason that it is preempted by the Pennsylvania Human Relations Act ("PHRA"). Any claim for race discrimination at a place of public accommodation (like a theme park) in Pennsylvania must be brought as a PHRA claim with the Pennsylvania Human Relations Commission rather than as a common law claim in court. None of the Named Plaintiffs filed a PHRA claim with the Commission, and they cannot subvert the PHRA's statutory framework by pursuing a negligence claim in this court instead.

Defendants also should be granted summary judgment as to Plaintiffs' injunctive relief claims because discovery has confirmed that none of them has injunctive relief standing. None faces a real and immediate threat of being wronged again in a similar way because none has any concrete plans to return to Sesame Place. Without at the very least returning to the park, it is impossible that they would be injured again.

Judgement should therefore be entered for Defendants and Plaintiffs' Amended Class Action Complaint dismissed with prejudice.

II. FACTS

A. Sesame Place Tickets and Season Passes

Sesame Place is a theme park located in Langhorne, Pennsylvania. Statement of Undisputed Material Facts, filed concurrently herewith, ("SUMF") 1. There are multiple ways to gain admission to the park, including single day tickets, multiple day tickets, and season passes. SUMF 2. If a person purchases a season pass, they have the option to pay the entire cost of the season pass on the day of purchase, or they can opt for the "EZPay" payment method that allows

the purchaser to break the full payment amount into monthly installments. SUMF 3. If a person decides to pay for a season pass via the EZPay method, they are required to agree to SeaWorld's EZPay terms and conditions. SUMF 4. Sesame Place tickets and season passes allow the holder admission to the park provided there are not weather or capacity constraints and that the guests obey all park rules and regulations. SUMF 5. Tickets and season passes do not guarantee that a customer will get an interaction with a costumed character during a parade or meet and greet. SUMF 6.

B. Sesame Place Parades and Meet and Greets

Sesame Place has employees who work in multiple different departments responsible for various park functions. As relevant to Plaintiffs' complaint, costumed character performers are members of the Entertainment Department. SUMF 7. During the class period, costumed character performers participated in various activities, including full (also known as regular) parades, mini parades, and meet and greets (also known as character walks). SUMF 8.

Both the full and mini parades included costumed characters, dancers, and floats that proceeded along the parade route while park guests gathered along both sides of the parade route. SUMF 9. During both full parades and mini parades, performers needed to be sure to stay in front of parade floats for safety because the line of sight of parade float drivers is limited; if a performer does not stay in front of the float, it is possible they could not be seen by the float driver and be hit by the float. SUMF 10.

Full parades lasted approximately 25 minutes and included three "show stops," which were scripted performances along the parade route with choreography. SUMF 11. Those show stops provided some opportunities for costumed character performers to provide "extra interactions" with some park guests along the parade route. SUMF 12.

During 2022, when Sesame Place had lower staffing, they began doing mini parades. SUMF 13. Mini parades, which were approximately 10 minutes shorter than full parades, included constant movement of costumed characters, dancers, and floats with no show stops. SUMF 14. There were fewer opportunities for costumed character performers to interact with park guests during mini parades than during full parades because there were no show stops in mini parades. SUMF 15.

Meet and greets, also known as character walks, involve a costumed character performer going to a designated location in the Sesame Place park to take photographs and/or videos with guests. SUMF 16. During these events, costumed character performers are accompanied by a non-costumed Entertainment Department employee, called a walk host, who escorts the costumed character to the designated location and forms a line of guests waiting to meet with the costumed character. SUMF 17. Walk hosts are also responsible for "cutting" the line of guests waiting to take a picture with the costumed character within the designated time limit. SUMF 18. Meet and greets have a 30-minute time limit or, if the "real feel" temperature is 100 degrees Fahrenheit or higher, a 20-minute time limit. SUMF 19. These time limits are for the safety of costumed character performers and are intended to prevent them from overheating. SUMF 20. Meet and greets often are scheduled to end an hour before a scheduled parade because the costumed character performer participating in a meet and greet would also likely participate in the parade. SUMF 21.

C. The Viral Rosita Video

In July of 2022, a video filmed during a mini parade at Sesame Place involving the costumed character Rosita went viral on the Internet. SUMF 22. The "viral" Rosita video did not involve any of the Named Plaintiffs. SUMF 23. In response to the "viral" Rosita video, Sesame

Place made a number of changes, including that costumed characters no longer provide personal extra interactions with any guests during the parades. SUMF 24.

III. PROCEDURAL HISTORY

A. Plaintiffs' Complaint

Shortly after the Rosita video went viral in July of 2022, Plaintiffs filed their original complaint in this case as a putative class action. ECF 1. They voluntarily amended it two months later and included seven (7) additional putative class representative parents and children. ECF 25 ("FAC"). There are now eight (8) putative class representative adults and eight (8) putative class representative children (the "Named Plaintiffs"). They allege that, while visiting Sesame Place, all class members were the victims of "intentional race discrimination" because their minority children were ignored, while "similarly situated white children" were "openly interacted with" during parades and meet and greets. FAC ¶¶ 43, 52, 61, 70, 79, 88, 97, 106, 109(e). Plaintiffs pled two counts: (1) violation of 42 U.S.C. § 1981; and (2) negligence. *Id.* ¶¶ 115-128. They seek, *inter alia*, monetary damages, declaratory relief, and multiple forms of injunctive relief. *Id.* ¶ 130.

B. Motion to Dismiss

Defendants moved to dismiss both counts for failure to state a claim and to dismiss the injunctive claims for relief for lack of standing. ECF 29. The Court granted in part and denied in part Defendants' motion. ECF 48, 49.

As to § 1981, the Court found that Plaintiffs' admission tickets are the contracts underlying their claims. ECF 48 at 5 n.3. The Court further found that Plaintiffs had abandoned the theory alleged in the complaint that Plaintiffs were contractually guaranteed interactions with character performers. *Id.* at 9. However, Plaintiffs' § 1981 claim based on the theory that the costumed character performers were contractually obligated to not refuse to interact with customers on the basis of race survived dismissal. *Id.* at 9, 12.

As to negligence, the Court granted the motion to dismiss as to four of Plaintiffs' five pleaded theories. *Id.* at 14-22. The Court dismissed with prejudice Plaintiffs' claim premised on alleged negligent hiring and negligent training (*id.* at 16-21); dismissed without prejudice Plaintiffs' claim premised on alleged negligent supervision (*id.* at 22); and found that Plaintiffs abandoned their premises liability theory. *Id.* at 14. The Court declined to dismiss Plaintiffs' negligence *per se* claim, finding that it was adequately pleaded based on Plaintiffs' § 1981 claim. *Id.* at 15-16.

The Court denied the motion to dismiss the injunctive relief claims, finding that because the Willie family had a non-expired season pass at the time the complaint was filed, they had a non-speculative intent to return to Sesame Place. *Id.* at 24.

Therefore, what remains after the Court's ruling is (1) a § 1981 claim based on the theory that Plaintiffs' Sesame Place tickets/season passes provided them a right not be refused interactions with costumed characters on the basis of race; and (2) a negligence *per se* claim based on alleged violations of § 1981.

C. Discovery

The parties exchanged written discovery, produced documents, and conducted depositions. As relevant here, Defendants deposed all adult Named Plaintiffs. Plaintiffs deposed twenty-seven fact witnesses, including seven current and former employees involved in the at-issue videos linked in the FAC. Plaintiffs also conducted multiple 30(b)(6) depositions of the Defendants.

D. Plaintiffs' Motion for Class Certification

On November 27, 2023, Plaintiffs filed their motion for class certification. ECF 97. In that motion, Plaintiffs presented a different class definition, a different theory of the case, and a different theory for certification than what they pled in the FAC. Because Plaintiffs have not filed

a motion for nor been granted leave to amend, for purposes of this summary judgment motion, Defendants will address Plaintiffs' claims as alleged in the operative pleading, the FAC.

IV. LEGAL STANDARD

A motion for summary judgment should be granted when "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). Rule 56 "mandates the entry of summary judgment" where the non-moving party "fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial." *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986).

"By its very terms, [the summary judgment] standard provides that the mere existence of *some* alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no *genuine* issue of material fact." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986). A fact is "material" if it "might affect the outcome" of the case, and a dispute is "genuine" only if there is sufficient evidence "that a reasonable jury could return a verdict for the nonmoving party." *Id.* at 248.

The moving party bears the initial burden of showing that there is no genuine issue of material fact. *Celotex*, 477 U.S. at 323. Then, the non-moving party "must set forth specific facts showing that there is a genuine issue for trial." *Anderson*, 477 U.S. at 250. The non-moving party must show more than the "mere existence of a scintilla of evidence in support of [its] position." *Id.* at 252. It "may not merely deny the allegations in the moving party's pleadings," *Doe v. Abington Friends Sch.*, 480 F.3d 252, 256 (3d Cir. 2007) (citation omitted), or "rely merely upon bare assertions, conclusory allegations or suspicions." *Fireman's Ins. Co. v. DuFresne*, 676 F.2d 965, 969 (3d Cir. 1981) (citing *Ness v. Marshall*, 660 F.2d 517, 519 (3d Cir. 1971)). Further, arguments made in briefs "are not evidence and cannot by themselves create a factual dispute

sufficient to defeat a summary judgment motion." *Jersey Cent. Power & Light Co. v. Lacey Twp.*, 772 F.2d 1103, 1109-10 (3d Cir. 1985). Instead, the mon-moving party "must show where in the record there exists a genuine dispute over a material fact." *Doe*, 480 F.3d at 256.

V. DEFENDANTS SHOULD BE GRANTED JUDGMENT ON PLAINTIFFS' § 1981 CLAIM

A. Summary Judgment Standard for § 1981 Claims

Section 1981 prohibits racial discrimination in the making and enforcement of contracts. 42 U.S.C. § 1981. To prove a § 1981 claim, "a plaintiff must prove intentional discrimination, which can come with direct or indirect evidence." *Calhoun*, 2023 WL 5208853, at *3. Where, as here, Plaintiffs have no direct evidence of discrimination[1], courts apply the burden-shifting framework of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1983), including in the non-employment context. *Calhoun*, 2023 WL 5208853, at *3 (citing *Anderson v. Wachovia Mortg. Corp.*, 621 F.3d 261, 267-68 (3d Cir. 2010)).[2]

Under that three-part framework, ***first*** the Plaintiffs must establish a *prima facie* case of discrimination. *Calhoun*, 2023 WL 5208853, at *3; *McDonnell Douglas*, 411 U.S. at 802. To establish a *prima facie* case of discrimination for § 1981, Plaintiffs must show: (1) that they belong to a racial minority;[3] (2) Defendants' intent to discriminate on the basis of race; and (3) discrimination concerning activities enumerated in § 1981, including the right to make and

[1] Direct evidence, if believed, proves the existence of discriminatory intent "without the need for inference or presumption," for example, racially derogatory statements. *Carroll v. Tompkins Rubber Co.*, 1993 WL 195472, at *5 (E.D. Pa. June 8, 1993), *aff'd*, 16 F.3d 402 (3d Cir. 1993).

[2] *See also Cruz v. Farmers Ins. Exch.*, 42 F.4th 1205, 1210 (10th Cir. 2022); *Doe v. Brown Univ.*, 43 F.4th 195, 208 n.9 (1st Cir. 2022); *Blackshire v. Cnty. of Yuba*, 648 F. Supp. 3d 1221, 1233 (E.D. Cal. 2023); *Clark v. Safeway, Inc.*, 478 F. Supp. 3d 1080, 1087 (D. Or. 2020).

[3] Defendants do not challenge this element of Plaintiffs' claim.

enforce contracts. *See Brown v. Philip Morris Inc.*, 250 F.3d 789, 797 (3d Cir. 2001); *Calhoun*, 2023 WL 5208853 at *3.[4]

Second, if Plaintiffs establish a *prima facie case*, the burden shifts to Defendants to offer a "legitimate, nondiscriminatory reason" for their conduct. *Calhoun*, 2023 WL 5208853, at *3; *McDonnell Douglas*, 411 U.S. at 802.

Third, if Defendants do so, then Plaintiffs must offer evidence that Defendants' evidence is pretextual. *Calhoun*, 2023 WL 5208853, at *3; *McDonnell Douglas*, 411 U.S. at 804-05. At this third stage in the burden-shifting framework, Plaintiffs must show "both that the [non-discriminatory] reason was false, *and* that discrimination was the real reason" for the defendant's conduct. *St. Mary's Honor Ctr. v. Hicks*, 509 U.S. 407, 515 (1993).

Unlike in Title VII cases, in which a plaintiff can demonstrate pretext by showing that discrimination was a ***motivating*** factor for Defendants' conduct, "[s]ection 1981 claimants must prove discrimination was [a] ***but-for cause***" of the conduct. *West v. Honewell Int'l Inc.*, 558 F. Supp. 3d 369, 379 (S.D. Tex. Aug. 31, 2021) (citing *Comcast Corp. v. Nat'l Ass'n of Afr. Am. Owned Media*, 140 S. Ct. 1009, 1014-15 (2020)) (emphasis added); *Tannous v. Cabrini Univ.*, 2023 WL 6465842, at *6 (E.D. Pa. Oct. 4, 2023) (a plaintiff "must prove that *but for his race*, he would not have been discriminated against in the making or enforcing of contracts," not that "race was a 'motivating factor' in the loss of a legally protected right.") (original emphasis).

[4] *See also Tashman v. Advance Auto Parts, Inc.*, 63 F.4th 1147, 1151 (8th Cir. 2023) ("To establish a prima facie case of discrimination in the retail context, a § 1981 plaintiff must show (1) membership in a protected class, (2) discriminatory intent on the part of the defendant, and (3) interference by the defendant with an activity protected under the statute." (quoting *Green v. Dillard's, Inc.*, 483 F.3d 533, 538 (8th Cir. 2007)).

B. Plaintiffs Cannot Make a *Prima Facie* Case For Some Claims

Some of the Named Plaintiffs' claims cannot get past the first step in the *McDonnell Douglas* framework because they fail to establish a *prima facie* case of race discrimination.

Burns. The Burns family alleges that during their June 18, 2022 Sesame Place visit, the employees performing as Elmo, Ernie, Telly Monster, and Abby Cadabby committed intentional race discrimination by "refusing to engage with them and ignoring them" while readily engaging "with numerous similarly situated white customers and their children." FAC ¶¶ 36, 40, 41, 43. Plaintiffs cannot make a *prima facie* case of discrimination as to the characters Elmo and Abby Cadabby, because Mr. Burns admitted in his deposition that they did not engage in discriminatory conduct.

As to Elmo, Mr. Burns admitted that he had confused the characters, and that Elmo actually was not one of the characters that allegedly discriminated against K.B. SUMF 25. He testified, "Elmo is not the one that didn't engage with [K.B.], it was Ernie and the monster," and that he could not recall anything that Elmo did that was discriminatory to his family. JA 109-112. Because the Burns Plaintiffs no longer claim that the employee dressed as Elmo discriminated again them, Defendants should be granted judgment as to that portion of their claim.

As to Abby Cadabby, Mr. Burns clarified during his deposition that he is not claiming that Abby Cadabby ignored K.B. during the parade. SUMF 26. The Burns family's claim related to Abby Cadabby is about a meet and greet, not a parade. SUMF 27. However, the employee dressed as Abby Cadabby was not even a part of the meet and greet interaction about which the Burns family complains. JA 97-100 (testifying that the escort for the character, not the character, told him that the line was closed).[5] Because Plaintiffs have no claim that the employee dressed as

[5] Even as to the unidentified escort, this person did not say anything racist to the Burn Plaintiffs. *See* JA 101 (the only thing the employee said was that the line was closed, and then the Burns

Abby Cadabby discriminated against the Burns Plaintiffs, Defendants should be granted judgment as to that portion of their claim.

The ***Fleming***, ***Miles***, and ***Romero*** Plaintiffs cannot establish a *prima facie* case of race discrimination following the Court's motion to dismiss ruling. As acknowledged therein, Plaintiffs have abandoned their theory that they were contractually guaranteed personally curated interactions with characters. ECF 48 at 9. The only theory that remains is that Sesame Place employees could not "refuse to engage" with customers on the basis of race. *Id.* It is undisputed that the at-issue costumed characters did interact (did not "refuse to engage") with the Fleming, Miles, and Romero children. The parents admitted that in their depositions. JA 174-179, 196-197 (Fleming); JA 244-248, 262 (Miles); JA 374, 381-382, 384, 397 (Romero). The children just did not receive the specific type of interaction they apparently desired. Because the characters did not "refuse to engage" with the Fleming, Miles, and Romero Plaintiffs, those families do not have viable § 1981 claims.

Fleming. The Fleming family alleges that the employee performing as Telly Monster in the parade during their July 4, 2022 Sesame Place visit committed intentional race discrimination by "refusing to engage with them" while readily engaging "with numerous similarly situated white customers and their children," as documented in the videos in footnotes 3 and 4 of the FAC. FAC ¶¶ 45, 49, 50, 51, 52. However, Mr. Fleming admitted that the video in footnote 4 does not show

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walked away). Mr. Burns claims that he believes he was told that the line was closed because of race discrimination, but his only basis for this conclusion is that as he walked away, he looked back and saw another family that he assumed was white, but admits could have been Hispanic, getting in line. JA 87, 97, 101-103, 132. He was walking away from the location at that point, and did not know whether the escort said anything to that family, e.g., similarly told that other family that the line was closed. JA 101, 133. The Burns have not alleged race discrimination by this unidentified escort, but have not established a *prima facie* case of race discrimination against them in any event.

an act of discrimination; it was included merely because it purports to show O.F.'s reaction to the incident captured in the video in footnote 3. SUMF 28. As to the video in footnote 3, it shows the employee dressed as Telly Monster specifically engaging with O.F. and touching her hand. FAC p. 9 n.3. Mr. Fleming admitted in his deposition that O.F. did get an interaction with Telly Monster, just an interaction he found insufficient. JA 174-179, 189-190, 196-197. Mr. Fleming also testified that he believes the child next to O.F. that received a high five from Telly Monster was Asian. JA 174-177. So it is not the case that Telly Monster "refused to engage with" O.F., or that he was "engaging with numerous similarly situated white customers," as alleged, and Defendants are entitled to judgment on the Fleming family's § 1981 claim.

Miles. The Miles family alleges that the employee performing as Rosita in the parade during their June 24, 2022 Sesame Place visit committed intentional race discrimination by "refusing to engage with them and ignoring them" while readily engaging "with numerous similarly situated white customers and their children," as documented in the video in footnote 5 of the FAC. FAC ¶¶ 54, 58, 59, 60, 61. Ms. Miles confirmed in her deposition that the video linked in footnote 5 captures the only alleged incident of discrimination underlying her claim. SUMF 29. Ms. Miles admitted that the Rosita character did not say anything derogatory or anything about race to M.C. SUMF 30. Her sole basis for alleging that the interaction was discriminatory is that the Rosita character hugged one little girl (that Ms. Miles believes to be white because of her skin color and hair texture) and looked at M.C.'s sister and walked away. JA 20-22, 239-242.

In the at-issue video, M.C. was wearing a black shirt and swimming trunks, and his sister, L.C.[6], was between M.C. and the camera. SUMF 31. M.C. and L.C. both identify as Black.

[6] Herein, Defendants use initials for the names of minors, but this child is referred to in Ms. Miles's deposition transcript by her name. JA 213.

SUMF 32. Ms. Miles identified and circled L.C.'s hand as the hand on or near Rosita's hand in a still shot of the video in footnote 5. JA 244-246, 262. The employee performing as Rosita during this event testified that he waved to the little girl with her hand stretched out [L.C.]. SUMF 33, 34. Ms. Miles further admitted in her deposition that a wave counts as an interaction. SUMF 35. Therefore, the allegation that Rosita "refused to interact" or "ignored" the Miles family is false. At the very least, L.C. received a wave, and Ms. Miles testified that a wave counts as an interaction.

Further, even if the Miles Plaintiffs had established a *prima facie* case, summary judgment should still be granted because the employee involved also testified that the reason why he gave the first girl in the video a hug and the second girl [L.C.] a wave, was not because of the second girl [L.C.]'s race, skin color, or because of how she looked. Rather, he hugged the girl he came upon first and then was concerned about keeping the mini parade moving, so waved to other guests after that point. SUMF 36. Thus, that employee had a legitimate, non-discriminatory reason for the interaction complained of and captured in the video in footnote 5.

Romero. The Romero family alleges that the employees performing as Cookie Monster and Zoe in the parade during their June 25, 2022 Sesame Place visit committed intentional race discrimination by "refusing to engage with them" while readily engaging "with numerous similarly situated white customers and their children," as documented in the videos in footnotes 8 and 9 of the FAC. FAC ¶¶ 72, 76, 77, 78, 79. Ms. Romero confirmed in her deposition that the videos in footnotes 8 and 9 capture all of the alleged incidents of discrimination underlying her claim. SUMF 37.

As to the video in footnote 8 involving Cookie Monster, Ms. Romero admitted in her deposition that E.C. did get an interaction with Cookie Monster (a "hand tap"), just an interaction she found insufficient. JA 351, 374-376, 396, 397. And even though Ms. Romero complains that

Cookie Monster went on to "hug" a child that she assumes is white based on skin color (JA 37-39, 377-379, 398), that interaction was for the safety of the child, who had crossed the yellow safety line and was in the parade route. The yellow line at the parade is there for guests' safety and prevents them from getting too close to the parade floats and performers. SUMF 38. The costumed characters are trained that in instances when a child crosses the yellow safety line into the parade route, to gently guide the child back behind the yellow line to safety. JA 1031, ¶ 9. There is thus a legitimate, non-discriminatory reason for that interaction.

Similarly as to the video in footnote 9 involving Zoe, Ms. Romero admitted that Zoe did interact with E.C. by giving her a "thumbs up," but that she thinks Zoe should have done more JA 381-382, 384-385.

Because neither Cookie Monster nor Zoe "refused to engage" with E.C., Plaintiffs have failed to make a *prima facie* case of race discrimination and judgment should be granted for Defendants.[7]

C. Plaintiffs Cannot Demonstrate an Intent to Discriminate

Assuming for the sake of efficiency, without conceding, that Plaintiffs have established a *prima facie* case as to the other interactions alleged in the FAC not addressed in the above section, Plaintiffs' § 1981 claim would still fail.[8]

[7] Ms. Romero also admitted that neither Cookie Monster nor Zoe said anything derogatory or anything about race to E.C. SUMF 39, 40.

[8] When a defendant offers a legitimate, non-discriminatory reason for the at-issue conduct, courts may start with step two of the *McDonnel Douglas* framework and assume for purposes of analysis that a plaintiff has made out a *prima facie* case. *See Caroll*, 1993 WL 195472, at *5; *see also Farrell v. Planters Lifesavers Co.*, 206 F.3d 271, 286 (3d Cir. 2000) ("nothing about the *McDonnell Douglas* formula requires us to ration the evidence between one stage or the other.").

The second element of a § 1981 claim is intent to discriminate on the basis of race. *Brown*, 250 F.3d at 797. Section 1981 can only be violated by purposeful discrimination. *General Bldg. Contractors Ass'n, Inc. v. Pennsylvania*, 458 U.S. 375, 391 (1982); *Ferrill v. Parker Grp., Inc.*, 168 F.3d 468, 472 (11th Cir. 1999) ("Section 1981 liability must be founded on purposeful discrimination."). None of the at-issue costumed characters is alleged to have said anything racially offensive or to have made any offensive gestures. Plaintiffs' claims are based solely on an alleged lack of personal interactions. Here, there is a legitimate, non-discriminatory reason for each action complained of by Plaintiffs. In other words, there was no purposeful discrimination.

Burns. The Burns family alleges that the employees performing Telly Monster and Ernie committed intentional race discrimination as documented in the videos in footnotes 1 and 2 of the FAC. FAC ¶¶ 40, 41, 42, 43.

As to Telly Monster, the employee performing as Telly Monster during the event in the video in footnote 1 testified that the reason he did not interact with the little girl with the pigtails [K.B.] was because she was not in his vision from within the costume and he could not see her, not because of her race, skin color, or the way she looked. SUMF 41, 42. Thus, that employee had a legitimate, non-discriminatory reason for the interaction complained of and captured in the video in footnote 1.

As to Ernie, Sesame Place's Events and Production Manager, who has extensive experience performing in the Ernie costume and who reviewed the video in footnote 2 of the FAC, declared that because the part of the costume that the performer sees out of is pointing away from the little girl with the pigtails wearing the white shirt in the video [K.B.], the performer in the Ernie costume could not have seen the little girl with the pigtails and the white shirt [K.B.]. SUMF 43, 44, 45. He further declared that twelve seconds in to the video, Ernie begins to cross the street

with the choreography mapped to that point in the parade, and at that point, the performer was required to cross the street to the other side of the parade route and could not perform any more interactions with guests on the side of the parade route where they were located at the beginning of the video. SUMF 46. Thus, that employee had a legitimate, non-discriminatory reason for the interaction complained of and captured in the video in footnote 2.

Morales. The Morales family alleges that the employees performing as Big Bird, Grover, and Baby Bear in the parade during their July 11, 2022 Sesame Place visit committed intentional race discrimination by "refusing to engage with them and ignoring them" while readily engaging "with numerous similarly situated white customers and their children," as documented in the videos in footnotes 6 and 7 of the FAC. FAC ¶¶ 63, 67, 68, 69, 70. Ms. Morales confirmed in her deposition that the videos linked in footnotes 6 and 7 of the FAC capture all of the alleged incidents of discrimination underlying her claim. SUMF 47. In those videos, Plaintiff N.M. is the girl with braids holding the Abby Cadabby doll. SUMF 48. What Ms. Morales claims is discriminatory is that (1) Big Bird interacted in some way with someone to the left of N.M. and high-fived the child in the stroller to the right of N.M. in the video in footnote 6 (JA 285-286, 293-296); (2) Grover high-fived the child in the stroller to the right of N.M. in the video in footnote 7 (JA 297, 300-304); and (3) Baby Bear high-fived the woman to the left of N.M. in the video in footnote 7. JA 297, 304-307. Plaintiffs' claims must fail because Ms. Morales has admitted that she does not know whether the family to the left or the child in the stroller to the right were actually Hispanic as opposed to Caucasian. JA 287-288, 291-292, 294, 300-301, 305. Plaintiffs thus have not established that they were ignored while "similarly situated white customers and their children" were interacted with.

Even if the Morales Plaintiffs had established a *prima facie* case, however, their claim would still fail. As to the interaction with Big Bird, the employee performing that character testified that the allegation that he did not interact with the little girl with the braids [N.M.] because of her race is false, and that his actions in the video were not in any way motivated by her race, by her skin color, or by how she looked. SUMF 49, 50. Rather, he did not see her as he walked past. SUMF 50. That is because the field of vision in the costume is very small, with no peripheral vision, and when the part of the costume that the performer sees out of is facing forward (as was the case in the video in footnote 6), the employee in the costume is "fully blind" to the guests on the sides, JA 820-821, and N.M. was to the character's side. FAC at ¶ 11, n.6; SUMF 51, 52. Accordingly, to the extent it is even factually true that he interacted with white customers (as opposed to Hispanic ones) and not N.M., there is a legitimate, non-discriminatory reason for his actions.

As to the interaction with Grover, the employee performing as Grover during the event in the video in footnote 7, who is Black, declared that by the time the little girl with the braids and black hooded sweatshirt [N.M.] waved at Grover, the part of the Grover costume that the performer sees out of was completely turned away from her, so he did not see her express her desire for an interaction. SUMF 53, 54, 55. He further declared that he did not avoid interacting with the little girl because of her race, and to him, her skin color appeared to be the same as or similar to that of the child in the stroller to whom he gave a high five. SUMF 56. Thus, to the extent he interacted with white customers (as opposed to a Hispanic one) and not N.M., that employee had a legitimate, non-discriminatory reason for his actions.

As to the interaction with Baby Bear, the employee performing that character testified that he did not decline to interact with N.M. because of her race or because of how she looked in any

way. SUMF 57, 58. Race did not play a role in his deciding to interact with anyone on the parade route at any time. SUMF 58. Rather, he explained that: (1) it is not possible to have personal interactions with every child on the parade route; (2) he did not interact with N.M. because he had to keep the parade moving and had to cross to the other side of the street when Telly Monster came to his side; and (3) N.M. was behind (rather than right up on) the yellow line, making it more difficult to see her given the limited vision in the costume as well as potentially indicating a reluctance or less of a desire for an interaction. JA 867-875, 877-880. Accordingly, to the extent he interacted with a white child (as opposed to a Hispanic one) and not N.M., there is a legitimate, non-discriminatory reason for his actions.

Valdez. The Valdez family alleges that the employee dressed as Abby Cadabby in the parade during their December 29, 2021 Sesame Place visit committed intentional race discrimination by "refusing to engage with them and ignoring them" while readily engaging "with numerous similarly situated white customers and their children," as documented in the video in footnote 10 of the FAC. FAC ¶¶ 81, 85, 86, 87, 88. In that video, M.L. is the boy in the cap with the olive fur jacket. SUMF 59.

The employee performing as Abby Cadabby in the video in footnote 10 testified that she did not refuse to interact with M.L. because of his race, but rather because he was behind the children she was interacting with, and he did not approach the line of children until after she had passed that spot when she was turning and walking to her next mark in the parade. SUMF 60, 61. Given the limited field of vision in the Abby Cadabby costume, she testified that she believes that she did not even see M.L. given the timing of his approach. SUMF 62. She further testified that she never chooses which children to interact with on the parade route based on race. SUMF 63. Accordingly, there is a legitimate, non-discriminatory reason for her actions.

Valette. The Valette family alleges that the employee dressed as Grover in the parade during their June 20, 2022 Sesame Place visit committed intentional race discrimination by "refusing to engage with them and ignoring them" while readily engaging "with numerous similarly situated white customers and their children," as documented in the video in footnote 11 of the FAC. FAC ¶¶ 90, 94, 95, 96, 97. Ms. Valette confirmed in her deposition that the lack of interaction with Grover is the only alleged incident of discrimination underlying her claim. SUMF 64.

The employee performing as Grover in the video in footnote 11 testified that she did not refuse to interact with D.V. because of her race, nor did she choose to interact with the other two children in the video because of their race (which appears to be Caucasian), but rather for safety. She first interacted with the other two children because they stepped out into the street, and she hugged them to gently push them back for their safety, and then she did not interact with D.V. because she had to keep moving to follow the safety rule that characters must stay in front of the approaching float. SUMF 65, 66. Accordingly, there is a legitimate, non-discriminatory reason for her actions.

Willie. The Willie family alleges that the employee dressed as Rosita during their July 10, 2022 Sesame Place visit committed intentional race discrimination by "refusing to engage with them" while readily engaging "with numerous similarly situated white customers and their children," as documented in the video in footnote 12 of the FAC. FAC ¶¶ 99, 103, 104, 105, 106.[9]

[9] Ms. Willie also complains about an incident (about which she has no video or photographic evidence) in which her family allegedly attempted to get in line for a meet and greet with Rosita. But that incident consisted of an employee (other than the person in the Rosita costume) telling the family that the line was closed because Rosita needed to get ready for the parade, and Ms. Willie did not claim that her family was treated differently than any other family (e.g. did not testify that a white family was allowed to enter the line while her family was denied). JA 62-63, 576-578. Further, walk hosts cut the lines at meet and greets to abide by the time limit the

The employee performing as Rosita in the video in footnote 12 testified that she did not refuse to interact with L.W. because of her race or skin color, but rather because she did not see L.W. because the employee was looking upwards, and in the Rosita costume, the employee cannot see anything below their eyeline. SUMF 67, 68. She further testified that Sesame Place has cute photo ops around the park, including the one seen in the video in footnote 12 that features a painting of Abby Cadabby's wings that people can stand in front of and take pictures. SUMF 69. She testified that she would frequently join guests in their photo ops at murals like that, and her decision to run over for a photo op with the child at the mural wall was not motivated by the race of the people standing by the mural wall. SUMF 69. Accordingly, there is a legitimate, non-discriminatory reason for her actions.

To the extent that Plaintiffs will argue in their opposition that any of the Sesame Place employee's explanations of their intent or circumstances in the videos is pretextual, Defendants will respond to any such arguments in their reply brief.

D. Plaintiffs Cannot Demonstrate Discrimination in Contracting

Plaintiffs' § 1981 claim also fails because they cannot establish the third element of the claim—a violation of their right to make or enforce a contract. A § 1981 claim requires that Plaintiffs "possess[] some contractual right that the defendant blocked or impaired." *Williams v. Richland Cnty. Children Servs.*, 489 F. App'x 848, 851 (6th Cir. 2012). Here, the only "contracts" are Plaintiffs' Sesame Place tickets/season passes. ECF 48 at 5 n.3. Those tickets/passes entitled the holder to admission to the park (provided there were not weather or capacity constraints and

performers can be in the costumes for their safety, and meet and greets are often scheduled to end an hour before a parade because the costumed character performer participating in a meet and greet would also likely participate in a parade. SUMF 18, 19, 20, 21. Thus to the extent Plaintiffs intend to pursue a claim based on this claimed incident, they have not established a *prima facie* case.

that the guests obeyed all park rules and regulations). SUMF 5. They did not guarantee that a customer would get an interaction with a costumed character. SUMF 6.

To be sure, Plaintiffs have a right not to be discriminated against on the basis of race at Sesame Place. But that is not a right provided by the purported contract—the ticket/season pass. Federally, that right is provided by Title II of the Civil Right Act, which prohibits race discrimination in places of public accommodation. 42 U.S.C. § 2000a ("All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation … without discrimination on the ground of race[.]").

But Plaintiffs did not bring a Title II case. They chose to bring a § 1981 case, which prohibits only race discrimination in contracting. 42 U.S.C. § 1981. "[U]nder § 1981, it is not enough to show purposeful discrimination, a plaintiff must show such purposeful discrimination interfered with contractual rights." *Watkins v. BLM Cos., LLC*, 644 F. Supp. 3d 439, 451-52 (S.D. Ohio 2022) (citing *Domino's Pizza, Inc. v. McDonald*, 546 U.S. 470 (2006)). For a § 1981 claim, there "must have been interference with the contract beyond the mere expectation of being treated without discrimination[.]" *Hampton v. Dillard Dep't Stores, Inc.*, 247 F.3d 1091, 1118 (10th Cir. 2001); *see also Fox v. Vitamin Cottage Natural Grocers*, 2006 WL 2308492, at *5 (D. Colo. Aug. 9, 2006) (disparate treatment by store employees not actionable under § 1981); *Gregory v. Dillard's, Inc.*, 565 F.3d 464, 471 (8th Cir. 2009) (discriminatory surveillance in store not actionable under § 1981); *Avington v. Andales Rest. Corp.*, 2011 WL 256879, at *3 (N.D. Okla. Jan. 25, 2011) (that black restaurant patrons had to wait longer than white restaurant patrons, "even if based on racial animus, does not constitute an interference with the contractual relationship under § 1981."); *Lewis v. J.C. Penney Co.*, 948 F. Supp. 367, 371 (D. Del. 1996) (granting

summary judgment to defendants and rejecting theory that an unwritten contract between commercial establishments and the public guarantees that whenever a member of the public enters the premises they "will be treated equally regardless of race.").[10] The Supreme Court has stated clearly that § 1981 does not "provide an omnibus remedy for *all* racial injustice." *Domino's*, 546 U.S. at 479. And it does not provide a remedy for what Plaintiffs complain of here.

VI. DEFENDANTS SHOULD BE GRANTED JUDGMENT ON PLAINTIFFS' NEGLIGENCE CLAIM

The only part of Plaintiffs' negligence claim that remains is negligence *per se* based on an alleged § 1981 violation. Because, as shown above, Plaintiffs cannot establish a § 1981 violation, judgment should also be granted to Defendants on Plaintiffs' negligence claim. *See Schemberg v. Smicherko*, 85 A.3d 1071, 1074 (Pa. Super. 2014) (negligence *per se* requires violation of applicable statute).

However, even if Plaintiffs could show a § 1981 violation, Defendants should still be granted judgment on the negligence claim because it is preempted by the Pennsylvania Human Relations Act ("PHRA"). The PHRA is "the exclusive state law remedy for unlawful discrimination, preempting the advancement of common law claims … based on claims of discrimination." *Weaver v. Harpster*, 975 A.2d 555, 567 n.10 (Pa. 2009); 43 Pa. Stat. § 962(b) (PHRA excludes any action that could have been brought pursuant to the PHRA).

[10] While some district court cases have determined in the restaurant context that denying black guests "the accoutrements that are ordinarily provided with a restaurant meal," such as silverware, plates, and use of restaurant bathrooms can state a § 1981 claim (*McCaleb v. Pizza Hut of Am., Inc.*, 28 F. Supp. 2d 1043, 1048 (N.D. Ill. 1998); *Perry v. Burger King Corp.*, 924 F. Supp. 548, 552 (S.N.D.Y. 1996)), here, individual interactions with costumed characters are not "accoutrements ordinarily provided" with Sesame Place tickets. SUMF 6; *see also* ECF 48 at 9 (during the motion to dismiss hearing, "Plaintiffs' counsel clarified" that "Plaintiffs are not alleging that they were contractually guaranteed interactions with the performers.").

Plaintiffs' common law negligence claim is based on alleged race discrimination that could have been brought pursuant to the PHRA. 43 Pa. Stat. § 955(h)(11)(i)(1) (prohibiting race discrimination in places of "public accommodation, resort or amusement"). No putative class representative filed a PHRA claim with the Pennsylvania Human Relations Commission regarding the incidents underlying this lawsuit. SUMF 70. Accordingly, Defendants should be granted judgment on Plaintiffs' negligence claim. *Clay v. Advanced Comput. Applications, Inc.*, 559 A.2d 917, 918 (Pa. 1989) (plaintiffs who fail to seek redress for their grievances through the Pennsylvania Human Rights Commission are barred from judicial recourse); *Murray v. Com. Union Ins. Co. (Com.)*, 782 F.2d 432, 436-37 (3d Cir. 1986) (Pennsylvania courts will not recognize common law action for claims that are cognizable under the PHRA); *Candelaria v. Hospital of Univ. of Pennsylvania*, 285 A.3d 935 (Table), 2022 WL 4282830, at *3 (Pa. Super. Ct. 2022) (holding that summary judgment should have been granted to defendant on negligence claim because "there is no question that where an action falls within its scope, the PHRA preempts a common law tort claim"); *Roadman v. Select Specialty Hosp.*, 2020 WL 571058, at *6 (W.D. Pa. Feb. 5, 2020) (granting summary judgment to defendant on negligence claim as preempted by PHRA); *Hurst v. PNC Bank*, 2004 WL 999759, at *6 (E.D. Pa. May 5, 2004) (same). Plaintiffs' "failure to invoke [their] rights under the PHRA does not allow [them] to circumvent its statutory framework and … bring a common law tort cause of action." *Randler v. Kountry Kraft Kitchens*, 2012 WL 6561510, at *14 (M.D. Pa. Dec. 17, 2012) (granting summary judgment on negligent supervision claim as excluded by PHRA).

VII. DEFENDANTS SHOULD BE GRANTED JUDGMENT ON THE VALDEZ CLAIMS BECAUSE MS. VALDEZ SIGNED A CLASS ACTION WAIVER

Plaintiff Valdez used a season pass for her family's at-issue visit to Sesame Place. SUMF 71; ECF 29-3 at p.18 (Valdez 2021 Platinum Season Pass – Ezpay)[11]. She purchased that season pass online at the Sesame Place website. SUMF 72. As a condition of that season pass purchase, Ms. Valdez agreed to SeaWorld's EZPay terms and conditions, which include a class action waiver. SUMF 74, 75. That waiver states:

> Any and all disputes, claims, and causes of action arising out of or connected with this contract or the use of any park or membership **SHALL BE RESOLVED INDIVIDUALLY, WITHOUT RESORT TO ANY FORM OF CLASS ACTION**.

SUMF 75. Because the Valdez Plaintiffs' claims "arise out of" "the use of" the Sesame Place park and their membership, they have waived their right to participate in this class action and must resolve any such claims individually. Defendants therefore should be granted judgment as to all of their claims. *See, e.g.*, *Kubischta v. Schlumberger Tech Corp.*, 2016 WL 4752917, at *1, *6-8 (W.D. Pa. July 14, 2016) (granting summary judgment to defendant on claims of putative class representative because he signed a class action waiver).

VIII. DEFENDANTS SHOULD BE GRANTED JUDGMENT ON THE INJUNCTIVE RELIEF CLAIMS BECAUSE PLAINTIFFS LACK ARTICLE III STANDING

Plaintiffs "bear[] the burden of showing that [they] ha[ve] standing for each type of relief sought," including injunctive relief. *Summers v. Earth Island Inst.*, 555 U.S. 488, 493 (2009) (citing *City of Los Angeles v. Lyons*, 461 U.S. 95, 105 (1983)). Because Plaintiffs seek prospective injunctive relief, they "must show that [they are] 'likely to suffer ***future injury***' from the defendant's conduct." *McNair v. Synapse Grp., Inc.*, 672 F.3d 213, 223 (3d Cir. 2012) (emphasis

[11] The Valdez season pass in ECF 29-3 is a copy of Ms. Valdez's season pass. SUMF 73.

added) (quoting *Lyons*, 461 U.S. at 105). Those claiming a "risk of future harm" may seek "forward-looking, injunctive relief to prevent the harm from occurring," but only if "the risk of harm is sufficiently imminent and substantial." *TransUnion LLC v. Ramirez*, 141 S. Ct. 2190, 2210 (2021).

Accordingly, to have standing, Plaintiffs must show that they are likely to imminently suffer future race discrimination by Sesame Place employees. Defendants argued in their motion to dismiss that none of the Plaintiffs could make that showing because Plaintiffs are not likely to return to Sesame Place. ECF 29-1 at 22. If they do not at the very least go back to Sesame Place, then they cannot "again be wronged in a similar way." *Lyons*, 461 U.S. at 111.

At the motion to dismiss stage, the Court found that the fact that the Willie family had season passes that had not expired at the time the lawsuit was filed indicated a sufficient enough "intent on their part to return to the park" to survive a motion to dismiss. ECF 48 at 24. Discovery has confirmed that none of the Plaintiffs has returned to Sesame Place since the date they sued Defendants. SUMF 76, 78, 80, 82, 84, 86, 89, 92. The Willie family did not use their season passes to return to Sesame Place after their at-issue visit on July 10, 2022, SUMF 91, 92, despite the fact that those passes did not expire until January 2023. Those passes have now expired and were not renewed. SUMF 91, 92, 93. Ms. Valdez also terminated the season pass she used for the at-issue Sesame Place visit. SUMF 87. Further, none of the Plaintiffs has current plans to return to Sesame Place, SUMF 77, 79, 81, 83, 85, 88, 90, 94. They therefore do not have an "imminent" risk of being harmed again, and thus lack standing for injunctive relief.

Even if a Named Plaintiff would hypothetically be willing to return to Sesame Place "if things were different," that would not establish standing. "Mere 'allegations of possible future injury are not sufficient.'" *Schaller v. U.S. Soc. Sec. Admin.*, 844 F. App'x 566, 571 (3d Cir. 2021)

(not precedential) (quoting *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 409 (2013)). "[A]n injury in fact requires an intent that is concrete rather than only 'some day' intentions[,] because some day intentions do not support a finding of the actual or imminent injury required to establish standing." *Id.* (cleaned up, quotations omitted). Especially where "an injury rests on a claimed desire to travel somewhere, providing specific dates is crucial, as imminency would be 'stretched beyond the breaking point when … a plaintiff alleges only an injury at some indefinite future time.'" *Id.* (quoting *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 564 n.2 (1992)). Plaintiffs cannot establish standing "without description of concrete plans, or indeed even any specification of *when* the some day will be." *Lujan*, 504 U.S. at 564. None of the Named Plaintiffs has such concrete plans, and thus none can seek injunctive relief.

When no Named Plaintiffs have standing for injunctive relief, they cannot pursue injunctive relief on behalf of a class. *McNair*, 673 F.3d at 223-27. Defendants therefore should be granted judgment on Plaintiffs' injunctive relief claims.

IX. CONCLUSION

For the foregoing reasons, judgment should be granted to Defendants on all counts, and the Amended Class Action Complaint dismissed with prejudice.

Dated: December 18, 2023

Respectfully submitted,

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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC.; and SEAWORLD PARKS & ENTERTAINMENT LLC,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	

DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS

Pursuant to the Court's Policies and Procedures, Defendants SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment LLC ("Defendants") hereby submit their Statement of Undisputed Material Facts in support of their Motion for Summary Judgment, filed concurrently herewith.

1. Sesame Place is a theme park located in Langhorne, Pennsylvania. JA 625.

2. There are multiple ways to gain admission to Sesame Place, including single day tickets, multiple day tickets, and season passes. JA 791.

3. If a person purchases a season pass, they have the option to pay the entire cost of the season pass on the day of purchase, or they can opt for the "EZPay" payment method that allows the purchaser to break the full payment amount into monthly installments. JA 792-793.

4. If a person decides to pay for a season pass via the EZPay method, they are required to agree to SeaWorld's EZPay terms and conditions. JA 793, 798-802.

5. Any Sesame Place ticket or pass entitles the holder to admission to the park provided there are not weather or capacity constraints and that they obey all park rules and regulations. JA 773-774; JA 795-797.

6. Tickets and season passes do not guarantee that a customer will get an interaction with a costumed character during a parade or meet and greet. JA 775-777.

7. At Sesame Place, costumed character performers are members of the entertainment department. JA 919.

8. During the class period, costumed character performers participated in various activities, including full parades, mini parades, and meet and greets, also known as character walks. JA 823; JA 890-891.

9. Sesame Place full parades and mini parades included costumed characters, dancers, and floats that proceeded along the parade route while park guests gathered along both sides of the parade route. JA 973-977, 991-992; JA 823-824.

10. During both full parades and mini parades, performers needed to be sure to stay in front of parade floats due to safety concerns that a float could run over a performer due to the limited line of sight of parade float drivers. JA 823-825; JA 903.

11. Full parades lasted approximately 25 minutes and included three "show stops," which were scripted performances along the parade route with choreography. JA 995; JA 1009; JA 1020.

12. Show stops provided some opportunities for costumed character performers to provide "extra interactions" with some park guests along the parade route. JA 858-860; JA 959-960; JA 995-996.

13. During 2022, when Sesame Place had very low staffing, they began doing mini parades. JA 857-858.

14. Mini parades were approximately 10 minutes shorter than full parades, and included constant movement of costumed characters, dancers, and floats with no show stops. JA 626-627; JA 823; JA 909-910.

15. There were fewer opportunities for costumed character performers to interact with park guests during mini parades than during full parades because there were no show stops in mini parades. JA 959-960.

16. Meet and greets, also known as character walks, involve a costumed character performer going to a designated location in the Sesame Place park to take photographs and/or videos with guests. JA 890-891; JA 593 (Willie family recorded video at meet and greet).

17. During meet and greets, costumed character performers are accompanied by a non-costumed Entertainment Department employee called a walk host who escorts the costumed character to the designated location and forms a line of guests waiting to meet with the costumed character. JA 1018.

18. Walk hosts are also responsible for "cutting" the line of guests waiting to take a picture with the costumed character within the designated time limit. JA 985-986; JA 1019.

19. Meet and greets have a 30-minute time limit or, if the "real feel" temperature is 100 degrees Fahrenheit or higher, a 20-minute time limit. JA 910.

20. The time limits for the costumed character employees in costume are for the safety of costumed character performers and are intended to prevent them from overheating. JA 825; JA 910.

21. Meet and greets are often scheduled to end an hour before a scheduled parade because the costumed character performer participating in a meet and greet would also likely participate in the parade. JA 984.

22. In July of 2022, a video filmed during a mini parade at Sesame Place involving the costumed character Rosita went "viral" on the internet. JA 231; JA 953-954; JA 987-988.

23. The video involving the costumed character Rosita that went "viral" in July of 2022 did not involve any of the Named Plaintiffs. JA 92-93; JA 194-195; JA 231; JA 280; JA 317-318; JA 457-458; JA 485; JA 594-600.

24. In response to the "viral" Rosita video, Sesame Place made a number of changes, including that costumed characters no longer interact with any guests during the parades. JA 626-627; JA 836; JA 858-862.

25. Elmo is not one of the characters that allegedly discriminated against K.B. JA 109.

26. The Burns Plaintiffs do not claim that the employee dressed as Abby Cadabby in the parade depicted in the video in footnote 1 of the FAC discriminated against K.B. JA 120.

27. The Burns Plaintiffs' claim as to Abby Cadabby is related to a "meet and greet," not a parade. JA 120.

28. The Fleming Plaintiffs do not claim that the video at footnote 4 of the FAC depicts an independent incident of race discrimination, but rather O.F.'s reaction to the interaction in the video at footnote 3. JA 198-200.

29. The video linked in footnote 5 of the FAC captures the only alleged incident of discrimination underlying the Miles family's claim. JA 232-235.

30. The Rosita character did not say anything derogatory or anything about race to M.C. JA 241.

31. In the Miles Plaintiffs' video at footnote 5 of the FAC, M.C. was wearing a black shirt and swimming trunks, and his sister, L.C., was standing between M.C. and the camera. JA 212-213, 231-237.

32. M.C. and his sister L.C. both identify as Black. JA 249.

33. [redacted], a Sesame Place Entertainment Department employee, performed the costumed character Rosita in the Miles Plaintiffs' video at footnote 5 of the FAC. JA 949-952, 958, 961.

34. [redacted] testified that during the event captured in the video in footnote 5 of the FAC that he waved to the little girl with her hand stretched out (L.C.). JA 958, 961-963.

35. Ms. Miles testified in her deposition that a wave counts as an interaction. JA 247-248.

36. [redacted] testified that the reason why he gave the first girl in the video a hug and the second girl (L.C.) a wave, was not because of the second girl's race, skin color, or because of how she looked. Rather, he hugged the girl he came upon first and then was concerned about keeping the mini parade moving, so waved to other guests after that point. JA 961-963.

37. The videos linked in footnotes 8 and 9 of the FAC capture all of the alleged incidents of discrimination underlying the Romero family's claim. JA 364-368, 381.

38. The yellow line at the parade is there for guests' safety and prevents them from getting too close to the parade floats and performers. JA 1031, ¶ 9; JA 368-369.

39. The Cookie Monster character did not say anything derogatory or anything about race to E.C. JA 379-380.

40. The Zoe character did not say anything derogatory or anything about race to E.C. JA 368.

41. [redacted], a Sesame Place Entertainment Department employee, performed the costumed character Telly Monster in the Burns Plaintiffs' video in footnote 1 of the FAC. JA 833-835, 837-838.

42. [redacted] testified that the reason that he did not interact with the little girl with the pigtails (K.B.) in the event captured in the video in footnote 1 of the FAC was because she was not in his vision from within the costume and he could not see her, not because of her race, skin color, or the way she looked. JA 839-840, 844-845.

43. Paul Joseph Schweizer is the Sesame Place Events and Production Manager. JA 1030, ¶ 2; JA 1007.

44. Mr. Schweizer has performed in hundreds of Sesame Place parades, and when in costume, most often performed as Ernie and Grover. JA 1030, ¶¶ 3, 4.

45. Mr. Schweizer reviewed the video linked in footnote 2 in the FAC, and declared that he knows from personal experience that the person in the Ernie costume sees [redacted] was never pointed towards the little girl with the pigtails wearing a white shirt (K.B.) in the video, so the performer in the Ernie costume could not have seen her. JA 1030-1031, ¶¶ 5, 6.

46. Mr. Schweizer declared that at the twelve second mark in the video in footnote 2, Ernie begins to cross the street with the choreography mapped to that point in the parade, and at that point, the performer was required to cross to the other side of the parade route and could not perform any more interactions with the guests on the side of the parade route where Ernie was located at the beginning of the video. JA 1031, ¶ 7.

47. The videos linked in footnotes 6 and 7 of the FAC capture all of the alleged incidents of discrimination underlying the Morales family's claim. JA 279, 282-285.

48. The Morales child, N.M., is the girl with braids holding the Abby Cadabby doll in the Morales Plaintiffs' videos in footnotes 6 and 7 of the FAC. JA 285-287.

49. [redacted], a Sesame Place Entertainment Specialist, performed the costumed character Big Bird in the Morales Plaintiffs' video in footnote 6 of the FAC. JA 813-816.

50. [redacted] testified that the allegation that he did not interact with the little girl with the braids (N.M.) during the event captured in the video in footnote 6 of the FAC because of her race is false, and that his actions in the video were not in any way motivated by her race, by her skin color, or by how she looked, but because he did not see her as he walked past. JA 820, 821, 826.

51. The employee in the Big Bird costume sees [redacted]. JA 817.

52. The field of vision in the Big Bird costume is very small, with no peripheral vision. JA 818-820.

53. [redacted] a former Sesame Place Entertainment Department employee, performed the costumed character Grover in the Morales Plaintiffs' video in footnote 7 of the FAC. JA 1033, ¶¶ 3, 5.

54. [redacted] is Black. JA 1033, ¶ 4.

55. [redacted] declared that the performer in the Grover costume sees [redacted] and by the time the little girl with the braids and black hooded sweatshirt (N.M.) waved at him, [redacted] was completely turned away from her, so he did not see her express her desire for an interaction. JA 1033-1034, ¶ 6.

56. [redacted] declared that he did not avoid interacting with the little girl with the braids and black hooded sweatshirt (N.M.) because of her race, and to him, her skin color appeared

to be the same as or similar to that of the child in the stroller to whom he gave a high five. JA 1033-1034, ¶¶ 4, 6, 7.

57. [redacted], a former Sesame Place Entertainment Department employee, performed the costumed character Baby Bear in the Morales Plaintiffs' video in footnote 7 of the FAC. JA 853-856, 863-865.

58. [redacted] testified that he did not decline to interact with N.M. in the event captured in the video in footnote 7 of the FAC because of her race or because of how she looked in any way, and that race did not play a role in his deciding to interact with anyone on the parade route at any time. JA 875-876.

59. The Valdez child, M.L., is the boy in the cap with the olive fur jacket in the Valdez Plaintiffs' video in footnote 10 of the FAC. JA 442-443.

60. [redacted], a former Sesame Place Entertainment Department employee, performed the costumed character Abby Cadabby in the Valdez Plaintiffs' video in footnote 10 of the FAC. JA 930-936.

61. [redacted] testified that she did not refuse to interact with M.L. in the event captured in the video in footnote 10 of the FAC because of his race, but rather because he was behind the children she was interacting with, and he did not approach the line of children until after she had passed that spot when she was turning and walking to her next mark in the parade. JA 937-938, 940-941.

62. [redacted] testified that she believes she did not even see M.L. given the timing of his approach. JA 937-939.

63. [redacted] testified that she never chooses which children to interact with on the parade route based on race. JA 938.

64. The lack of interaction with Grover as captured by the video in footnote 11 of the FAC is the only alleged incident of discrimination underlying the Valette family's claim. JA 503.

65. [redacted], a Sesame Place Entertainment Department employee, performed the costumed character Grover in the Valette Plaintiffs' video in footnote 11 of the FAC. JA 890-895.

66. [redacted] testified that she did not refuse to interact with D.V. because of her race, nor did she choose to interact with the other two children in the video because of their race (which appears to be Caucasian), but rather for safety: she first interacted with the other two children because they stepped out into the street, and she hugged them to gently push them back for their safety, and then she did not interact with D.V. because she had to keep moving to follow the safety rule that characters must stay in front of the approaching float. JA 894-897, 900-905.

67. [redacted] performed the costumed character Rosita in the Willie Plaintiffs' video in footnote 12 of the FAC. JA 892-893, 897-899.

68. [redacted] testified that she did not refuse to interact with L.W. during the event captured in the video in footnote 12 of the FAC because of her race or skin color, but rather because [redacted] did not see L.W. because [redacted] was looking upwards, and in the Rosita costume, the employee cannot see anything below their eyeline. JA 897-899, 906-908.

69. [redacted] testified that Sesame Place has cute photo ops around the park, including the one seen in the video in footnote 12 that features a painting of Abby Cadabby's wings that people can stand in front of and take pictures. She testified that she would frequently join guests in their photo ops at murals like that, and her decision to run over for a photo op with the child at the mural wall was not motivated by the race of the people standing by the mural wall. JA 907-908.

70. No putative class representative filed a Pennsylvania Human Relations Act claim with the Pennsylvania Human Rights Commission regarding the incidents underlying this lawsuit. JA 5 (Burns); JA 192-193 (Fleming); JA 226-227, JA 22 (Miles); JA 281 (Morales); JA 363, 393, JA 39 (Romero); JA 441, JA 47 (Valdez); JA 488, 506, JA 55 (Valette); JA 541, JA 63-64 (Willie).

71. Plaintiff Valdez purchased a season pass to Sesame Place that her family used for the at-issue Sesame Place visit. JA 407; JA 45.

72. Plaintiff Valdez purchased the season pass that her family used for the at-issue Sesame Place visit on the Sesame Place website. JA 408; JA 45.

73. The Valdez season pass in ECF 29-3 is a copy of Ms. Valdez's season pass. JA 411-412.

74. Plaintiff Valdez agreed to SeaWorld's EZPay terms and conditions to purchase the season pass to Sesame Place that her family used for the at-issue Sesame Place visit. JA 407-408; JA 45; JA 787-788, 792-793, 795, 798-801; JA 1024, ¶ 3.

75. The EZpay terms and conditions to which Plaintiff Valdez agreed included a class action waiver that states: "Any and all disputes, claims, and causes of action arising out of or connected with this contract or the use of any park or membership **SHALL BE RESOLVED INDIVIDUALLY, WITHOUT RESORT TO ANY FORM OF CLASS ACTION**." JA 1024-1025, ¶¶3-6, 1029.

76. The Burns Plaintiffs have not returned to Sesame Place since the at-issue visit on June 18, 2022, prior to filing the original complaint. JA 119; JA 2.

77. The Burns Plaintiffs have no plans to return to Sesame Place. JA 119.

78. The Fleming Plaintiffs have not returned to Sesame Place since the at-issue visit on July 4, 2022, prior to becoming plaintiffs with the filing of the Amended Complaint. JA 192; JA 11.

79. The Fleming Plaintiffs have no plans to return to Sesame Place. JA 201-202.

80. The Miles Plaintiffs have not returned to Sesame Place since the at-issue visit on June 24, 2022, prior to becoming plaintiffs with the filing of the Amended Complaint. JA 233; JA 20.

81. The Miles Plaintiffs have no plans to return to Sesame Place. JA 233-234.

82. The Morales Plaintiffs have not returned to Sesame Place since the at-issue visit on July 11, 2022, prior to becoming plaintiffs with the filing of the Amended Complaint. JA 278; JA 28.

83. The Morales Plaintiffs have no plans to return to Sesame Place. JA 308.

84. The Romero Plaintiffs have not returned to Sesame Place since the at-issue visit on June 25, 2022, prior to becoming plaintiffs with the filing of the Amended Complaint. JA 336-337; JA 37.

85. The Romero Plaintiffs have no plans to return to Sesame Place. JA 338.

86. The Valdez Plaintiffs have not returned to Sesame Place since August 25, 2022, prior to becoming plaintiffs with the filing of the Amended Complaint. JA 466; JA 45.

87. The season pass that the Valdez family used for the at-issue Sesame Place visit has been terminated. JA 407-409.

88. The Valdez Plaintiffs have no plans to return to Sesame Place. JA 438.

89. The Valette Plaintiffs have not returned to Sesame Place since the at-issue visit on June 20, 2022, prior to becoming plaintiffs with the filing of the Amended Complaint. JA 504; JA 53.

90. The Valette Plaintiffs have no plans to return to Sesame Place. JA 504.

91. Plaintiff Willie purchased season passes to Sesame Place that her family used for the at-issue Sesame Place visit. JA 541-542; JA 61.

92. The Willie Plaintiffs have not returned to Sesame Place since the at-issue visit on July 10, 2022, prior to becoming plaintiffs with the filing of the Amended Complaint. JA 578-579, 602; JA 61.

93. The season passes that the Willie family used for the at-issue Sesame Place visit have expired and were not renewed. JA 541-545.

94. The Willie Plaintiffs have no plans to return to Sesame Place. JA 612-614.

Dated: December 18, 2023

Respectfully submitted,

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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC. d/b/a SESAME PLACE PHILADELPHIA and SEAWORLD PARKS & ENTERTAINMENT LLC d/b/a SESAME PLACE PHILADELPHIA,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	

PLAINTIFFS' ANSWERS TO DEFENDANT'S FIRST SET OF INTERROGATORIES

COMES NOW Quintin Burns, Individually and as Next Friend of K.B., a minor, ("Plaintiffs") by and through his undersigned counsel and in response to the Interrogatories propounded by Defendants, SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment, LLC, state as follows:

A. The information supplied in these Answers is not based solely on the knowledge of the executing parties, but includes knowledge of the parties' agents, representatives, and attorneys, unless privileged.

B. The word usage and sentence structure may be that of the attorney assisting in the preparation of these Answers and thus does not necessarily purport to be the precise language of the executing parties.

C. The information contained in these Answers is being provided in accordance with the provisions and intent of the Federal Rules of Civil Procedure which require the disclosure of

facts which may be relevant or which may lead to the discovery of relevant information. Accordingly, the parties answering these Interrogatories, by providing the information requested, do not waive objections to the admission into evidence on grounds of materiality or relevancy or other proper grounds for objection.

D. These Answers are continuing in nature to the extent required by the Federal Rules of Civil Procedure.

E. Nothing herein shall be construed as an admission by the Plaintiffs respecting the admissibility or relevance of any fact or document, or of truth or accuracy of any characterization or document referenced in the Interrogatories.

INTERROGATORY NO. 1:

For EACH visit YOU have made to SESAME PLACE in the last five (5) years, state:

a. The date of the visit
b. The type of ticket or pass YOU purchased or was purchased for YOU (e.g., single day pass, two-day pass, annual pass, etc.)
c. The date of the ticket or pass purchase
d. Where the ticket or pass was purchased (e.g., physically at SESAME PLACE, online at SESAME PLACE's website, through a third party travel agent or website, etc.)
e. How the ticket or pass was purchased (e.g., cash, credit card, debit card, etc.)

ANSWER NO. 1: a) Plaintiffs, Quinton Burns ("Mr. Burns") and minor Plaintiff, K.B., ("K.B."), visited Sesame Place around Mother's Day in 2021 (Mr. Burns is not certain of the exact date), and on 6/18/22 and 6/19/22, b) Mr. Burns purchased one-day tickets for the visit in 2021, and two-day tickets for 6/18/22 and 6/19/22, c) Mr. Burns does not recall when he purchased the ticket for the 2021 visit, the tickets for 6/18/22 and 6/19/22 were purchased on 6/17/22 d) Mr. Burns purchased the tickets for 2021online but he does not recall the website he used, the 6/18/22 and 6/19/22 tickets were purchased through the Sesame Place Website e) Mr. Burns paid for the

2021 tickets with a debit or credit card, and the 6/18/22 and 6/19/22 tickets were purchased with a credit card.

INTERROGATORY NO. 2:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. Identify the Sesame Street costumed character with whom YOU were attempting to interact
b. State the date and time of the attempted interaction
c. State the location at SESAME PLACE where the attempted interaction occurred
d. State the format of the interaction (e.g., at a parade, while walking around the park, at a dining event, etc.)
e. Describe the attempt to interaction or the interaction and state ALL facts that show why YOU contend this interaction was racially discriminatory or was otherwise racially offensive
f. IDENTIFY all PERSONS who witnessed ANY such instance described in response to subparagraph 2(e)

ANSWER NO. 2: Plaintiffs object to this Interrogatory on the grounds that it is overly broad and unduly burdensome. "Questions that ask for 'all facts' are generally considered overly broad and unduly burdensome." Paul W. Grimm, *et al*., MARYLAND DISCOVERY PROBLEMS AND SOLUTIONS 28-29 (2d ed. 2020) (citing *Hiskett v. Wal-Mart Stores, Inc*., 180 F.R.D. 403 (D. Kan. 1998); see also *Bradley v. Val-Mejias*, No. 00-2395-GTV, 2001 U.S. Dist. LEXIS 25278 (D. Kan. Oct. 9, 2001) (approved the phraseology "[S]tate in detail your factual version of how the occurrence complained of in your Complaint took place," as distinguished from "State each and every . . .," which was disapproved, the distinction being that the former language sought only material or principal facts whereas the latter sought "all" facts), *aff'd*, 379 F.3d 892 (10th Cir. 2004); *Evans v. Johns Hopkins Univ.*, 224 Md. 234, 167 A.2d 591 (1961) (holding that an interrogatory seeking information on "any" explosions in a campus laboratory constituted an impermissible "dragnet inquiry" irrelevant to the plaintiff's claim respecting a specific explosion in which he was injured). See also *Tinoco v. Thesis Painting, Inc.*, 2018 U.S. Dist. LEXIS 163840,

at *16 (D. Md. Sept. 24, 2018) ("[T]o the extent that … an interrogatory seeks every fact which supports identified allegations, it will generally be found overbroad and unduly burdensome.") (internal quotations and citation omitted); *Kilby v. CVS Pharm., Inc*., No. 09cv2051, 2019 U.S. Dist. LEXIS 32438, at *u-8 (S.D. Cal. Feb. 28, 2019) (agreeing with a plaintiff's contention that particular interrogatories were overbroad, because they require the plaintiff "to state 'all facts' rather than the material or principal facts that support [the plaintiff's] allegations")). The reason Plaintiff considers this interrogatory overly broad and unduly burdensome is because it requests Plaintiff to account for and recite "all facts" on a complex subject, which is not reasonable in the context of an interrogatory answer. Subject to and without waiving the foregoing objections, Plaintiffs respond as follows: a) K.B. was attempting to interact with Elmo, Ernie, Telly Monster and Abby Cadabby b) On 6/18/22, K.B. attempted to interact with the costume characters identified in subparagraph 2(a) at a Meet and Greet which took place at approximately 2pm and at the 3pm Parade. c) The location of the attempted interaction was at a Meet and Greet while walking through the park and on Sesame Street d) the format of the attempted interaction was at the Parade and at a Meet and Greet e) Mr. Burns and K.B. exited the water park at approximately 2 pm and were walking through the park towards Sesame Street. Mr. Burns wanted to ensure that K.B. had a good spot for the Parade. On their way to Sesame Street, Mr. Burns and K.B. came across a Meet and Greet of a costume character. Mr. Burns does not recall which character it was. Mr. Burns attempted to get in line so K.B. could get a hug and photograph with the costume character. Mr. Burns and K.B. were told by the employee escort for the costume character that the line was closed. As they were walking away, Mr. Burns looked back and noticed that a white family was allowed to enter the line for the Meet and Greet after he was told that the line was closed. Each character (Elmo, Ernie, Telly Monster and Abby Cadabby) that K.B. attempted to interact with at the Parade

ignored K.B. and interacted with only white children. K.B. was waving her hand in the air to get the attention of the characters, however K.B. was still ignored. f) There are no witnesses to the instance other than Mr. Burns and K.B.

INTERROGATORY NO. 3:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. State whether YOU complained about the incident
b. If so, IDENTIFY EACH PERSON to whom YOU complained
c. Describe the response, if any, that YOU received to ANY such complaint, and IDENTIFY EACH PERSON who provided YOU with the response

ANSWER NO. 3: Plaintiff did not make a complaint.

INTERROGATORY NO. 4:

State each item of economic loss or damage that YOU contend YOU have suffered as a result of the incident(s) YOU allege occurred at SESAME PLACE in the Amended Class Action Complaint.

ANSWER NO. 4: Economic losses include the cost of tickets to Sesame Place. See Answer to Interrogatory No. 1.

INTERROGATORY NO. 5:

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 result of incidents described in the Amended Class Action Complaint, describe in detail EACH that you have experienced and include:

a. The names and addresses of any professional medical, psychological, or other provider
b. The dates of service with any such professional medical, psychological, or other provider
c. Whether YOU were provided with a formal diagnosis of any kind, and if so, identify any such diagnosis
d. Any treatment YOU underwent or are undergoing that was prescribed or recommended, including but not limited to medications, therapies, counseling, referral to other health professionals, or other modalities and the dates of ANY such treatment

ANSWER NO. 5: Plaintiffs experienced racial trauma as a result of Defendants' discriminatory practices. Plaintiffs have not sought treatment from any professional medical, psychological, or other health care provider as a result of Defendants' discriminatory practices.

INTERROGATORY NO. 6:

State ANY "professional opportunities" that YOU contend YOU have lost as a result of the incidents alleged in the Amended Class Action Complaint.

ANSWER NO. 6: None.

INTERROGATORY NO. 7:

Describe in detail ANY interviews YOU have given to any member of the media regarding the incidents alleged in the Amended Class Action Complaint, including:

a. The date of the interview
b. The name of the media outlet
c. IDENTIFY the PERSON(S) with whom YOU spoke
d. IDENTIFY ALL PERSON(S) in attendance

ANSWER NO. 7: Plaintiff, Quinton Burns, gave an interview to multiple local and national news outlets on July 27, 2022. Individuals present included Mr. Burns, his daughter, their attorneys and unidentified members of the public. Plaintiff, Quinton Burns, also gave and interview to Jericka Duncan and Hillary Cooke, CBS News, on October 14, 2022. Individuals present included Plaintiffs, their attorneys and unidentified staff of CBS News.

By: */s/*

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jaybdunc@gmail.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 19th day of December, 2022 that a copy of Plaintiffs, Quintin Burns, Individually and as Next Friend of K.B., a minor's Answers to Interrogatories to Defendants, SeaWorld Parks & Entertainment, Inc. and SeaWorld Park & Entertainment, LLC, were served via first class mail, postage prepaid, and email to:

Leigh M. Skipper, Esq.
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30 South 17th Street
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Tel.: (215) 979-1157
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Attorneys for SeaWorld Parks & Entertainment, Inc.
and SeaWorld Parks & Entertainment LLC

/s/
Andrew K. O'Connell

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.

DocuSigned by:
D96AE19DBC38499...

Quinton Burns, Individually and as Next Friend of K.B., a minor

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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC. d/b/a SESAME PLACE PHILADELPHIA and SEAWORLD PARKS & ENTERTAINMENT LLC d/b/a SESAME PLACE PHILADELPHIA,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	

PLAINTIFFS' ANSWERS TO DEFENDANT'S FIRST SET OF INTERROGATORIES

COMES NOW Nathan Fleming, Individually and as Next Friend of O.F., a minor, ("Plaintiffs") by and through his undersigned counsel and in response to the Interrogatories propounded by Defendants, SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment, LLC, state as follows:

A. The information supplied in these Answers is not based solely on the knowledge of the executing parties, but includes knowledge of the parties' agents, representatives, and attorneys, unless privileged.

B. The word usage and sentence structure may be that of the attorney assisting in the preparation of these Answers and thus does not necessarily purport to be the precise language of the executing parties.

C. The information contained in these Answers is being provided in accordance with the provisions and intent of the Federal Rules of Civil Procedure which require the disclosure of

facts which may be relevant or which may lead to the discovery of relevant information. Accordingly, the parties answering these Interrogatories, by providing the information requested, do not waive objections to the admission into evidence on grounds of materiality or relevancy or other proper grounds for objection.

D. These Answers are continuing in nature to the extent required by the Federal Rules of Civil Procedure.

E. Nothing herein shall be construed as an admission by the Plaintiffs respecting the admissibility or relevance of any fact or document, or of truth or accuracy of any characterization or document referenced in the Interrogatories.

INTERROGATORY NO. 1:

For EACH visit YOU have made to SESAME PLACE in the last five (5) years, state:

a. The date of the visit
b. The type of ticket or pass YOU purchased or was purchased for YOU (e.g., single day pass, two-day pass, annual pass, etc.)
c. The date of the ticket or pass purchase
d. Where the ticket or pass was purchased (e.g., physically at SESAME PLACE, online at SESAME PLACE's website, through a third party travel agent or website, etc.)
e. How the ticket or pass was purchased (e.g., cash, credit card, debit card, etc.)

ANSWER NO. 1: a) Plaintiffs, Nathan Flemings ("Mr. Fleming") and minor plaintiff, O.F. ("O.F."), visited Sesame Place on 7/4/22, this was O. F.'s second visit to the Sesame Place, O.F. visited Sesame Place once prior at the age of two or three during Halloween festivities. Mr. Fleming believes this visit was on 10/25/2019. b) Mr. Fleming does not recall when he purchased the tickets for 10/25/19. Mr. Fleming purchased a single day ticket for 7/4/22 and Mr. Fleming purchased tickets for future dates but cancelled them after the 7/4/22 visit. c) Mr. Fleming purchased the tickets on the morning of 7/4/22. It was a promotional deal. d) Mr. Fleming

purchased the tickets for 7/4/22 through a website with a promotional deal, but Mr. Fleming does not recall which website. f) Mr. Fleming purchased the tickets for 7/4/22 with a debit card.

INTERROGATORY NO. 2:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. Identify the Sesame Street costumed character with whom YOU were attempting to interact
b. State the date and time of the attempted interaction
c. State the location at SESAME PLACE where the attempted interaction occurred
d. State the format of the interaction (e.g., at a parade, while walking around the park, at a dining event, etc.)
e. Describe the attempt to interaction or the interaction and state ALL facts that show why YOU contend this interaction was racially discriminatory or was otherwise racially offensive
f. IDENTIFY all PERSONS who witnessed ANY such instance described in response to subparagraph 2(e)

ANSWER NO. 2: Plaintiffs object to this Interrogatory on the grounds that it is overly broad and unduly burdensome. "Questions that ask for 'all facts' are generally considered overly broad and unduly burdensome." Paul W. Grimm, *et al*., MARYLAND DISCOVERY PROBLEMS AND SOLUTIONS 28-29 (2d ed. 2020) (citing *Hiskett v. Wal-Mart Stores, Inc*., 180 F.R.D. 403 (D. Kan. 1998); see also *Bradley v. Val-Mejias*, No. 00-2395-GTV, 2001 U.S. Dist. LEXIS 25278 (D. Kan. Oct. 9, 2001) (approved the phraseology "[S]tate in detail your factual version of how the occurrence complained of in your Complaint took place," as distinguished from "State each and every . . .," which was disapproved, the distinction being that the former language sought only material or principal facts whereas the latter sought "all" facts), *aff'd*, 379 F.3d 892 (10th Cir. 2004); *Evans v. Johns Hopkins Univ.*, 224 Md. 234, 167 A.2d 591 (1961) (holding that an interrogatory seeking information on "any" explosions in a campus laboratory constituted an impermissible "dragnet inquiry" irrelevant to the plaintiff's claim respecting a specific explosion in which he was injured). See also *Tinoco v. Thesis Painting, Inc.*, 2018 U.S. Dist. LEXIS 163840,

at *16 (D. Md. Sept. 24, 2018) ("[T]o the extent that … an interrogatory seeks every fact which supports identified allegations, it will generally be found overbroad and unduly burdensome.") (internal quotations and citation omitted); *Kilby v. CVS Pharm., Inc*., No. 09cv2051, 2019 U.S. Dist. LEXIS 32438, at *u-8 (S.D. Cal. Feb. 28, 2019) (agreeing with a plaintiff's contention that particular interrogatories were overbroad, because they require the plaintiff "to state 'all facts' rather than the material or principal facts that support [the plaintiff's] allegations")). The reason Plaintiff considers this interrogatory overly broad and unduly burdensome is because it requests Plaintiff to account for and recite "all facts" on a complex subject, which is not reasonable in the context of an interrogatory answer. Subject to and without waiving the foregoing objections, Plaintiffs respond as follows: a) O.F. was attempting to interact with Telly Monster b) On 7/4/22, O.F. attempted to interact with Telly Monster at the 7 p.m. Parade c) the location of the interaction was on Sesame Street d) the format of the attempted interaction was at the Parade e) during the Parade, O.F. was trying to get acknowledgement from the costume characters with high fives. O.F. was being ignored and overlooked. Mr. Fleming tried to help O.F. get noticed by yelling toward the costumed characters. Telly Monster walked towards O.F., but when Telly Monster noticed an Asian child next to O.F., Telly Monster turned away from O.F. to give the Asian child a high five. Telly Monster only brushed O.F.'s hand while walking away. f) Mr. Flemings girlfriend, Doniesha Sanders, witnessed the instance described in response to subparagraph 2 (e).

INTERROGATORY NO. 3:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. State whether YOU complained about the incident
b. If so, IDENTIFY EACH PERSON to whom YOU complained
c. Describe the response, if any, that YOU received to ANY such complaint, and IDENTIFY EACH PERSON who provided YOU with the response

ANSWER NO. 3: Plaintiff, Nathan Fleming, did not complain at the park during the visit. Mr. Fleming made several calls, sent several emails and sent a LinkedIn message to Sesame Place following the 7/4/22 visit to complain. Mr. Fleming did not receive a response from Sesame Place.

INTERROGATORY NO. 4:

State each item of economic loss or damage that YOU contend YOU have suffered as a result of the incident(s) YOU allege occurred at SESAME PLACE in the Amended Class Action Complaint.

ANSWER NO. 4: Economic losses include the cost of tickets to Sesame Place. See Answer to Interrogatory No. 1.

INTERROGATORY NO. 5:

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 result of incidents described in the Amended Class Action Complaint, describe in detail EACH that you have experienced and include:

a. The names and addresses of any professional medical, psychological, or other provider
b. The dates of service with any such professional medical, psychological, or other provider
c. Whether YOU were provided with a formal diagnosis of any kind, and if so, identify any such diagnosis
d. Any treatment YOU underwent or are undergoing that was prescribed or recommended, including but not limited to medications, therapies, counseling, referral to other health professionals, or other modalities and the dates of ANY such treatment

ANSWER NO. 5: Plaintiffs experienced racial trauma as a result of Defendants' discriminatory practices. Plaintiffs have not sought treatment from any professional medical, psychological, or other health care provider as a result of Defendants' discriminatory practices.

INTERROGATORY NO. 6:

State ANY "professional opportunities" that YOU contend YOU have lost as a result of the incidents alleged in the Amended Class Action Complaint.

ANSWER NO. 6: None.

INTERROGATORY NO. 7:

Describe in detail ANY interviews YOU have given to any member of the media regarding the incidents alleged in the Amended Class Action Complaint, including:

a. The date of the interview
b. The name of the media outlet
c. IDENTIFY the PERSON(S) with whom YOU spoke
d. IDENTIFY ALL PERSON(S) in attendance

ANSWER NO. 7: Plaintiff Nathan Fleming gave an interview to a local news outlet in Harrisburg, PA and Plaintiff gave a second interview to Alicia Roberts of CBS Philadelphia, on July 29, 2022.

By: /s/
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Trial Lawyer for Quinton Burns

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Facsimile: (717) 232-4189
jaybdunc@gmail.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 20th day of December, 2022 that a copy of Plaintiffs, Nathan Fleming, Individually and as Next Friend of O.F., a minor's Answers to Interrogatories to Defendants, SeaWorld Parks & Entertainment, Inc and SeaWorld Parks & Entertainment, LLC, were served via first class mail, postage prepaid, and email to:

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30 South 17th Street
Philadelphia, PA 19103
Tel.: (215) 979-1157
Fax: (215) 689-4939
lmskipper@duanemorris.com

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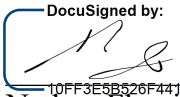
Fax: (202) 478-2672
mcpardo@duanemorris.com

Attorneys for SeaWorld Parks & Entertainment, Inc.
and SeaWorld Parks & Entertainment LLC

/s/
Andrew K. O'Connell

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.

DocuSigned by:

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Nathan Fleming, Individually and as Next Friend of O.F., a minor

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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC. d/b/a SESAME PLACE PHILADELPHIA and SEAWORLD PARKS & ENTERTAINMENT LLC d/b/a SESAME PLACE PHILADELPHIA,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	

PLAINTIFFS' ANSWERS TO DEFENDANT'S FIRST SET OF INTERROGATORIES

COMES NOW Lashonda Miles, Individually and as Next Friend of M.C., a minor, ("Plaintiffs") by and through her undersigned counsel and in response to the Interrogatories propounded by Defendants, SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment, LLC, state as follows:

A. The information supplied in these Answers is not based solely on the knowledge of the executing parties, but includes knowledge of the parties' agents, representatives and attorneys, unless privileged.

B. The word usage and sentence structure may be that of the attorney assisting in the preparation of these Answers and thus does not necessarily purport to be the precise language of the executing parties.

C. The information contained in these Answers is being provided in accordance with the provisions and intent of the Federal Rules of Civil Procedure which require the disclosure of

facts which may be relevant or which may lead to the discovery of relevant information. Accordingly, the parties answering these Interrogatories, by providing the information requested, do not waive objections to the admission into evidence on grounds of materiality or relevancy or other proper grounds for objection.

D. These Answers are continuing in nature to the extent required by the Federal Rules of Civil Procedure.

E. Nothing herein shall be construed as an admission by the Plaintiffs respecting the admissibility or relevance of any fact or document, or of truth or accuracy of any characterization or document referenced in the Interrogatories.

INTERROGATORY NO. 1:

For EACH visit YOU have made to SESAME PLACE in the last five (5) years, state:

a. The date of the visit
b. The type of ticket or pass YOU purchased or was purchased for YOU (e.g., single day pass, two-day pass, annual pass, etc.)
c. The date of the ticket or pass purchase
d. Where the ticket or pass was purchased (e.g., physically at SESAME PLACE, online at SESAME PLACE's website, through a third party travel agent or website, etc.)
e. How the ticket or pass was purchased (e.g., cash, credit card, debit card, etc.)

ANSWER NO.1: a) Plaintiffs, Lashonda Miles ("Ms. Miles") and minor Plaintiff, M.C. ("M.C.") visited the park on 6/24/22. This was M.C.'s second visit to Sesame Place b) The type of ticket was a single day complementary ticket for four guests. c) Ms. Miles did not purchase the tickets. d-e) The tickets were provided to Ms. Miles by a family member who worked at Sesame Place.

INTERROGATORY NO. 2:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. Identify the Sesame Street costumed character with whom YOU were attempting to interact

b. State the date and time of the attempted interaction
c. State the location at SESAME PLACE where the attempted interaction occurred
d. State the format of the interaction (e.g., at a parade, while walking around the park, at a dining event, etc.)
e. Describe the attempt to interaction or the interaction and state ALL facts that show why YOU contend this interaction was racially discriminatory or was otherwise racially offensive
f. IDENTIFY all PERSONS who witnessed ANY such instance described in response to subparagraph 2(e)

ANSWER NO. 2: Plaintiffs object to this Interrogatory on the grounds that it is overly broad and unduly burdensome. "Questions that ask for 'all facts' are generally considered overly broad and unduly burdensome." Paul W. Grimm, *et al*., MARYLAND DISCOVERY PROBLEMS AND SOLUTIONS 28-29 (2d ed. 2020) (citing *Hiskett v. Wal-Mart Stores, Inc*., 180 F.R.D. 403 (D. Kan. 1998); see also *Bradley v. Val-Mejias*, No. 00-2395-GTV, 2001 U.S. Dist. LEXIS 25278 (D. Kan. Oct. 9, 2001) (approved the phraseology "[S]tate in detail your factual version of how the occurrence complained of in your Complaint took place," as distinguished from "State each and every . . .," which was disapproved, the distinction being that the former language sought only material or principal facts whereas the latter sought "all" facts), *aff'd*, 379 F.3d 892 (10th Cir. 2004); *Evans v. Johns Hopkins Univ.*, 224 Md. 234, 167 A.2d 591 (1961) (holding that an interrogatory seeking information on "any" explosions in a campus laboratory constituted an impermissible "dragnet inquiry" irrelevant to the plaintiff's claim respecting a specific explosion in which he was injured). See also *Tinoco v. Thesis Painting, Inc.*, 2018 U.S. Dist. LEXIS 163840, at *16 (D. Md. Sept. 24, 2018) ("[T]o the extent that … an interrogatory seeks every fact which supports identified allegations, it will generally be found overbroad and unduly burdensome.") (internal quotations and citation omitted); *Kilby v. CVS Pharm., Inc*., No. 09cv2051, 2019 U.S. Dist. LEXIS 32438, at *u-8 (S.D. Cal. Feb. 28, 2019) (agreeing with a plaintiff's contention that particular interrogatories were overbroad, because they require the plaintiff "to state 'all facts'

rather than the material or principal facts that support [the plaintiff's] allegations")). The reason Plaintiff considers this interrogatory overly broad and unduly burdensome is because it requests Plaintiff to account for and recite "all facts" on a complex subject, which is not reasonable in the context of an interrogatory answer. Subject to the foregoing objections, Plaintiffs respond as follows: a) M.C. was attempting to interact with Rosita b) On 6/24/22, M.C. attempted to interact with Rosita at approximately 3 p.m. c) the location of the attempted interaction was on Sesame Street d) the format of the attempted interaction was at the Parade e) 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 sister and swiftly walked away. f) There are no witnesses to the instance other than Ms. Miles, M.C.'s minor sister and M.C.

INTERROGATORY NO. 3:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. State whether YOU complained about the incident
b. If so, IDENTIFY EACH PERSON to whom YOU complained
c. Describe the response, if any, that YOU received to ANY such complaint, and IDENTIFY EACH PERSON who provided YOU with the response

ANSWER NO.3: Plaintiff did not make any complaints.

INTERROGATORY NO. 4:

State each item of economic loss or damage that YOU contend YOU have suffered as a result of the incident(s) YOU allege occurred at SESAME PLACE in the Amended Class Action Complaint.

ANSWER NO. 4: Economic losses include the cost of tickets to Sesame Place. See Answer to Interrogatory No. 1.

INTERROGATORY NO. 5:

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 result of incidents described in the Amended Class Action Complaint, describe in detail EACH that you have experienced and include:

a. The names and addresses of any professional medical, psychological, or other provider
b. The dates of service with any such professional medical, psychological, or other provider
c. Whether YOU were provided with a formal diagnosis of any kind, and if so, identify any such diagnosis
d. Any treatment YOU underwent or are undergoing that was prescribed or recommended, including but not limited to medications, therapies, counseling, referral to other health professionals, or other modalities and the dates of ANY such treatment.

ANSWER NO. 5: Plaintiffs experienced racial trauma as a result of Defendants' discriminatory practices. Plaintiffs have not sought treatment from any professional medical, psychological, or other health care provider as a result of Defendants' discriminatory practices.

INTERROGATORY NO. 6:

State ANY "professional opportunities" that YOU contend YOU have lost as a result of the incidents alleged in the Amended Class Action Complaint.

ANSWER NO. 6: None.

INTERROGATORY NO. 7:

Describe in detail ANY interviews YOU have given to any member of the media regarding the incidents alleged in the Amended Class Action Complaint, including:

a. The date of the interview
b. The name of the media outlet
c. IDENTIFY the PERSON(S) with whom YOU spoke
d. IDENTIFY ALL PERSON(S) in attendance

ANSWER NO. 7: None

By: */s/*

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jaybdunc@gmail.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 19th day of December, 2022 that a copy of Plaintiffs, Lashonda Miles, Individually and as Next Friend of M.C., a minor's Answers to Interrogatories to Defendants, SeaWorld Parks & Entertainment, Inc., and SeaWorld Parks & Entertainment, LLC, were served via first class mail, postage prepaid, and email to:

Leigh M. Skipper, Esq.
Duane Morris, LLP
30 South 17th Street
Philadelphia, PA 19103
Tel.: (215) 979-1157
Fax: (215) 689-4939
lmskipper@duanemorris.com

Michelle C. Pardo, Esq.
Duane Morris LLP
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Washington, DC 20001
Tel.: (202) 776-7806
Fax: (202) 478-2672
mcpardo@duanemorris.com

Attorneys for SeaWorld Parks & Entertainment, Inc.
and SeaWorld Parks & Entertainment LLC

/s/
Andrew K. O'Connell

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.

DocuSigned by:
F1818BABEE0045D...
LaShonda Miles, Individually and as Next Friend of M.C., a minor

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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC. d/b/a SESAME PLACE PHILADELPHIA and SEAWORLD PARKS & ENTERTAINMENT LLC d/b/a SESAME PLACE PHILADELPHIA,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	
	:	

PLAINTIFFS' SUPPLEMENTAL ANSWERS TO DEFENDANT'S FIRST SET OF INTERROGATORIES

COMES NOW Ingrid Morales, Individually and as Next Friend of N.M., a minor, ("Plaintiffs") by and through her undersigned counsel and in response to the Interrogatories propounded by Defendants, SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment, LLC, state as follows:

A. The information supplied in these Answers is not based solely on the knowledge of the executing parties, but includes knowledge of the parties' agents, representatives and attorneys, unless privileged.

B. The word usage and sentence structure may be that of the attorney assisting in the preparation of these Answers and thus does not necessarily purport to be the precise language of the executing parties.

C. The information contained in these Answers is being provided in accordance with the provisions and intent of the Federal Rules of Civil Procedure which require the disclosure of

facts which may be relevant or which may lead to the discovery of relevant information. Accordingly, the parties answering these Interrogatories, by providing the information requested, do not waive objections to the admission into evidence on grounds of materiality or relevancy or other proper grounds for objection.

D. These Answers are continuing in nature to the extent required by the Federal Rules of Civil Procedure.

E. Nothing herein shall be construed as an admission by the Plaintiffs respecting the admissibility or relevance of any fact or document, or of truth or accuracy of any characterization or document referenced in the Interrogatories.

INTERROGATORY NO. 1:

For EACH visit YOU have made to SESAME PLACE in the last five (5) years, state:

a. The date of the visit
b. The type of ticket or pass YOU purchased or was purchased for YOU (e.g., single day pass, two-day pass, annual pass, etc.)
c. The date of the ticket or pass purchase
d. Where the ticket or pass was purchased (e.g., physically at SESAME PLACE, online at SESAME PLACE's website, through a third party travel agent or website, etc.)
e. How the ticket or pass was purchased (e.g., cash, credit card, debit card, etc.)

ANSWER NO. 1: a) Plaintiffs, Ingrid Morales ("Ms. Morales") and minor Plaintiff, N.M. ("N.M.") visited the park on 7/11/22. b) Ms. Morales purchased single day tickets. c) Ms. Morales does not recall the exact date the tickets were purchased. Ms. Morales believes she purchased the tickets approximately four days ahead of the trip. d) The tickets were purchased through the Sesame Place Website. e) Ms. Morales purchased the tickets with a credit card.

SUPPLEMENTAL ANSWER NO 1: a) Plaintiffs, Ingrid Morales ("Ms. Morales"), minor Plaintiff, N.M. ("N.M."), Davy Guzman and Nadir Munir visited the park on 7/11/22. b) Nadir Munir purchased single day tickets. c) ~~Ms. Morales does not recall the exact date the tickets were~~

~~purchased.~~ Ms. Morales believes Nadir Munur purchased the tickets approximately two days ahead of the trip. e) Nadir Munur purchased the tickets with a credit card.

INTERROGATORY NO. 2:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. Identify the Sesame Street costumed character with whom YOU were attempting to interact
b. State the date and time of the attempted interaction
c. State the location at SESAME PLACE where the attempted interaction occurred
d. State the format of the interaction (e.g., at a parade, while walking around the park, at a dining event, etc.)
e. Describe the attempt to interaction or the interaction and state ALL facts that show why YOU contend this interaction was racially discriminatory or was otherwise racially offensive
f. IDENTIFY all PERSONS who witnessed ANY such instance described in response to subparagraph 2(e)

ANSWER NO 2: Plaintiffs object to this Interrogatory on the grounds that it is overly broad and unduly burdensome. "Questions that ask for 'all facts' are generally considered overly broad and unduly burdensome." Paul W. Grimm, *et al.*, MARYLAND DISCOVERY PROBLEMS AND SOLUTIONS 28-29 (2d ed. 2020) (citing *Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403 (D. Kan. 1998); see also *Bradley v. Val-Mejias*, No. 00-2395-GTV, 2001 U.S. Dist. LEXIS 25278 (D. Kan. Oct. 9, 2001) (approved the phraseology "[S]tate in detail your factual version of how the occurrence complained of in your Complaint took place," as distinguished from "State each and every . . .," which was disapproved, the distinction being that the former language sought only material or principal facts whereas the latter sought "all" facts), *aff'd*, 379 F.3d 892 (10th Cir. 2004); *Evans v. Johns Hopkins Univ.*, 224 Md. 234, 167 A.2d 591 (1961) (holding that an interrogatory seeking information on "any" explosions in a campus laboratory constituted an impermissible "dragnet inquiry" irrelevant to the plaintiff's claim respecting a specific explosion in which he was injured). See also *Tinoco v. Thesis Painting, Inc.*, 2018 U.S. Dist. LEXIS 163840,

at *16 (D. Md. Sept. 24, 2018) ("[T]o the extent that … an interrogatory seeks every fact which supports identified allegations, it will generally be found overbroad and unduly burdensome.") (internal quotations and citation omitted); *Kilby v. CVS Pharm., Inc.*, No. 09cv2051, 2019 U.S. Dist. LEXIS 32438, at *u-8 (S.D. Cal. Feb. 28, 2019) (agreeing with a plaintiff's contention that particular interrogatories were overbroad, because they require the plaintiff "to state 'all facts' rather than the material or principal facts that support [the plaintiff's] allegations")). The reason Plaintiff considers this interrogatory overly broad and unduly burdensome is because it requests Plaintiff to account for and recite "all facts" on a complex subject, which is not reasonable in the context of an interrogatory answer. Subject to the foregoing objections, Plaintiffs respond as follows: a) The costumed characters that N.M. was attempting to interact with were Big Bird, Grover and Baby Bear. b) The attempted interaction was on 7/11/22 at approximately 7:00 p.m. c) The location of the attempted interaction was on Sesame Street. d) The format of the attempted interaction was at the Parade. e) N.M. was in the front row of the Parade with white families located on both sides of her. N.M. was continually looked past and skipped over by the characters while the white families located on both sides of N.M. received high fives and hugs. f) N.M.'s father, Nadir Munir, Sr as well as N.M.'s two minor brothers witnessed the instance described in response to subparagraph 2(e).

SUPPLEMENTAL ANSWER NO. 2: f) ~~N.M.'s father, Nadir Munir, Sr as well as N.M.'s two minor brothers~~ Ms. Morales and N.M. witnessed the instance described in response to subparagraph 2(e).

INTERROGATORY NO. 3:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. State whether YOU complained about the incident
b. If so, IDENTIFY EACH PERSON to whom YOU complained

c. Describe the response, if any, that YOU received to ANY such complaint, and IDENTIFY EACH PERSON who provided YOU with the response

ANSWER NO 3: Ms. Morales made a complaint through the Sesame Place website and to the Pennsylvania Office of Attorney General, Civil Rights Enforcement Section ("CRES"). Ms. Morales received an email response from ESIS, a third-party contractor for Sesame Place, to set up a time to discuss Ms. Morales' experience at the park. Ms. Morales also received a response from the Pennsylvania Office of Attorney General, Civil Rights Enforcement Section indicating that in light of the private lawsuit that has been filed, CRES will not exercise its enforcement authority over this matter.

INTERROGATORY NO. 4:

State each item of economic loss or damage that YOU contend YOU have suffered as a result of the incident(s) YOU allege occurred at SESAME PLACE in the Amended Class Action Complaint.

ANSWER NO. 4: Economic losses include the cost of tickets to Sesame Place. See Answer to Interrogatory No. 1.

SUPPLMENTAL ANSWER NO. 4: Economic losses include the cost of tickets to Sesame Place and Parking. See Answer to Interrogatory No. 1.

INTERROGATORY NO. 5:

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 result of incidents described in the Amended Class Action Complaint, describe in detail EACH that you have experienced and include:

a. The names and addresses of any professional medical, psychological, or other provider
b. The dates of service with any such professional medical, psychological, or other provider
c. Whether YOU were provided with a formal diagnosis of any kind, and if so, identify any such diagnosis
d. Any treatment YOU underwent or are undergoing that was prescribed or recommended, including but not limited to medications, therapies, counseling,

referral to other health professionals, or other modalities and the dates of ANY such treatment

e.

ANSWER NO. 5: Plaintiffs experienced racial trauma as a result of Defendants' discriminatory practices. Plaintiffs have not sought treatment from any professional medical, psychological, or other health care provider as a result of Defendants' discriminatory practices.

INTERROGATORY NO. 6:

State ANY "professional opportunities" that YOU contend YOU have lost as a result of the incidents alleged in the Amended Class Action Complaint.

ANSWER NO. 6: None.

INTERROGATORY NO. 7:

Describe in detail ANY interviews YOU have given to any member of the media regarding the incidents alleged in the Amended Class Action Complaint, including:

a. The date of the interview
b. The name of the media outlet
c. IDENTIFY the PERSON(S) with whom YOU spoke
d. IDENTIFY ALL PERSON(S) in attendance

ANSWER NO. 7: Plaintiff, Ingrid Morales gave an interview to Jericka Duncan and Hillary Cooke, CBS News, on October 14, 2022. Individuals present included Plaintiffs, their attorneys and unidentified staff of CBS News.

By: /s/

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jaybdunc@gmail.com

Attorneys for Plaintiffs

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.

DocuSigned by:
Ingrid Morales
3A5C1DC92E24456...

Ingrid Morales, Individually and as Next Friend of N.M., a minor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 9th day of February, 2023 that a copy of Plaintiffs' Supplemental Answers to Interrogatories to Defendants, SeaWorld Parks & Entertainment, Inc and SeaWorld Parks & Entertainment, LLC, were served via first class mail, postage prepaid, and email to:

Leigh M. Skipper, Esq.
Duane Morris, LLP
30 South 17th Street
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Tel.: (215) 979-1157
Fax: (215) 689-4939
lmskipper@duanemorris.com

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Attorneys for SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment LLC

/s/
Ronald E. Richardson

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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC. d/b/a SESAME PLACE PHILADELPHIA and SEAWORLD PARKS & ENTERTAINMENT LLC d/b/a SESAME PLACE PHILADELPHIA,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	

PLAINTIFFS' ANSWERS TO DEFENDANT'S FIRST SET OF INTERROGATORIES

COMES NOW Yoselis Romero, Individually and as Next Friend of E.C., a minor, ("Plaintiffs") by and through her undersigned counsel and in response to the Interrogatories propounded by Defendants, SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment, LLC, state as follows:

A. The information supplied in these Answers is not based solely on the knowledge of the executing parties, but includes knowledge of the parties' agents, representatives, and attorneys, unless privileged.

B. The word usage and sentence structure may be that of the attorney assisting in the preparation of these Answers and thus does not necessarily purport to be the precise language of the executing parties.

C. The information contained in these Answers is being provided in accordance with the provisions and intent of the Federal Rules of Civil Procedure which require the disclosure of

facts which may be relevant or which may lead to the discovery of relevant information. Accordingly, the parties answering these Interrogatories, by providing the information requested, do not waive objections to the admission into evidence on grounds of materiality or relevancy or other proper grounds for objection.

D. These Answers are continuing in nature to the extent required by the Federal Rules of Civil Procedure.

E. Nothing herein shall be construed as an admission by the Plaintiffs respecting the admissibility or relevance of any fact or document, or of truth or accuracy of any characterization or document referenced in the Interrogatories.

INTERROGATORY NO. 1:

For EACH visit YOU have made to SESAME PLACE in the last five (5) years, state:

a. The date of the visit
b. The type of ticket or pass YOU purchased or was purchased for YOU (e.g., single day pass, two-day pass, annual pass, etc.)
c. The date of the ticket or pass purchase
d. Where the ticket or pass was purchased (e.g., physically at SESAME PLACE, online at SESAME PLACE's website, through a third party travel agent or website, etc.)
e. How the ticket or pass was purchased (e.g., cash, credit card, debit card, etc.)

ANSWER NO. 1: a) Plaintiffs, Yoselis Romero ("Ms. Romero") and Minor Plaintiff, E.C. ("E.C.") visited the park on 6/25/22 b) Ms. Romero purchased single day tickets. c) The tickets were purchased on 6/25/22. d) The tickets were purchased online at Sesame Place's Website. e) Ms. Romero purchased the tickets with a credit card.

INTERROGATORY NO. 2:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. Identify the Sesame Street costumed character with whom YOU were attempting to interact
b. State the date and time of the attempted interaction
c. State the location at SESAME PLACE where the attempted interaction occurred

d. State the format of the interaction (e.g., at a parade, while walking around the park, at a dining event, etc.)
e. Describe the attempt to interaction or the interaction and state ALL facts that show why YOU contend this interaction was racially discriminatory or was otherwise racially offensive
f. IDENTIFY all PERSONS who witnessed ANY such instance described in response to subparagraph 2(e)

ANSWER NO 2: Plaintiffs object to this Interrogatory on the grounds that it is overly broad and unduly burdensome. "Questions that ask for 'all facts' are generally considered overly broad and unduly burdensome." Paul W. Grimm, *et al*., MARYLAND DISCOVERY PROBLEMS AND SOLUTIONS 28-29 (2d ed. 2020) (citing *Hiskett v. Wal-Mart Stores, Inc*., 180 F.R.D. 403 (D. Kan. 1998); see also *Bradley v. Val-Mejias*, No. 00-2395-GTV, 2001 U.S. Dist. LEXIS 25278 (D. Kan. Oct. 9, 2001) (approved the phraseology "[S]tate in detail your factual version of how the occurrence complained of in your Complaint took place," as distinguished from "State each and every . . .," which was disapproved, the distinction being that the former language sought only material or principal facts whereas the latter sought "all" facts), *aff'd*, 379 F.3d 892 (10th Cir. 2004); *Evans v. Johns Hopkins Univ.*, 224 Md. 234, 167 A.2d 591 (1961) (holding that an interrogatory seeking information on "any" explosions in a campus laboratory constituted an impermissible "dragnet inquiry" irrelevant to the plaintiff's claim respecting a specific explosion in which he was injured). See also *Tinoco v. Thesis Painting, Inc.*, 2018 U.S. Dist. LEXIS 163840, at *16 (D. Md. Sept. 24, 2018) ("[T]o the extent that … an interrogatory seeks every fact which supports identified allegations, it will generally be found overbroad and unduly burdensome.") (internal quotations and citation omitted); *Kilby v. CVS Pharm., Inc*., No. 09cv2051, 2019 U.S. Dist. LEXIS 32438, at *u-8 (S.D. Cal. Feb. 28, 2019) (agreeing with a plaintiff's contention that particular interrogatories were overbroad, because they require the plaintiff "to state 'all facts' rather than the material or principal facts that support [the plaintiff's] allegations")). The reason

Plaintiff considers this interrogatory overly broad and unduly burdensome is because it requests Plaintiff to account for and recite "all facts" on a complex subject, which is not reasonable in the context of an interrogatory answer. Subject to the foregoing objections, Plaintiffs respond as follows: a) The costumed characters that E.C. attempted to interact with were Zoey and Cookie Monster. b) The attempted interaction was on 6/25/22 at the 3:00 p.m. parade. c) The location of the attempted interaction was at the parade on Sesame Street. d) The format of the interaction was at the parade. e) The costume characters were only interacting with white people. Plaintiff, E.C. was ignored and passed over by Zoey and Cookie Monster even though she was begging for a hug. Zoey passed E.C. by and interacted with the white family next to E.C.. Cookie monster did not give E.C. a hug but hugged a white child several families down from E.C. f) Ms. Romero's friend, Victoria Jordan, witnessed the instance described in the Answer to Interrogatory 2 (e).

INTERROGATORY NO. 3:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. State whether YOU complained about the incident
b. If so, IDENTIFY EACH PERSON to whom YOU complained
c. Describe the response, if any, that YOU received to ANY such complaint, and
d. IDENTIFY EACH PERSON who provided YOU with the response

ANSWER NO. 3: Plaintiff did not make any complaints.

INTERROGATORY NO. 4:

State each item of economic loss or damage that YOU contend YOU have suffered as a result of the incident(s) YOU allege occurred at SESAME PLACE in the Amended Class Action Complaint.

ANSWER NO. 4: Economic losses include the cost of tickets to Sesame Place. See Answer to Interrogatory No. 1.

INTERROGATORY NO. 5:

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 result of incidents described in the Amended Class Action Complaint, describe in detail EACH that you have experienced and include:

a. The names and addresses of any professional medical, psychological, or other provider
b. The dates of service with any such professional medical, psychological, or other provider
c. Whether YOU were provided with a formal diagnosis of any kind, and if so, identify any such diagnosis
d. Any treatment YOU underwent or are undergoing that was prescribed or recommended, including but not limited to medications, therapies, counseling, referral to other health professionals, or other modalities and the dates of ANY such treatment

ANSWER NO. 5: Plaintiffs experienced racial trauma as a result of Defendants' discriminatory practices. Plaintiffs have not sought treatment from any professional medical, psychological, or other health care provider as a result of Defendants' discriminatory practices.

INTERROGATORY NO. 6:

State ANY "professional opportunities" that YOU contend YOU have lost as a result of the incidents alleged in the Amended Class Action Complaint.

ANSWER NO. 6: None.

INTERROGATORY NO. 7:

Describe in detail ANY interviews YOU have given to any member of the media regarding the incidents alleged in the Amended Class Action Complaint, including:

a. The date of the interview
b. The name of the media outlet
c. IDENTIFY the PERSON(S) with whom YOU spoke
d. IDENTIFY ALL PERSON(S) in attendance

ANSWER NO. 7: Plaintiff, Yoselis Romero gave an interview to Jericka Duncan and Hillary Cooke, CBS News, on October 14, 2022. Individuals present included Plaintiffs; their attorneys and unidentified staff of CBS News.

By: /s/

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 19th day of December, 2022 that a copy of Plaintiffs, Yoselis Romero, Individually and as Next Friend of E.C., a minor's Answers to Interrogatories to Defendants, SeaWorld Park & Entertainment, Inc. and SeaWorld Parks & Entertainment, LLC, were served via first class mail, postage prepaid, and email to:

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Attorneys for SeaWorld Parks & Entertainment, Inc.
and SeaWorld Parks & Entertainment LLC

/s/
Andrew K. O'Connell

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.

DocuSigned by:
1CC5F2804FE9428...
Yoselis Romero, Individually and as Next Friend of E.C., a minor

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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC. d/b/a SESAME PLACE PHILADELPHIA and SEAWORLD PARKS & ENTERTAINMENT LLC d/b/a SESAME PLACE PHILADELPHIA,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	

PLAINTIFFS' ANSWERS TO DEFENDANT'S FIRST SET OF INTERROGATORIES

COMES NOW Katie Valdez, Individually and as Next Friend of M.L., a minor, ("Plaintiffs") by and through her undersigned counsel and in response to the Interrogatories propounded by Defendants, SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment, LLC, state as follows:

A. The information supplied in these Answers is not based solely on the knowledge of the executing parties, but includes knowledge of the parties' agents, representatives, and attorneys, unless privileged.

B. The word usage and sentence structure may be that of the attorney assisting in the preparation of these Answers and thus does not necessarily purport to be the precise language of the executing parties.

C. The information contained in these Answers is being provided in accordance with the provisions and intent of the Federal Rules of Civil Procedure which require the disclosure of

facts which may be relevant or which may lead to the discovery of relevant information. Accordingly, the parties answering these Interrogatories, by providing the information requested, do not waive objections to the admission into evidence on grounds of materiality or relevancy or other proper grounds for objection.

D. These Answers are continuing in nature to the extent required by the Federal Rules of Civil Procedure.

E. Nothing herein shall be construed as an admission by the Plaintiffs respecting the admissibility or relevance of any fact or document, or of truth or accuracy of any characterization or document referenced in the Interrogatories.

INTERROGATORY NO. 1:

For EACH visit YOU have made to SESAME PLACE in the last five (5) years, state:

a. The date of the visit
b. The type of ticket or pass YOU purchased or was purchased for YOU (e.g., single day pass, two-day pass, annual pass, etc.)
c. The date of the ticket or pass purchase
d. Where the ticket or pass was purchased (e.g., physically at SESAME PLACE, online at SESAME PLACE's website, through a third party travel agent or website, etc.)
e. How the ticket or pass was purchased (e.g., cash, credit card, debit card, etc.)

ANSWER NO. 1: a) Plaintiffs, Katie Valdez ("Ms. Valdez") and Minor Plaintiff, M.L. ("M.L.") visited the park on 4/2/21, 6/6/21, 6/30/21, 7/27/21, 12/17/21, 12/29/21, 4/11/22, 6/25/22, 8/9/22 and 8/25/22. b) Ms. Valdez purchased a season pass. c) The season pass was purchased on 3/28/21. d) Ms. Valdez purchased the season pass online at Sesame Place's Website. e) The season pass was purchased on a payment plan with Ms. Valdez' credit card.

INTERROGATORY NO. 2:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. Identify the Sesame Street costumed character with whom YOU were attempting to interact

b. State the date and time of the attempted interaction
c. State the location at SESAME PLACE where the attempted interaction occurred
d. State the format of the interaction (e.g., at a parade, while walking around the park, at a dining event, etc.)
e. Describe the attempt to interaction or the interaction and state ALL facts that show why YOU contend this interaction was racially discriminatory or was otherwise racially offensive
f. IDENTIFY all PERSONS who witnessed ANY such instance described in response to subparagraph 2(e)

ANSWER NO. 2: Plaintiffs object to this Interrogatory on the grounds that it is overly broad and unduly burdensome. "Questions that ask for 'all facts' are generally considered overly broad and unduly burdensome." Paul W. Grimm, *et al*., MARYLAND DISCOVERY PROBLEMS AND SOLUTIONS 28-29 (2d ed. 2020) (citing *Hiskett v. Wal-Mart Stores, Inc*., 180 F.R.D. 403 (D. Kan. 1998); see also *Bradley v. Val-Mejias*, No. 00-2395-GTV, 2001 U.S. Dist. LEXIS 25278 (D. Kan. Oct. 9, 2001) (approved the phraseology "[S]tate in detail your factual version of how the occurrence complained of in your Complaint took place," as distinguished from "State each and every . . .," which was disapproved, the distinction being that the former language sought only material or principal facts whereas the latter sought "all" facts), *aff'd*, 379 F.3d 892 (10th Cir. 2004); *Evans v. Johns Hopkins Univ.*, 224 Md. 234, 167 A.2d 591 (1961) (holding that an interrogatory seeking information on "any" explosions in a campus laboratory constituted an impermissible "dragnet inquiry" irrelevant to the plaintiff's claim respecting a specific explosion in which he was injured). See also *Tinoco v. Thesis Painting, Inc.*, 2018 U.S. Dist. LEXIS 163840, at *16 (D. Md. Sept. 24, 2018) ("[T]o the extent that … an interrogatory seeks every fact which supports identified allegations, it will generally be found overbroad and unduly burdensome.") (internal quotations and citation omitted); *Kilby v. CVS Pharm., Inc*., No. 09cv2051, 2019 U.S. Dist. LEXIS 32438, at *u-8 (S.D. Cal. Feb. 28, 2019) (agreeing with a plaintiff's contention that particular interrogatories were overbroad, because they require the plaintiff "to state 'all facts'

rather than the material or principal facts that support [the plaintiff's] allegations")). The reason Plaintiff considers this interrogatory overly broad and unduly burdensome is because it requests Plaintiff to account for and recite "all facts" on a complex subject, which is not reasonable in the context of an interrogatory answer. Subject to the foregoing objections, Plaintiffs respond as follows: a) M.L. was attempting to interact with Abby Cadabby. b) The attempted interaction took place on 12/29/21 at 6:14 p.m. Plaintiffs returned to the park on four occasions after the dated of the attempted interaction. c) The attempted interaction took place on Sesame Street. d) The format of the interaction was at the parade. e) Abby Cadabby hugged several white children but completely skipped over M.L. f) Ms. Valdez, her minor daughter, her minor god daughter and M.L. were present to witness the instance.

INTERROGATORY NO. 3:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. State whether YOU complained about the incident
b. If so, IDENTIFY EACH PERSON to whom YOU complained
c. Describe the response, if any, that YOU received to ANY such complaint, and
d. IDENTIFY EACH PERSON who provided YOU with the response

ANSWER NO. 3: Plaintiff did not make any complaints.

INTERROGATORY NO. 4:

State each item of economic loss or damage that YOU contend YOU have suffered as a result of the incident(s) YOU allege occurred at SESAME PLACE in the Amended Class Action Complaint.

ANSWER NO. 4: Economic losses include the cost of tickets to Sesame Place. See Answer to Interrogatory No. 1.

INTERROGATORY NO. 5:

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 result of incidents described in the Amended Class Action Complaint, describe in detail EACH that you have experienced and include:

a. The names and addresses of any professional medical, psychological, or other provider
b. The dates of service with any such professional medical, psychological, or other provider
c. Whether YOU were provided with a formal diagnosis of any kind, and if so, identify any such diagnosis
d. Any treatment YOU underwent or are undergoing that was prescribed or recommended, including but not limited to medications, therapies, counseling, referral to other health professionals, or other modalities and the dates of ANY such treatment

ANSWER NO. 5: Plaintiffs experienced racial trauma as a result of Defendants' discriminatory practices. Plaintiffs have not sought treatment from any professional medical, psychological, or other health care provider as a result of Defendants' discriminatory practices.

INTERROGATORY NO. 6:

State ANY "professional opportunities" that YOU contend YOU have lost as a result of the incidents alleged in the Amended Class Action Complaint.

ANSWER NO. 6: None.

INTERROGATORY NO. 7:

Describe in detail ANY interviews YOU have given to any member of the media regarding the incidents alleged in the Amended Class Action Complaint, including:

a. The date of the interview
b. The name of the media outlet
c. IDENTIFY the PERSON(S) with whom YOU spoke
d. IDENTIFY ALL PERSON(S) in attendance

ANSWER NO. 7: Plaintiff, Katie Valdez, gave an interview to Jericka Duncan and Hillary Cooke, CBS News, on October 14, 2022. Individuals present included Plaintiffs, their attorneys and unidentified staff of CBS News.

By: /s/
Mart Harris, Esquire, Pa. Id. No. 319504
THE TRIAL LAW FIRM, LLC

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Trial Lawyer for Quinton Burns

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Facsimile: (717) 232-4189
jaybdunc@gmail.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 19th day of December, 2022 that a copy of Plaintiffs, Katie Valdez, Individually and as Next Friend of M.L., a minor's Answers to Interrogatories to Defendants, SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment, LLC, were served via first class mail, postage prepaid, and email to:

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mcpardo@duanemorris.com

Attorneys for SeaWorld Parks & Entertainment, Inc.
and SeaWorld Parks & Entertainment LLC

/s/
Andrew K. O'Connell

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.

DocuSigned by:
Katie Valdez
49F7C7CA5996484...

Katie Valdez, Individually and as Next Friend of M.L., a minor

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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC. d/b/a SESAME PLACE PHILADELPHIA and SEAWORLD PARKS & ENTERTAINMENT LLC d/b/a SESAME PLACE PHILADELPHIA,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	

PLAINTIFFS' ANSWERS TO DEFENDANT'S FIRST SET OF INTERROGATORIES

COMES NOW Ashlee Valette, Individually and as Next Friend of D.V., a minor, ("Plaintiffs") by and through her undersigned counsel and in response to the Interrogatories propounded by Defendants, SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment, LLC, state as follows:

A. The information supplied in these Answers is not based solely on the knowledge of the executing parties, but includes knowledge of the parties' agents, representatives, and attorneys, unless privileged.

B. The word usage and sentence structure may be that of the attorney assisting in the preparation of these Answers and thus does not necessarily purport to be the precise language of the executing parties.

C. The information contained in these Answers is being provided in accordance with the provisions and intent of the Federal Rules of Civil Procedure which require the disclosure of

facts which may be relevant or which may lead to the discovery of relevant information. Accordingly, the parties answering these Interrogatories, by providing the information requested, do not waive objections to the admission into evidence on grounds of materiality or relevancy or other proper grounds for objection.

D. These Answers are continuing in nature to the extent required by the Federal Rules of Civil Procedure.

E. Nothing herein shall be construed as an admission by the Plaintiffs respecting the admissibility or relevance of any fact or document, or of truth or accuracy of any characterization or document referenced in the Interrogatories.

INTERROGATORY NO. 1:

For EACH visit YOU have made to SESAME PLACE in the last five (5) years, state:

a. The date of the visit
b. The type of ticket or pass YOU purchased or was purchased for YOU (e.g., single day pass, two-day pass, annual pass, etc.)
c. The date of the ticket or pass purchase
d. Where the ticket or pass was purchased (e.g., physically at SESAME PLACE, online at SESAME PLACE's website, through a third party travel agent or website, etc.)
e. How the ticket or pass was purchased (e.g., cash, credit card, debit card, etc.

ANSWER NO. 1: a) Plaintiffs, Ashlee Valette ("Ms. Valette") and Minor Plaintiff, D.V. ("D.V.") visited the park on 7/14/19, 6/22/21, and 6/20/22. b) Ms. Valette purchased single day tickets for 7/14/19 and 6/22/21. The 6/20/22 visit to the park was with sunny day tickets. Sunny day tickets are little cards given at the park for a future visit due to rain. c) Plaintiff purchased the tickets for 7/14/19 and 6/22/21 in advance through the Sesame Street Website Phone App, however the App does not provide the date of purchase. The 6/20/22 visit to the park was with sunny day tickets. d) Ms. Valette purchased the tickets for 7/14/19 and 6/22/21 through the phone App for Sesame Place's Website. e) Ms. Valette purchased the tickets for 7/14/19 and 6/22/21 with a credit card.

INTERROGATORY NO. 2:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. Identify the Sesame Street costumed character with whom YOU were attempting to interact
b. State the date and time of the attempted interaction
c. State the location at SESAME PLACE where the attempted interaction occurred
d. State the format of the interaction (e.g., at a parade, while walking around the park, at a dining event, etc.)
e. Describe the attempt to interaction or the interaction and state ALL facts that show why YOU contend this interaction was racially discriminatory or was otherwise racially offensive
f. IDENTIFY all PERSONS who witnessed ANY such instance described in response to subparagraph 2(e)

ANSWER NO 2: Plaintiffs object to this Interrogatory on the grounds that it is overly broad and unduly burdensome. "Questions that ask for 'all facts' are generally considered overly broad and unduly burdensome." Paul W. Grimm, *et al*., MARYLAND DISCOVERY PROBLEMS AND SOLUTIONS 28-29 (2d ed. 2020) (citing *Hiskett v. Wal-Mart Stores, Inc*., 180 F.R.D. 403 (D. Kan. 1998); see also *Bradley v. Val-Mejias*, No. 00-2395-GTV, 2001 U.S. Dist. LEXIS 25278 (D. Kan. Oct. 9, 2001) (approved the phraseology "[S]tate in detail your factual version of how the occurrence complained of in your Complaint took place," as distinguished from "State each and every . . .," which was disapproved, the distinction being that the former language sought only material or principal facts whereas the latter sought "all" facts), *aff'd*, 379 F.3d 892 (10th Cir. 2004); *Evans v. Johns Hopkins Univ.*, 224 Md. 234, 167 A.2d 591 (1961) (holding that an interrogatory seeking information on "any" explosions in a campus laboratory constituted an impermissible "dragnet inquiry" irrelevant to the plaintiff's claim respecting a specific explosion in which he was injured). See also *Tinoco v. Thesis Painting, Inc.*, 2018 U.S. Dist. LEXIS 163840, at *16 (D. Md. Sept. 24, 2018) ("[T]o the extent that … an interrogatory seeks every fact which supports identified allegations, it will generally be found overbroad and unduly burdensome.")

(internal quotations and citation omitted); *Kilby v. CVS Pharm., Inc*., No. 09cv2051, 2019 U.S. Dist. LEXIS 32438, at *u-8 (S.D. Cal. Feb. 28, 2019) (agreeing with a plaintiff's contention that particular interrogatories were overbroad, because they require the plaintiff "to state 'all facts' rather than the material or principal facts that support [the plaintiff's] allegations")). The reason Plaintiff considers this interrogatory overly broad and unduly burdensome is because it requests Plaintiff to account for and recite "all facts" on a complex subject, which is not reasonable in the context of an interrogatory answer. Subject to the foregoing objections, Plaintiffs respond as follows: a) D.V. was attempting to interact with Grover. b) The date of the attempted interaction was 6/20/22 at approximately 3:10pm. c) The location of the attempted interaction was on Sesame Street. d) The format of the interaction was at the Parade. e) D.V. was waving her hand and jumping up and down to attract Grover's attention. Grover ignored D.V. and walked past D.V. to hug two white children directly beside D.V. f) Ms. Valette's husband, Jose Valette, sister-in-law, Sophia Valette, sister-in-law, Victoria Valette, Grandmother, Maria Laguna, sister, Angeliesse Acevedo, and Angeliesse's boyfriend, Michael Nesterwitz, were all witnesses to the instance described in the Answer to Interrogatory 2(e).

INTERROGATORY NO. 3:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. State whether YOU complained about the incident
b. If so, IDENTIFY EACH PERSON to whom YOU complained
c. Describe the response, if any, that YOU received to ANY such complaint, and
d. IDENTIFY EACH PERSON who provided YOU with the response

ANSWER NO. 3: Plaintiff did not make any complaints.

INTERROGATORY NO. 4:

State each item of economic loss or damage that YOU contend YOU have suffered as a result of the incident(s) YOU allege occurred at SESAME PLACE in the Amended Class Action Complaint.

ANSWER NO. 4: Economic losses include the cost of tickets to Sesame Place. See Answer to Interrogatory No. 1.

INTERROGATORY NO. 5:

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 result of incidents described in the Amended Class Action Complaint, describe in detail EACH that you have experienced and include:

a. The names and addresses of any professional medical, psychological, or other provider
b. The dates of service with any such professional medical, psychological, or other provider
c. Whether YOU were provided with a formal diagnosis of any kind, and if so, identify any such diagnosis
d. Any treatment YOU underwent or are undergoing that was prescribed or recommended, including but not limited to medications, therapies, counseling, referral to other health professionals, or other modalities and the dates of ANY such treatment

ANSWER NO. 5: Plaintiffs experienced racial trauma as a result of Defendants' discriminatory practices. Plaintiffs have not sought treatment from any professional medical, psychological, or other health care provider as a result of Defendants' discriminatory practices.

INTERROGATORY NO. 6:

State ANY "professional opportunities" that YOU contend YOU have lost as a result of the incidents alleged in the Amended Class Action Complaint.

ANSWER NO. 6: None.

INTERROGATORY NO. 7:

Describe in detail ANY interviews YOU have given to any member of the media regarding the incidents alleged in the Amended Class Action Complaint, including:

a. The date of the interview
b. The name of the media outlet
c. IDENTIFY the PERSON(S) with whom YOU spoke
d. IDENTIFY ALL PERSON(S) in attendance

ANSWER NO. 7: None

By: /s/

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 19th day of December, 2022 that a copy of Plaintiffs, Ashlee Valette, Individually and as Next Friend of D.V., a minor's Answers to Interrogatories to Defendants, SeaWorld Parks & Entertainment, Inc., and SeaWorld Parks & Entertainment, LLC, were served via first class mail, postage prepaid, and email to:

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Fax: (202) 478-2672
mcpardo@duanemorris.com

Attorneys for SeaWorld Parks & Entertainment, Inc.
and SeaWorld Parks & Entertainment LLC

/s/
Andrew K. O'Connell

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.

DocuSigned by:
Ashlee Valette
8ECD2460F6C340C...

Ashlee Valette, Individually and as Next Friend of D.V., a minor

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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC. d/b/a SESAME PLACE PHILADELPHIA and SEAWORLD PARKS & ENTERTAINMENT LLC d/b/a SESAME PLACE PHILADELPHIA,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	

PLAINTIFFS' ANSWERS TO DEFENDANT'S FIRST SET OF INTERROGATORIES

COMES NOW Lauren Willie, Individually and as Next Friend of L.W., a minor, ("Plaintiffs") by and through her undersigned counsel and in response to the Interrogatories propounded by Defendants, SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment, LLC, state as follows:

A. The information supplied in these Answers is not based solely on the knowledge of the executing parties, but includes knowledge of the parties' agents, representatives, and attorneys, unless privileged.

B. The word usage and sentence structure may be that of the attorney assisting in the preparation of these Answers and thus does not necessarily purport to be the precise language of the executing parties.

C. The information contained in these Answers is being provided in accordance with the provisions and intent of the Federal Rules of Civil Procedure which require the disclosure of

facts which may be relevant or which may lead to the discovery of relevant information. Accordingly, the parties answering these Interrogatories, by providing the information requested, do not waive objections to the admission into evidence on grounds of materiality or relevancy or other proper grounds for objection.

D. These Answers are continuing in nature to the extent required by the Federal Rules of Civil Procedure.

E. Nothing herein shall be construed as an admission by the Plaintiffs respecting the admissibility or relevance of any fact or document, or of truth or accuracy of any characterization or document referenced in the Interrogatories.

INTERROGATORY NO. 1:

For EACH visit YOU have made to SESAME PLACE in the last five (5) years, state:

a. The date of the visit
b. The type of ticket or pass YOU purchased or was purchased for YOU (e.g., single day pass, two-day pass, annual pass, etc.)
c. The date of the ticket or pass purchase
d. Where the ticket or pass was purchased (e.g., physically at SESAME PLACE, online at SESAME PLACE's website, through a third party travel agent or website, etc.)
e. How the ticket or pass was purchased (e.g., cash, credit card, debit card, etc.)

ANSWER NO. 1: a) Plaintiffs, Lauren Willie ("Ms. Willie") and Minor Plaintiff, L.W. ("L.W.") visited the park in August 2019, October 2020, and on 7/10/22. b) Ms. Willie purchased two silver season passes in 2019 that were extended through 2020 due to Covid 19, and Ms. Willie purchased two gold season passes on 6/20/22. c) Ms. Willie purchased the 2019 silver season passes in July 2019, dinner with Elmo on 8/4/19 and the gold season passes on 6/20/22, which expire in January 2023. d) Ms. Willie purchased the silver season passes, dinner with Elmo, and gold season passes online at Sesame Place's Website. e) Ms. Willie purchased the season passes on a payment plan with a credit card.

INTERROGATORY NO. 2:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. Identify the Sesame Street costumed character with whom YOU were attempting to interact
b. State the date and time of the attempted interaction
c. State the location at SESAME PLACE where the attempted interaction occurred
d. State the format of the interaction (e.g., at a parade, while walking around the park, at a dining event, etc.)
e. Describe the attempt to interaction or the interaction and state ALL facts that show why YOU contend this interaction was racially discriminatory or was otherwise racially offensive
f. IDENTIFY all PERSONS who witnessed ANY such instance described in response to subparagraph 2(e)

ANSWER NO 2: Plaintiffs object to this Interrogatory on the grounds that it is overly broad and unduly burdensome. "Questions that ask for 'all facts' are generally considered overly broad and unduly burdensome." Paul W. Grimm, *et al*., MARYLAND DISCOVERY PROBLEMS AND SOLUTIONS 28-29 (2d ed. 2020) (citing *Hiskett v. Wal-Mart Stores, Inc*., 180 F.R.D. 403 (D. Kan. 1998); see also *Bradley v. Val-Mejias*, No. 00-2395-GTV, 2001 U.S. Dist. LEXIS 25278 (D. Kan. Oct. 9, 2001) (approved the phraseology "[S]tate in detail your factual version of how the occurrence complained of in your Complaint took place," as distinguished from "State each and every . . .," which was disapproved, the distinction being that the former language sought only material or principal facts whereas the latter sought "all" facts), *aff'd*, 379 F.3d 892 (10th Cir. 2004); *Evans v. Johns Hopkins Univ.*, 224 Md. 234, 167 A.2d 591 (1961) (holding that an interrogatory seeking information on "any" explosions in a campus laboratory constituted an impermissible "dragnet inquiry" irrelevant to the plaintiff's claim respecting a specific explosion in which he was injured). See also *Tinoco v. Thesis Painting, Inc.*, 2018 U.S. Dist. LEXIS 163840, at *16 (D. Md. Sept. 24, 2018) ("[T]o the extent that … an interrogatory seeks every fact which supports identified allegations, it will generally be found overbroad and unduly burdensome.")

(internal quotations and citation omitted); *Kilby v. CVS Pharm., Inc*., No. 09cv2051, 2019 U.S. Dist. LEXIS 32438, at *u-8 (S.D. Cal. Feb. 28, 2019) (agreeing with a plaintiff's contention that particular interrogatories were overbroad, because they require the plaintiff "to state 'all facts' rather than the material or principal facts that support [the plaintiff's] allegations")). The reason Plaintiff considers this interrogatory overly broad and unduly burdensome is because it requests Plaintiff to account for and recite "all facts" on a complex subject, which is not reasonable in the context of an interrogatory answer. Subject to the foregoing objections, Plaintiffs respond as follows: a) L.W. was attempting to interact with Rosita. b) On 7/10/22, L.W. attempted to interact with Rosita at approximately 4:59 p.m., c) The location of the attempted interaction was down from Oscars Crazy Taxi ride close to the Sesame Plaza and at a designated Meet and Greet for Rosita. d) The format of the interaction was walking around the park and at a designated Meet and Greet area for Rosita. e) 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 featuring Abby Cadabby. Later that same afternoon, Rosita was at her designated place for Meet and Greets and L.W. tried to get in line to take a photograph with Rosita. The park employee that was accompanying Rosita throughout the park barred Ms. 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. The Parade was not due to start for another hour and thirty minutes. e) Ms. Willie's husband, Rodney Willie, brother, Benjamin Cooper, sister in laws, Quintara Cooper, and Tina Brown and brother in laws, Sammie Brown, and Keith Middleton witnessed the instance described in the Answer to 2(e).

INTERROGATORY NO. 3:

For EACH instance in which YOU contend that Sesame Street costumed characters "refus[ed] to engage" with YOU or "ignor[ed]" YOU:

a. State whether YOU complained about the incident
b. If so, IDENTIFY EACH PERSON to whom YOU complained
c. Describe the response, if any, that YOU received to ANY such complaint, and
d. IDENTIFY EACH PERSON who provided YOU with the response

ANSWER NO. 3: Ms. Willie called Sesame Place's customer service to complain. Ms. Willie was on the phone with customer service for about an hour and thirty minutes. Following her phone call, Ms. Willie received a call back from Sesame Place's customer service to verify her email. Ms. Willie never received a call back or email response to address her complaint.

INTERROGATORY NO. 4:

State each item of economic loss or damage that YOU contend YOU have suffered as a result of the incident(s) YOU allege occurred at SESAME PLACE in the Amended Class Action Complaint.

ANSWER NO. 4: Economic losses include the cost of tickets to Sesame Place. See Answer to Interrogatory No. 1.

INTERROGATORY NO. 5:

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 result of incidents described in the Amended Class Action Complaint, describe in detail EACH that you have experienced and include:

a. The names and addresses of any professional medical, psychological, or other provider
b. The dates of service with any such professional medical, psychological, or other provider
c. Whether YOU were provided with a formal diagnosis of any kind, and if so, identify any such diagnosis
d. Any treatment YOU underwent or are undergoing that was prescribed or recommended, including but not limited to medications, therapies, counseling, referral to other health professionals, or other modalities and the dates of ANY such treatment

ANSWER NO. 5: Plaintiffs experienced racial trauma as a result of Defendants' discriminatory practices. Plaintiffs have not sought treatment from any professional medical, psychological, or other health care provider as a result of Defendants' discriminatory practices.

INTERROGATORY NO. 6:

State ANY "professional opportunities" that YOU contend YOU have lost as a result of the incidents alleged in the Amended Class Action Complaint.

ANSWER NO. 6: None.

INTERROGATORY NO. 7:

Describe in detail ANY interviews YOU have given to any member of the media regarding the incidents alleged in the Amended Class Action Complaint, including:

a. The date of the interview
b. The name of the media outlet
c. IDENTIFY the PERSON(S) with whom YOU spoke
d. IDENTIFY ALL PERSON(S) in attendance

ANSWER NO. 7: Plaintiff, Lauren Willie, gave an interview to Zerlina Maxwell, MSNBC, on July 19, 2022. Individuals present included her husband, Rodney Willie.

By: */s/*

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 20th day of December, 2022 that a copy of Plaintiffs, Lauren Willie, Individually and as Next Friend of L.W., a minor's Answers to Interrogatories to Defendants, SeaWorld Parks & Entertainment, Inc., and SeaWorld Parks & Entertainment, LLC, were served via first class mail, postage prepaid, and email to:

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mcpardo@duanemorris.com

Attorneys for SeaWorld Parks & Entertainment, Inc.
and SeaWorld Parks & Entertainment LLC

/s/
Andrew K. O'Connell

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.

DocuSigned by:
F3BD8ACA330A48D...
Lauren Willie, Individually and as Next Friend of L.W., a minor

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

\- - -

MAGNA LEGAL SERVICES
866.624.6221
www.MagnaLS.com

Video Deposition of QUINTON BURNS, held at the law offices of:

Duane Morris LLP
100 International Drive, Suite 700
Baltimore, Maryland 21202
410.949.2900

Pursuant to agreement, before Toni R. Thompson, RMR, Court Reporter and Notary Public in and for the State of Maryland.

A P P E A R A N C E S

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A P P E A R A N C E S (cont'd)

ON BEHALF OF DEFENDANTS

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ALSO PRESENT:

Laurie Beechner, Esquire
Anna Yatsko
Michael Gay, Videographer

C O N T E N T S

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By Mr. Harris	157,180

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(Exhibits attached to the transcript with the exception of #12.)

P R O C E E D I N G S

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 [redacted]

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

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.

And is it your understanding that K[redacted] 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 K[redacted] 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 K[redacted]. 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

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 K[redacted] 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

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.

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

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

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. K[redacted] 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

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.

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 --

A -- because she was right, like directly right there.

Q But the statement you're referring to, that was referring to some other kid; is that right?

A No, that's not referring to other kids, that's the statement that they making that these characters can't see.

Q Okay. Okay. I understand what you're saying.

A Yeah.

Q Okay. I want to go back to -- okay. All right. You mentioned that you had heard of a history of discrimination. Can you tell me what you had --

A I read a couple of years ago when there was a discrimination lawsuit settled out of court for some other family, a Muslim family. That's the only statement I'm just going to give here.

Q That's what you're referring to when you said a history of discrimination?

A Yeah.

Q Okay. Anything else that you're referring

to that made you conclude that?

A And the things that happened to them two little girls.

Q Okay. And what do you -- what two little girls are you referring to?

A The two little girls that -- I don't know that character with the wings, where they ignored them two little six-year-old girls.

Q Okay. And was this a video that you had seen online?

A Yeah, on TV.

Q Do you know if the girls you're referring to are a part of the Brown family?

A I guess that's what their name was.

Q Okay. Have you ever spoken to anyone from the family?

A I don't know them.

Q Okay. Have you ever spoken to any lawyers that represent that family?

A I don't know them.

Q Now, you mentioned that -- you mentioned this experience that happened to you at the parade.

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 K[redacted]?

A Because they walked right by her where she was directly right there.

Q Okay. And it's your testimony that the characters saw K[redacted]?

A Yes.

Q Okay. What makes you think the characters saw K[redacted]?

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

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?

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 K[redacted] 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,

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.

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

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 --

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 --

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 K[redacted] 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

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 K[redacted]; 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 --

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

Q So is it your testimony that Elmo ignored K[redacted], 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 K[redacted] 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 K[redacted], would you consider that to be racial discrimination?

A I wouldn't --

A Okay.

Q Just thinking about Ernie in the parade.

A All right. Ernie, that's -- Ernie, is that the same -- I think it was -- what monster was we talking about before I left out of here?

Q We were talking about Elmo.

A All right. Elmo is not the one that didn't engage with her, it was Ernie and the monster.

Q Okay.

A So everything I said about -- and that's why I got confused.

Q Okay.

A Everything I said about --

Q You had in mind Telly instead of Elmo; is that correct?

A No, actually I thought you was talking about Ernie. See when --

Q Well, why --

A It's the Cookie Monster. I mean it's Ernie.

Q Okay. Well, let me take you to this.

A Yes.

Q I want to know what was it that Elmo did, and then the same for each character.

A All right.

Q Just break it down for me, if you can.

A Well, one of the -- let's see. It could be Abby Cadabby or Elmo is the one that didn't, that didn't -- about the line, they was the ones on the line.

Q Okay. Okay. So when we talked before about trying to join the line for the meet and greet --

A I couldn't remember the characters.

Q -- you think that that might be been Elmo or Abby?

A It could have been Abby.

Q Okay. All right. What do you recall with respect to Elmo?

A I don't know. I didn't -- the only one I have on film is Ernie and Telly Monster.

Q You have Ernie and Telly Monster on film, okay.

All right. And the reason why I'm trying to understand is that you have allegations that that particular character intentionally discriminated, so this is why understanding which character you're suing about is important.

A The ones, yeah, the ones that I'm suing about that I got proof of is Ernie and Telly Monster.

Q Ernie and Telly.

And you're not sure --

A Abby Cadabby is the one that they said the line was closed --

Q Okay.

A -- and Elmo I don't -- I just -- I probably just seen him like ignoring people too. So I mean I can't prove that, so I'm not going to speak on something I can't talk about.

Q Okay. But you included --

A I'm not going to speak on something that, you know.

Q Sure, but you included Elmo in the Complaint, so that's --

A Okay.
Q -- why I just want to understand --
A Okay.
Q -- the basis for that.
A Okay.
MR. HARRIS: Object to form. You can answer.
MS. PARDO: All right. So --
(Telephonic interruption.)
THE WITNESS: That's me. I am so sorry.
MS. PARDO: That's okay.
THE WITNESS: I am so sorry, go ahead.
BY MS. PARDO:
Q Okay. So just to close out Elmo, there's nothing else you can remember specifically about Elmo and what he did --
A No.
Q -- that was discriminatory?
Okay. And then Abby was the one we thought was in the line.
A Yes.
Q Sitting here today, can you remember any

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 K[redacted] 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 K[redacted] 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

K[redacted], 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 K[redacted] 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 K[redacted], 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 K[redacted] 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 K[redacted], 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 K[redacted]," 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 K[redacted] 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 K[redacted], 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 K[redacted] 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

happened to look it up and they're saying they got a history of discrimination, that's what made me pursue an attorney.

BY MS. PARDO:

Q What do you mean when you say you were being talked to about it?

A Well, me and her mother always were discussing what could we do about it, could we did -- could we sue them, don't go to the, stay away from the park or, you know, these different things.

Q Okay. If you hadn't heard about that incident with the two little girls and seen that on, seen their video, would you have contacted a lawyer?

A I couldn't say.

Q Have you returned to Sesame Place since your visit in June of 2022?

A No.

Q Okay. Are you going to go back to Sesame Place?

A No.

Q Okay. All right. I'd like to take a look at a video, and the first one we're going to turn to

A No, she was there.

Q Okay. So when you look at this video you think that K[redacted] was standing before he approached?

A We were standing, yeah.

Q Okay.

A We were standing before he approached.

Q Did K[redacted] say anything following this particular clip that we watched?

A She looked at me.

Q Okay. Now, you had called our attention to Abby Cadabby before. She during this whole clip appears to be standing still in the middle of the street.

A Um-hum.

Q So are you saying that Abby during this clip ignored your daughter?

A No.

Q Okay. Your allegations about Abby were just in that meet and greet in the park?

A Yeah, that was just that, yeah.

Q Did you think it was possible there for

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 K[redacted]?

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

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.

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?

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 K[redacted]. Do you remember that testimony?

A Um-hum.

Q Were there any adults that got interaction with the same characters who ignored K[redacted]?

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.

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 K[redacted] 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?

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 K[redacted] 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

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 K[redacted] 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.

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 Depression and stress.

Q Okay. Have you ever been diagnosed with depression before?

A No.

Q Have you ever been diagnosed with any kind of stress-related condition before?

A No.

Q Okay. And do you have health insurance?

A Yes.

Q Okay. Earlier Mr. Harris had asked you some follow-up questions about the meet and greet that had the line where you'd stand to meet the character. Do you remember those questions?

A (Nods head up and down.)

Q Okay. Now, when I asked you questions about that you had said that when you -- you had testified that you were told the line was closed, am I remembering that correctly?

A Yes.

Q And that you started walking away and then looked back and saw that a White family got in line?

A Right.

Q Okay. I don't recall you telling me that the employee said anything to that White family. Is it your recollection that that --

A They didn't -- I didn't say they said anything to the family, they said something -- she said something to me that the line was closed.

Q Okay. So you don't recall, or --

A I was like --

Q -- you didn't hear the employee talk to that White family?

A No.

MS. PARDO: Okay. No further questions at this time, subject to what we spoke about before with holding the depo open.

MR. HARRIS: I just have one more.

RECROSS-EXAMINATION BY COUNSEL FOR PLAINTIFFS

BY MR. HARRIS:

Q Before Father's Day 2022, have you ever thought about calling somebody to get treatment for depression or stress?

A No.

MR. HARRIS: Okay. Nothing further.

THE VIDEOGRAPHER: The time now is 1:26, we are going off the record.

(Signature having not been waived, the video deposition of QUINTON BURNS adjourned at 1:26 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 10th day of March 2023.

My Commission Expires:

January 18, 2025

_____

NOTARY PUBLIC IN AND FOR

THE STATE OF MARYLAND

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 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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Video Deposition of NATHAN FLEMING, held at the law offices of:

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Pursuant to agreement, before Toni R. Thompson, RMR, Court Reporter and Notary Public in and for the State of Maryland.

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(Exhibits attached to the transcript.)

P R O C E E D I N G S

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 [redacted]

[redacted]

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 O[redacted] 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

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 O[redacted] F[redacted] 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?

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 O[redacted] 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

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.

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 O[redacted], 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 O[redacted] 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.

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?

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?

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

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 O[redacted] 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

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 O[redacted]; 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 O[redacted], 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 O[redacted] off and just kept walking, doing his routine.

Q You say he brushed O[redacted] off. What do you mean by that?

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 O[redacted]; 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 O[redacted]?

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 O[redacted], 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 O[redacted]?

A Approximately maybe 5 to 6 feet from O[redacted].

Q Okay. How close was O[redacted] 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.

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 O[redacted] 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 O[redacted]

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 O[redacted], 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 O[redacted], 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 O[redacted] 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 O[redacted] as being disappointed at the time of the Telly Monster brushoff, as you described it?

A Yes, but it was beyond disappointment.

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 O[redacted] and there's a lot of acknowledgment, you know, whether it had been touch or waves, that O[redacted] 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 O[redacted]?

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

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 O[redacted] 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 O[redacted] 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.

A Yes, that's what I said, yes.

Q And you consider that to be discriminatory against O[redacted]?

A Based on the conduct of how it happened, yes.

Q You didn't think the way in which Telly Monster touched O[redacted]'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 O[redacted] 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 C[redacted], 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 C[redacted] would that, would you consider that character to be racist?

MR. RUFF: Same objection. You can

intentionally in refusing to engage with O[redacted]?

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

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?

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?

A Yes.

Q Any other calls that you can remember?

A Not to Sesame Place, no.

Q All right. And so although your visit was on July 4th, you think that the first contact that was made with Sesame Place to complain wasn't until the third week of July; is that right?

A Around about, yes.

Q Okay. So what made you wait that long to contact Sesame Place?

A Based on my personal experience?

Q Yeah, I'd like to know what, why you waited that long.

A You know, it's easy to dismiss something when you feel like it's an isolated event specific to just you. There's a lot of different things you can weigh out in your mind, but it wasn't anything initially that I was acting on until I seen that I wasn't alone, I wasn't in the water by myself. There's clearly other people that were struggling with the same experience, so.

Q How did you determine that there were

other people struggling with the same experience?

A There was another family in New York that somebody tagged me to like an Instagram page or an Instagram post and their daughters or nieces, or whoever they were. Just watching the video it reminded me of C[redacted], so I went back and watched my video again and I'm like I wasn't delusional.

Q Was this a video involving the character Rosita?

A I want to say the character was blue, so.

Q Blue, okay.

A If that's the name of the blue character.

Q And there were two Black girls involved in that --

A Yes.

Q -- incident?

Okay. Do you know whether this is the video that was posted by Jodi Brown?

A If that's the name, possibly.

Q Okay. Did you watch the video online?

A Yes, on my phone, Instagram.

Q On your phone, okay, through Instagram?

you, "Over here, here you go"?

A Um-hum.

Q Can you tell what you were saying right there?

A Like I said, I was -- that was part of my antics. I was -- prior to even Telly Monster I was already like kind of calling out the characters trying to get their attention.

Q Okay. So we can see in the video that Telly comes over towards your child; correct?

A Correct.

Q Okay. And this is the scenario where you say that Telly did some sort of hand interaction with the Asian boy standing next to you; is that right?

A You mean the high-five?

Q Yeah.

A Yes.

Q Okay. You call it a high-five, okay.

And can you see in that video that Telly touches her hand, O[redacted]'s hand?

A Touch can be defined as many different

things.

Q Okay.

A He brushed her hand, so.

Q Okay. So you consider it to be a brushing of the hand?

A Yes.

Q You don't consider it to be like a backhand or a high -- or a low-five?

A That's not a low-five.

Q Okay. And you would describe this video as being discriminatory towards O[redacted]?

A Absolutely, yes.

Q And your basis for saying that is because Telly touched or interacted with the Asian boy next to her; is that right?

A Could you rephrase that?

Q The basis for you saying it's discriminatory is because instead of touching O[redacted] he touched the Asian boy next to her; is that right?

A I mean I wouldn't say touched. He high-fived -- he had his hand out for a high-five towards O[redacted] and then he gave the high-five to the

White.

Q Okay. All right.

MS. PARDO: Can we turn to the second video, Mr. Smolij, and we can run it through again and ask questions.

MR. SMOLIJ: Is this -- is this video No. 3?

MS. PARDO: So the other Telly video.

MR. SMOLIJ: Oh, okay. Stand by.

(Video played.)

BY MS. PARDO:

Q Okay. So I'd like you to tell me if you know which Telly video came first in time chronologically.

A Chronologically based on my memory I would say it was the first one with the high-five and then that one.

Q Okay. In this video did you just say something to the effect of "You got to get their attention"?

A Yes.

Q Okay. So does it make sense that this one

might have come first, or do you still not know? We can run it again too if you want.

A Like I said based on my memory, even watching the video, it's the same thing. She gave me a look and I tried to give the benefit of the doubt.

Q Yeah, I'm just trying to determine this video where she turned and gave you the look, did that happen before Telly came over and did the brushed hand or after?

A I'm most sure that this is after --

Q Okay.

A -- in chronological order.

MS. PARDO: Let's watch it one more time.

(Video played.)

BY MS. PARDO:

Q Okay. So Telly was dancing in the middle of the street in that clip; correct?

A Correct.

Q Okay. So are you -- are you saying that that video shows the character ignoring O[redacted]?

A No, that's not what I said.

Q Okay. No, I'm asking you if that's what you think it showed.

A That's her reaction after the fact.

Q Okay. That's her reaction after what?

A The initial incident that we were just talking about.

Q I see, okay.

So this is -- you think this happened right after the initial incident and that this was her reaction to that?

A Based on my memory, to the best of my knowledge I'd say that was the second video after. That's her reaction to the first one.

Q Okay.

MS. PARDO: And if Mr. Smolij can play this from the top, I want to see if this one has a jump like I previously thought we saw.

(Video played.)

MS. PARDO: It's kind of hard to see, okay.

BY MS. PARDO:

Q All right. And do you recall O[redacted]

This is the same York Daily Record story that you provided with a link on a different post; right? You didn't do more than one?

A No, it's just one.

Q Same one.

If you would go back to this page that has the PreciseEarz real quick. The comment below says: It's really time to cancel @sesamestreet after seeing another video of this. Do you agree with that statement?

MR. RUFF: Objection. You can answer.

THE WITNESS: What, with what they said?

BY MS. PARDO:

Q Yeah.

A Based on no response from Sesame Place, yeah. Yes.

Q So do you have any interest in going back to Sesame Place?

A No.

MR. RUFF: Objection. You can answer.

BY MS. PARDO:

Q You're not going back?

A (Shakes head from side to side.)
Q You're not paying them your money again?
A No.
Q Okay.
MS. PARDO: Time for a break? He needs to change tape.
THE VIDEOGRAPHER: The time now is 12:38, we are going off the record. This is the end of Disc No. 2.
(Recess 12:38-12:51 p.m.)
(Mr. Harris and Ms. Yatsko are no longer present.)
THE VIDEOGRAPHER: The time now is 12:51, we are back on the record. This is the beginning of Disc No. 3.
MS. PARDO: Okay. Can I mark the next exhibit, I think we're up to 26.
THE COURT REPORTER: We're up to 27.
MS. PARDO: 27, okay.
(Fleming Deposition Exhibit 27 was marked for identification and attached to the transcript.)

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 O[redacted]?

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.

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

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

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

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.

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MARK MILANO, VIDEOGRAPHER

I N D E X

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LASHONDA MILES		
	BY: MS. BAZAN	6

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VIDEOGRAPHER: We are now on the record. This begins videotape number 1 in the matter of Lashonda Miles and C.M. in the matter of Quinton Burns, et al. versus Seaworld Parks & Entertainment, Inc., et al.

Today is Thursday, March 30th, 2023, and the time is 9:55 a.m. The videographer is Mark Milano of Magna Legal Services, and the court reporter is Gianna Iaconelli of Magna Legal Services.

Will counsel and all parties present please state their appearances and whom they represent?

MR. O'CONNELL: Andrew O'Connell on behalf of the plaintiffs.

MS. BAZAN: Rebecca Bazan on behalf of defendants.

MS. PARDO: Michelle Pardo on behalf of defendants.

MR. SMOLIJ: Alek Smolij on behalf of defendants.

VIDEOGRAPHER: Will the court reporter please swear in the witness?

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. [redacted]
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. M[redacted] C[redacted]
COURT REPORTER: Could we spell that?
THE WITNESS: M-[redacted]
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. L[redacted] Ch[redacted]. She comes on the weekend. She is Carl's daughter.
Q. Carl's daughter?
A. (Indicating).
Q. And how old is she?

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 M[redacted] 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?

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.

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 M[redacted] 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 M[redacted], 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 M[redacted].

Q. Anything else?

A. And then I told him that M[redacted] 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 L[redacted]?

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. 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 L[redacted]? 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. 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 M[redacted].

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 L[redacted]'s hand raised. M[redacted] is shorter than L[redacted], so his arms would be under.

Q. Okay. And so Rosita is touching Logan's hand then?

A. L[redacted], no.

Q. Sorry. L[redacted].

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 L[redacted]'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 L[redacted]'s hand.

BY MS. BAZAN:

Q. Okay. Can you circle on the exhibit where L[redacted]'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 L[redacted]'s hand, not M.C.'s hand?
A. (Indicating).
Q. What do you think L[redacted] was doing there?
A. Trying to get some type of high five or she was waving.
Q. Okay. So Rosita is not ignoring L[redacted] 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

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

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 M[redacted] 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. 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?

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

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
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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.

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JASON FIFIELD, VIDEOGRAPHER

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VIDEOGRAPHER: We are now on the record. This begins videotape number 1 in the deposition of Ingrid Morales in the matter of Quinton Burns, et al. versus Seaworld Parks & Entertainment, Inc. and Seaworld Parks & Entertainment, LLC in the U.S. District Court for the Eastern District of Pennsylvania, civil action number 22-cv-02941.

Today is Tuesday, February 14th, 2023. The time is 10:06 a.m. This deposition is being taken at Duane Morris in Philadelphia at the request of Duane Morris.

I'm Jason Fifield, the videographer, of Magna Legal Services, and the court reporter is Gianna Iaconelli of Magna Legal Services.

Will counsel and all parties present please state their appearances and whom they represent?

MS. PARDO: Michelle Pardo, counsel for defendants.

MR. RICHARDSON: Ronald Richardson on behalf of Ms. Morales and other plaintiffs.

MS. BEECHER: Laurie Beecher, I'm the

A. Yes.

Q. And was that -- what type of tickets were purchased? Was it a single day or multiday?

A. Single day.

Q. Single day.

Have you ever had a season pass to Sesame Place, Philadelphia?

A. No.

Q. Have any of your children ever had a season pass?

A. No.

Q. Can you tell me the process of purchasing the ticket? Can you tell me how that was done?

A. Just online, the Sesame Place.com. We purchased tickets on there.

Q. Do you recall the date of purchase?

A. I believe it was, like, four days before. It was between three and four days.

Q. How many tickets were purchased for your family?

A. Four.

Q. And now, you told me that five people actually went that day; is that right?

A. It was -- yes. It was me, my husband, and

children, yes.

Q. Okay. So why were there only four tickets purchased?

A. When we got to the park, the person at the gate said we didn't have to get a ticket for my daughter, for some reason.

Q. Okay. For --

A. For the youngest one.

Q. For N.?

A. Yeah.

Q. Okay. And just so we're clear, the people that actually attended that day were yourself, correct?

A. Mhm.

Q. Your daughter, N.?

A. Mhm.

Q. Your two sons?

A. Yes.

Q. And your husband, Nadir?

A. Yes.

Q. Did any other people join you that day, even if they weren't in your ticket purchase?

A. It was just some people we, kind of, ran into in the park.

Q. Did you walk around with those other people that day?

A. Not really. We, kind of, all did our own thing.

Q. Okay. And what are the names of those people that you saw at the park that you knew?

A. Trying to think. It's one of the parents from the school. I don't recall her name.

Q. Did you have a plan with this woman to go to the park together that day?

A. No.

Q. You just saw her once you were in the park?

A. Yes.

Q. And you spent some time doing things together in the park; is that --

A. No. We, kind of, saw each other, said, "hi," and we all did our own thing.

Q. So in terms of purchasing the tickets, who actually went on the website and did the ticket transaction?

A. My husband.

Q. That's Nadir?

A. Yes.

Q. Ms. Morales, I'm showing you what's been marked as Morales Exhibit 3.

(Exhibit Morales-3 marked for identification.)

BY MS. PARDO:

Q. And it's hard to see, but in the bottom right-hand corner, there is a brand there that says, "Morales," I believe it's 004.

Do you see that very faintly at the bottom right-hand corner?

A. Yeah.

MR. RICHARDSON: It looks like there's another number after the 4 on the second page --

THE WITNESS: On the second page --

MR. RICHARDSON: It looks like there might be another number.

BY MS. PARDO:

Q. Actually, it's -- it's -- I can represent to you it's 0014 to 0015.

MR. RICHARDSON: Oh, okay.

MS. PARDO: I think it's just cut off.

BY MS. PARDO:

Q. In any event, does this look familiar to

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?

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

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. Okay. Now, is the refusal of Baby Bear, Big Bird, and Grover to interact with your daughter the only thing you're suing about?

A. Yes.

Q. Were there any other instances that occurred on July 11, 2022 during your Sesame Place visit that you're suing about?

A. That I'm suing about, no.

Q. I may have asked you this before.

But in that 7:00 p.m. parade, did any other characters interact with your daughter?

A. No.

Q. While you were in the park that day, did you go to any of the areas of the park where you meet up and take a photo with the character?

A. No.

Q. Why didn't you do that?

A. I think the times, kind of, clashed with us waiting in line to go, you know, on the rides.

Q. Okay. So it's not as though you went to one of those photo opportunities and were denied a place in line?

A. Yeah. We never went to --

Q. Okay. You never tried to join that?

Q. -- to represent you?
A. Nope.
Q. And at the time you decided to make the complaint to the Attorney General's office, did you actually -- had you hired legal counsel at that time?
A. At that point, no.
Q. Had you met Mr. Richardson at that point?
A. I don't recall how long after -- yeah. I don't recall how long after I put in the complaint.
Q. Okay. So I want to go back a little bit. You talked about that you talked to Ms. Stokes about what you had been seeing on the TV.
A. Mhm.
Q. Describe to me what you were referring to.
A. There was something on the news about -- it was the two little black girls that were -- the character told her no when they were reaching out to her. I think it was Rosita. It might have been. I don't remember what characters. It was one of the girl characters.
Q. Okay. You were familiar with seeing a story about that on the media?
A. Yeah.

A. Yes.
Q. Okay. Did you take steps to complain with the Pennsylvania Human Relations Commission?
A. No.
Q. Why not?
A. I was already with the law firm so I, kind of, just left it off.
Q. So you didn't file a Pennsylvania Human Relations Commission complaint at any time?
A. No.
Q. Okay. At some point you made a complaint to Sesame Place about your visit through the website, correct?
A. Yes.
Q. Now, do you recall what date you made that? It was before the Attorney General complaint, correct?
A. Yeah. It was before that. I don't know the exact date.
Q. You don't know the exact date.
Was it on the same day as your visit on July 11th?
A. No, it wasn't the same day.
Q. Do you remember if it was the next day?

A. We were trying to get to the bathroom with the crowds and stuff like that. Went to the bathroom then just got some funnel cake.

Q. Okay. Okay. Was that, like, the last attraction that you did? Like, did you go to any rides after the parade?

A. No.

Q. And you didn't go to any other character experiences after the parade?

A. No.

Q. Okay. I want to turn your attention to -- turn your attention back to Exhibit number 2 that I gave you, the thicker exhibit, the first amended complaint. It's Exhibit number 8.

MR. RICHARDSON: Exhibit 8? I got it.

MS. PARDO: I think it's 2.

MR. RICHARDSON: It is 2.

BY MS. PARDO:

Q. Okay. If you could, turn back to that. Do you have that one in front of you?

A. Yes, I do.

Q. Okay. If you turn to page 11, paragraph 69, says, "The Morales -- the Morales took videos documenting some of these discriminatory

interactions." There's a footnote 6 and 7.

Do you see that?

A. Yes.

Q. And if you go down to the footnotes, there's a link to YouTube on footnote 6 and footnote 7.

Do you see that?

A. Mhm.

Q. Okay. Do you know what that first HTTPS link to YouTube is in footnote 6?

A. My video shouldn't say, "YouTube." No.

Q. So sitting here and just looking at that link, you don't necessarily know what that is sitting here today?

A. Uh-uh.

Q. Okay. What about the one listed in footnote 7?

A. No.

Q. Okay. Did you review these links before this complaint got filed?

A. I don't remember.

Q. I'm sorry. I didn't hear you.

A. I don't remember.

Q. Okay. You don't remember. Okay.

A. Yeah.
Q. You mentioned you took two videos of the parade on July 11th.
A. Yeah.
Q. Did you ever post those to YouTube?
A. No.
Q. Do you know whether or not somebody else posted them on YouTube on your behalf?
A. No.
Q. I want to turn your attention to -- back to paragraph 69. You said you took videos documenting some of these discriminatory interactions.
Do you see that?
A. Mhm.
Q. Okay. What other discriminatory interactions did you experience that day, if the video only captures some?
A. Well, the videos were all I had.
Q. Well, aside from the interactions or skipping of Baby Bear, Grover, and Big Bird --
A. Mhm.
Q. -- were there other discriminatory actions that you're suing about that happened on

July 11th at Sesame Place?

A. No.

Q. Okay. So I would like to pull up video number 1, and we're going to look at them on the big screen.

So before you play, video number 1, and for the record, I think it is identified as 1 when it was produced to us. And there will be a stamp on it that says, "IMG 3563," for the record. And I can represent that this is the video of number 6 --

MR. RICHARDSON: In the amended complaint?

MS. PARDO: In the amended complaint, footnote 6.

MR. RICHARDSON: Footnote 6.

MS. PARDO: Right. And it also has an extender of .MOV.

BY MS. PARDO:

Q. This is a 20-second long video. We're going to play it first all the way through. And then I'll ask you some questions.

(Whereupon, video recording was played.)

BY MS. PARDO:

Q. Okay. Did you make this video?
A. Yeah.
Q. And this was on your iPhone?
A. Yeah.
Q. Is this the Big Bird --
A. Yeah.
Q. -- interaction you were talking about in the complaint?
A. Yes.
Q. So we could go back to the video, if you need to, but can you identify the little girl in the video?

MS. PARDO: Let's go back to the video real quick.

(Whereupon, video recording was played.)

MS. PARDO: Can you pause?

MR. SMOLIJ: (Indicating).

BY MS. PARDO:

Q. Okay. So the person standing on the righted holding the doll, who is that?
A. That's my daughter, N.
Q. Okay. That's N.?
A. Yes.
Q. Is that an Abby Cadabby doll?

A. I think that's her name.
Q. Okay. Is that something you purchased in the park that day?
A. No. That was something we already had.
Q. She already had it. Okay.
A. Yeah.
Q. Okay. And you said at this time, she was 3 year old; is that right?
A. Yeah.
Q. Okay. The person sitting to the left --
A. Mhm.
Q. Okay. Was this the person that you referenced earlier as the person sitting on the floor, sitting?
A. Yes.
Q. And were there other people that were with her that -- you understood to be with her?
A. Yes. It was other people on the other side of her.
Q. Okay. And do you know the race of this lady?
A. White.
Q. Okay. Do you know whether she's Hispanic or not?

A. No. I didn't hear -- they were just speaking English. I didn't hear any Spanish or any accent or anything.

Q. Okay. Okay. So it's your testimony that in order to be Hispanic, you have to speak with an accent?

A. Not -- no, not necessarily. But anything that would, kind of, show that she was Hispanic.

Q. Okay. But you don't know for sure?

A. I don't know. Yeah.

Q. In the clip that was just played, we heard a voice that said, "N[redacted], you got to say, 'Hi' when they come by. Okay?"

Whose voice was that?

A. That's mine.

Q. Why did you tell her to say, "'Hi,' when they come by"?

A. So she could get their attention, say, "Hi."

Q. And before you told her that, was she trying to get Big Bird's attention?

A. Well, she was excited to go up to the parade so she could, you know, get a high five, or, at least a "Hi," or acknowledge her.

Q. Okay. Now, this video is only 20 seconds long.

A. Yeah.

Q. Is it a portion of a larger video?

A. No. My phone, kind of, cut off.

Q. Okay.

A. That's the reason why you got the second video.

Q. I see.

Do you recall taking video before Big Bird's part of the parade?

A. No, I didn't. That was the first video. That's the first video, I, kind of -- as soon as I saw him there, that's when I pulled my phone out.

Q. Okay.

A. Yeah.

Q. Okay. So you hadn't started filming at the beginning of the parade --

A. Uh-uh, no.

Q. -- and done it for the whole time?

A. No, no.

Q. And it's your recollection that you first started filming with Big Bird coming up?

A. Yeah.

Q. Okay. And did you intentionally stop it at 20 seconds?

A. No. My phone cut off.

Q. Okay.

A. Yeah.

Q. And then at some portion -- some period of time, you resumed filming, which is in a different video.

Is that it?

A. Yes.

Q. Okay. And does this show the incident regarding Big Bird that you're suing about?

A. Yes.

MS. PARDO: All right. And then can you play it again, Alek?

(Whereupon, video recording was played.)

THE WITNESS: Yeah. I didn't get that part.

MS. PARDO: Stop.

BY MS. PARDO:

Q. Okay. So she's putting her hand up there, right?

A. Yes.

Q. And that's as Big Bird is already walking

by?

A. Well, she was, you know, standing there that whole time and he did come to the people that was next to us on the left-hand side.

Q. Okay. On the left-hand side.

So let's turn to this family on the right. We could watch this again, if you want to -- maybe play it out and we could go back again.

MS. PARDO: Not them --

(Whereupon, video recording was played.)

MS. PARDO: And if you could just pull back the video to when it's focused on the child in the stroller and just freeze it there.

MR. SMOLIJ: (Indicating).

BY MS. PARDO:

Q. Okay. So turning to the right side, you referenced earlier there was a kid in the stroller. Did you see her in this video at all?

A. When I was there I saw her, yeah.

Q. Okay. And you're seeing her now?

A. Yeah.

Q. Okay. She's a -- the kid on the right to your daughter with the pink shoe?

A. Yes.

Q. Okay. Sitting in the stroller?
A. Yes.
Q. Okay. Is it your testimony that this child is white?
A. Yeah. The -- the family next to us was white.
Q. Okay. Do you know whether or not this child is Hispanic?
A. No.
Q. Okay. Do you know the religion of the family right to your right?
A. No.
Q. And was your daughter acting shy in this video or at all reserved, or is this how she, kind of, normally is?
A. Yeah. That's usually how she is.
Q. Okay. Before Big Bird interacts with the child in the stroller, would you describe her as acting happy?
A. This is how she usually is.
Q. Okay.
A. Yeah.
Q. Okay.
MS. PARDO: All right. So if you go --

let's go back to the beginning of the video again.

BY MS. PARDO:

Q. I want you to focus to the lady on the left as it plays and we'll just stop right after that.

(Whereupon, video recording was played.)

MS. PARDO: Stop.

BY MS. PARDO:

Q. Okay. Does the video show Big Bird high fiving this lady on the left?

A. Not the lady exactly, but the people that was with her.

Q. Okay.

A. Yeah.

Q. Okay. So that's not captured on the video?

A. Yeah.

Q. And does the video show Big Bird hugging this lady on the left?

A. No.

Q. Okay. Is it your testimony that Big Bird hugged somebody on the left-hand side of the family?

A. On the left --
Q. The left family.
A. Yes, yes. On the video, he, kind of, came close. I didn't move the camera all the way over.
Q. Do you recall Big Bird hugging a member of the family on the left?
A. It was either a high five or a hug, not necessarily two.
Q. So it's not necessarily both? You don't recall?
A. I don't remember.
Q. Did you know the family in the stroller next door to you?
A. No.
MR. RICHARDSON: Objection. Asked and answered.
BY MS. PARDO:
Q. Okay. This wasn't the family that you met up with in the park at some point that you knew from school?
A. No. The lady looks like me.
Q. Got it.
And is it your testimony that the video shows Big Bird high fiving the family on the

right, anyone on the right side?

A. Yeah. The child in the stroller.

Q. The child in the stroller?

A. Yes.

Q. It was, like, a high five?

A. Yes.

Q. Okay. Did Big Bird give hugs to anybody on the right-hand side, with the right-hand side family?

A. I don't remember. Once I moved the camera back around, I was looking the other way.

Q. Did Big Bird hug this girl in the stroller?

A. No. Just a high five.

Q. So in your interrogatory answer where you said, "The white families located on both sides of N.M. received high fives and hugs;" is that accurate?

MR. RICHARDSON: Objection.

THE WITNESS: Well, like I said, I don't recall if it was a hug and high five, but the member from the lady sitting on the floor.

BY MS. PARDO:

Q. Okay. But it's your testimony that there

were high fives on the left; is that right?

A. High fives on the left.

Q. High fives on the right?

A. It was high fives on the right.

Q. What about hugs?

A. I remember there were hugs as well as well. There was no hugs on the right.

Q. No hugs on the right?

A. Yeah.

Q. Okay. Hugs on the left?

A. I don't remember. Because he came really close up to, like, a little boy or something. I think you could see he had a book bag, moved up with the lady on the floor. I don't remember if it was both.

Q. Okay. So when you wrote, "high fives and hugs," were you sure at the time that you had seen hugs?

A. Well, as a whole, with all of characters, that's what I referred to as high fives and hugs.

Q. Okay. So not just Big Bird.

You're saying hugs could have happened with other characters?

A. Yes.

screen grab right away at the beginning. Maybe.

MR. RICHARDSON: I don't see it.

MR. SMOLIJ: I believe that might be the media player itself flashes that up, not the actual --

MR. RICHARDSON: No worries.

MS. PARDO: All right. Proceed.

(Whereupon, video recording was played.)

BY MS. PARDO:

Q. Okay. Is this the second video that you made?

A. Yes.

Q. Okay. And this was the video you provided to us in this lawsuit?

A. Yes.

Q. And is this the video that describes the incident with Grover that you referred to in the complaint?

A. Yes.

Q. And is this also the video of the incident regarding Baby Bear that you refer to in the complaint?

A. Yes.

Q. Do you have other footage of any of the interactions with these characters?

A. No.

Q. And by "these characters," I mean the same three that we've been talking about.

A. No.

Q. After this video, did you make any more videos of the parade route?

A. No.

Q. How come?

A. It was just over.

Q. They were at the end?

A. No. I think it was a few more floats that came down and we just, kind of, walked off.

Q. Okay. So you left the parade after the conclusion of this video? Is that your testimony?

A. Once the rest of the floats came down, then we left.

Q. Oh, okay. You waited until the end of the parade?

A. Yes.

Q. You just didn't take any more video after this one?

A. Yes.

Q. And we saw in this -- N. is still in this video, correct?

A. Yes.

Q. She's still holding the Abby doll?

A. Yes.

Q. And the voice, "N[redacted], say, 'Hi' to him," is that you as well?

A. Yes.

Q. I think you explained before.

This came after the Big Bird came by, after?

A. Big Bird was first, and then this video.

Q. Big Bird was first and this one. Okay.

And did you edit this video in any way?

A. No.

Q. Did you cut it down from larger footage?

A. No.

Q. The minute and 32 seconds, is that the whole video you took?

A. Yes.

MS. PARDO: All right. I want to go back to the Grover portion, which is really the first part, and if you could, pause around 07.

(Whereupon, video recording was played.)

MS. PARDO: Can you stop, like, right there?

MR. SMOLIJ: (Indicating).

BY MS. PARDO:

Q. So Grover comes up over close to your child, right?

A. Yes.

Q. Would you consider this to be an interaction?

A. He's, kind of, performing for everyone.

Q. But he didn't come up close to your child?

A. No.

Q. Oh, okay.

MS. PARDO: And then you could continue.

(Whereupon, video recording was played.)

MS. PARDO: Going to have you stop it right there.

MR. SMOLIJ: (Indicating).

BY MS. PARDO:

Q. So the girl on the right-hand side, is it your testimony that Grover is high fiving her in this video?

A. Yes.

Q. Okay. And this child, is it also your testimony is that she's white?
A. Yes.
Q. Okay. Her skin doesn't look brown to you?
A. She was out in the sun, so I don't know.
Q. Okay. And you have no basis to know whether she's Hispanic or not?
A. No.
Q. Do you have any way of knowing if Grover perceived this girl as being part of your family?
A. No. She had an adult holding that stroller.
Q. Okay. Does the video show Grover high fiving a white person?
A. Yes.
Q. Okay. Which side of N. did that occur on?
A. Her right side.
Q. This side we're looking at now?
A. Yes, that's her right.
Q. Okay. Okay.
A. It depends she's facing this way, so.
Q. And the white person you're referring to is the kid in the stroller; is that right?
A. Yeah. I think he has his hand out and

he's high fiving someone else --

Q. You think he's high fiving someone else there?

A. Yeah.

Q. Okay. And what's the race of the other person that he's high fiving?

A. That whole family is white.

Q. Does the video show Grover hugging a white person?

A. Not the video, no.

Q. Is it your testimony that Grover hugs somebody on the right side of you?

A. As he went down the line, he did, yes, but I didn't capture it in the video.

Q. Okay. But considering the family just next to you --

A. Uh-huh.

Q. -- did Grover hug anybody in that family standing next to you?

A. No.

Q. Okay. And now turning back to the left side -- we can go back to that --

MS. PARDO: Why don't you roll it back, Alek?

MR. SMOLIJ: (Indicating).

(Whereupon, video recording was played.)

MS. PARDO: Okay. Why don't you stop it there?

BY MS. PARDO:

Q. Does your video capture Grover high fiving a white person to the left of your daughter?

A. Not in the video, no.

Q. Okay. Then describe to me the high five your were mentioning about the left-side family.

A. Well, I don't think he came to the family next to us. He came from across the other side.

Q. Okay.

A. Yeah. But he interacted with the family on our right.

Q. On the right?

A. Yes.

Q. But not on the left?

A. Yes.

Q. Okay. And in terms of hugs, did you see any -- Grover hugging anybody on the left side of you?

A. Are you referring to the family on our left --

Q. Anybody on the left.
A. Anybody?
Q. Yeah.
A. Like I said, he came from the other side. That's what I was referring to earlier where they switch and go from side to side of the street.
Q. Okay. But the video doesn't show Grover hugging anybody on the left side?
A. Yeah.
Q. Okay. And do you recall whether Grover hugged anyone on your left side?
A. No.
Q. Okay. Now, is it your testimony that Grover skipped N.?
A. Yes.
Q. Is it your testimony that Grover intentionally ignored your child?
A. Yes.
MS. PARDO: Okay. Let's go to the Baby Bear section again. I think it starts around 16 seconds or so.
MR. SMOLIJ: (Indicating).
(Whereupon, video recording was played.)
MS. PARDO: Okay. Why don't you stop

there for a second?

MR. SMOLIJ: (Indicating).

BY MS. PARDO:

Q. Okay. So does the video clip we just saw show Baby Bear high fiving a white person?

A. Yes.

Q. Which side, to your right or your left?

A. Left.

Q. Is that the lady sitting next to you or somebody else?

A. I believe he high fived her or -- it was two of them sitting on the floor. It was one of them two.

Q. The one in the pink?

A. Yeah. And I think the lady that was standing up.

Q. Okay. We haven't talked about the woman in the pink.

A. I don't show her as much, I guess, on the video.

Q. Do you know if that woman is Hispanic?

A. No.

Q. You don't know one way or the other?

A. No.

Q. What about Baby Bear? Did he high five anyone on the right side? We could run the clip again, if you want to check.

A. Yeah.

(Whereupon, video recording was played.)

MS. PARDO: Can you stop for one second?

MR. SMOLIJ: (Indicating).

BY MS. PARDO:

Q. Based on what you just saw, who did Baby Bear interact with?

A. With the family on the left.

Q. And what was the interaction?

A. The high five.

Q. It was a high five?

A. Yeah.

Q. Okay. And in that portion we just saw, was N. standing back a little bit from the yellow line?

A. I think just a little bit, but not much.

Q. Okay. And what about the right-hand side? What kind of interaction did Baby Bear have on the right-hand side?

A. Well, you stopped it.

MS. PARDO: You want to run it again, Alek?

THE WITNESS: You could run it from there.

MS. PARDO: From here.

(Whereupon, video recording was played.)

THE WITNESS: Yeah. I think he stopped it. He just kept walking. Yeah. I don't remember. I don't remember from the family on the other side.

BY MS. PARDO:

Q. Okay. So you don't remember what Baby Bear did in terms of interactions with the family on the right side?

A. Once he passed my daughter, yeah.

Q. Okay. And you don't have video of hugging or high fiving with anyone on the right side --

A. Yeah, I don't.

Q. -- with Baby Bear?

A. Yeah.

Q. Okay. And is it your testimony that Baby Bear skipped N.?

A. Yes.

Q. Is it your testimony that Baby Bear was intentionally ignoring your child?

I think we earlier referred to that as a video because there's movement.

A. Yeah.

Q. But it's very short.

A. Yeah.

Q. I think it's intended to be --

A. I think on my phone it says, "1 second," I think it says.

Q. I understand. Do you have any interest in going back to Sesame Place?

A. Honestly, I would say if things will change, you know, if the characters were a little more interacting, I guess if everybody gets that training to make everybody feel more inclusive, I would think about going back.

Q. Has N. asked to go back to Sesame Place?

A. She, kind of, sees the commercials, and she's just -- kind of, says, "No. They were mean to me there," so, you know...

Q. When you said, "They were mean to me," did you follow up and ask her what she meant by that?

A. I said, "Why do you say that?" She said, "They didn't say, 'Hi' to me" or didn't give her a high five.

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?

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

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.

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DENNIS MULLIN, VIDEOGRAPHER

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VIDEOGRAPHER: We are now on the record. This begins video number 1 in the deposition of Yoselis Romero in the matter of Burns, et al. v. Sea World Parks & Entertainment, et al. in the U.S. District Court in the Eastern District of Pennsylvania.

Today is Friday, March 3rd, 2023, and the time is approximately 10:40 a.m. This deposition is being taken at 30 South 17th Street, Philadelphia, PA. The videographer is Dennis Mullin of Magna Legal Services, and the court reporter is Gianna Iaconelli of Magna Legal Services.

Will counsel please state their appearances for the record?

MR. RICHARDSON: On behalf of plaintiffs, Ronald Richardson.

MS. BAZAN: Rebecca Bazan for the defendants.

MS. PARDO: Michelle Pardo for the defendants.

MS. BEECHER: Laurie Beecher, deputy general counsel for Seaworld.

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, E[redacted], 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.

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.

commute from Stamford to Grand Central was just excessive for me. So I wanted something closer, which was New Rochelle, which was 22 minutes of a commute from my house and then -- yeah.

Q. Have you ever worked at Sesame Place?

A. No.

Q. To your knowledge, do you know anyone whose worked at Sesame Place?

A. Not at all.

Q. Have you ever worked for Seaworld?

A. No.

Q. To your knowledge, do you know anyone who's worked for Seaworld?

A. No.

Q. Have you ever worked for any theme park or amusement park?

A. No.

Q. Did you have a contract with Seaworld or Sesame Place for the June 25th, 2022 visit that you're suing over?

MR. RICHARDSON: Objection.

You can answer.

THE WITNESS: From what I recall, when I did make the purchase -- you know, if I'm not

mistaking, I -- I'm trying to think because I don't want to give the wrong answer. It was a contract, you know, when I did get the tickets and make the purchase, if I'm not mistaking.

BY MS. BAZAN:

Q. So what was the contract?

MR. RICHARDSON: Objection, again.

You can answer.

THE WITNESS: You know, to service us at the park. At the moment, I don't remember. So I can't -- I don't want to give out any answer without remembrance.

BY MS. BAZAN:

Q. If there was a contract, who was the contract between?

MR. RICHARDSON: Same objection.

You can answer.

THE WITNESS: Myself, along with my daughter, who was part of the purchasing, Seaworld Works, Sesame Place because, you know, Seaworld Works is the corporation, and Sesame Place is where we went to be serviced, for entertainment.

BY MS. BAZAN:

Q. So you think you might have had a contract with you and E[redacted] -- 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.

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,

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.

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

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.

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:

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?

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

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.

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, E[redacted] R[redacted] C[redacted], 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,

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,

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

MS. BAZAN: How could it possibly be a privilege objection?

MR. RICHARDSON: You want to go off the record and have this discussion?

MS. BAZAN: No. I would like to have it right now.

MR. RICHARDSON: Then I'm not having any more discussion. You can ask questions of the witness.

BY MS. BAZAN:

Q. What comments did you make on the blog? Do you remember what you said?

A. "OMG."

Q. Did you say anything else?

A. (Indicating).

Q. Is that a "no"?

A. No, nothing else. "OMG."

Q. All right. Let's go back to Exhibit 6, which is the complaint, starting at the bottom of page 12 on paragraph 77. It's the last one on page 12.

So in paragraph 77, you allege that, "Sesame Street characters, Zoe and Cookie Monster intentionally refused to perform Seaworld's contract

with the Romeros and the class by interalia refusing to engage with them."

And then in paragraph 78 on the next page, it says, "The Romeros took videos documenting some of these discriminatory interactions."

Do you see that?

A. Correct. Yes, I do.

Q. Do you see paragraph 78 then has two footnotes to 8 and 9?

A. Yes.

Q. And that the 8 -- footnotes 8 and 9 are links to two YouTube videos.

Do you see that?

A. Yes.

Q. Were there any other discriminatory actions that you or E.C. experienced at Sesame Place that are not part of these two videos that are linked in the complaint?

A. No. I provided every information and all evidence that was needed for this case.

Q. That wasn't quite my question.

A. Okay.

Q. My question is: Is all of the discrimination that's at issue in your case, is it

in these two videos that are in the complaint?
A. That is correct.
Q. Thank you.
I'm going to show you that first video linked in the complaint, footnote 8. And we're going to put that on a thumb drive that we'll provide to your counsel and the court reporter. And we will mark that thumb drive as Exhibit 8.
A. Okay.
(Exhibit Romero-8 marked for identification.)
(Whereupon, video recording was played.)
BY MS. BAZAN:
Q. And you're the one who recorded that video, right?
A. Correct.
MR. RICHARDSON: Is there a Bates number for this particular one? Something we could identify it?
MS. BAZAN: It's what was linked in the complaint as footnote 8.
MR. RICHARDSON: Okay. Footnote 8 it is.
BY MS. BAZAN:

Q. You recorded that on your phone?
A. My iPhone. Mhm.
Q. Do you know what kind of iPhone it is? What number?
A. I think at -- I'm not sure if I changed my iPhone at the time. It might have -- at the time, might have been by iPhone XR. I have to look because I changed my phone. I'm not sure. I think it was sometime in June or July. It's either the iPhone XR, if it's not my new phone. If it's the new phone, it's iPhone 13. I have to make sure. I just have to look at the dates.
Q. And when you -- so you switched your phone between that was taken and today, you think?
A. Yes. It could be possibly one of -- either my old phone or my current phone.
Q. Okay. Did you transfer your photos and your videos from the old phone to the new phone?
A. ICloud, correct.
Q. So you still have it?
A. Yes.
Q. So that video we just watched, is that the incident regarding Cookie Monster that you're suing about?

A. That's one, yes.
Q. Is there another incident with Cookie Monster you're suing about?
A. There's more videos with other characters, not with Cookie Monster.
Q. Okay. Was that your voice we heard say, "E[redacted], go get a hug"?
A. Yes.
Q. So you were encouraging E.C. to engage with the characters?
A. Yes. Well, not engaging. As you could see, she already had her hand out on her own will. But as I seen that other children were going out of their way to get a hug, I said, 'Maybe if you do the same thing, you would get the interaction." It didn't work in her favor either way.
Q. Was --
A. As you see, she respected the boundaries because she tried not to cross over the yellow line.
Q. Because what is -- what is the purpose of the yellow line?
A. The purpose is basically for the children not to go and interfere with the parade and the performances. It could be for many things. I mean,

to avoid any injuries or anything that could, you know, bring trouble or any delay to the parade that was currently happening at the moment.

Q. So it's at least partially for safety, right?

A. Mostly safety purposes, mhm.

Q. Was it difficult to get to costume characters' attention?

A. As you can see --

MR. RICHARDSON: Objection.

You can answer.

THE WITNESS: As you can see, yes.

BY MS. BAZAN:

Q. There was loud music going with the parade, right?

A. Correct.

Q. And the characters are also performing dances and other movements, right?

A. Just -- yes. And walking around. Most of the time, I think it was the actual people that were doing the dancing. They were moving around, however. They did dances here and there, but they didn't have a dance routine like the others did.

Q. Did you put that video on YouTube?

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 E[redacted] 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 E[redacted] 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?

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

And I want to ask. Because it seems like you are very sure that this person could possibly be Latin. Is that because of the hair style she has? Or is that just -- because if I couldn't dissect what she was, how can we use her and point her out as a factor that she could possibly be a child of Latin decent?

BY MS. BAZAN:

Q. Does E.C. identify as white?

A. No. I can't -- are you able to --

MR. RICHARDSON: You can't ask the questions.

THE WITNESS: She is not. She is Hispanic and African-American.

BY MS. BAZAN:

Q. And, in fact, Cookie Monster did interact with E.C. during the parade, right?

MR. RICHARDSON: Objection.

THE WITNESS: A quick tap in the air. If you could go back, you can see, compared to what the other children were receiving, one on one, and a hug as well.

BY MS. BAZAN:

Q. Okay. I'm going to show you what's marked

as Exhibit 10.

(Exhibit Romero-10 marked for identification.)

BY MS. BAZAN:

Q. Do you recognize that hand and --

A. Mhm.

Q. That's your daughter?

A. Mhm.

Q. And is that what you're talking about, the hand tap that Cookie Monster gave her?

A. Yes.

Q. Okay. And that's not Cookie Monster interacting with E.C.?

A. Do you want to compare the two from that and what the other children received, along with a hug? Because she reached out for a hug and she received a tap. While the other child, the children or the child that reached out for a hug received a full-, you know, blown hug.

Q. So Cookie Monster giving her hand a tap, is Cookie Monster ignoring her?

A. Technically -- I'm not going to say it's ignoring, but it's technically disregarding what she's asking for, but favoring the next child who

asked for the same thing.

Q. So it's not that Cookie Monster was only interacting with white people.

It's that he didn't interact with E.C. the way she wanted him to?

A. As you could see, there's a big difference. He reached for a second and ran off and gave a child a hug to a child, if you go to that point, a white child. They both asked and did the same thing, the same gesture to receive a hug. E[redacted] did not receive a hug, but the other child did.

Q. And you mentioned here and also in your interrogatory response said that, "E.C. was passed over by Cookie Monster, even though she was begging for a hug."

Do you remember that?

A. Correct. Mhm.

Q. Okay. But isn't the sequence of events in the video, first you say, "E[redacted], go get a hug," second Cookie Monster taps her hand, and then third, only after that hand tap and Cookie Monster walks away does E.C. say, "Hug"? Isn't that the sequence of events?

MR. RICHARDSON: Objection.

(Whereupon, video recording was played.)

THE WITNESS: But did you not see in that moment -- maybe I'm --

MR. RICHARDSON: Wait for a question.

THE WITNESS: Okay. I'll wait.

BY MS. BAZAN:

Q. So my question is, she only reaches out over the line and says, "Hug" after Cookie Monster has already moved on, right?

MR. RICHARDSON: Objection.

THE WITNESS: The hug was -- I think when he reached the children next to us is when I said, "Go get the hug." She got a tap and then he walked away. That's what I said.

BY MS. BAZAN:

Q. And then she yelled, "Hug," after he walked away?

A. Maybe I'm not seeing the right video. I see it in the video that Cookie Monster approached the children that were there. I said, "Go get a hug." He taps her and walks away. Yeah.

Q. Okay. And then in the interrogatory response, you claim that Cookie Monster hugged a white child several families down, right?

A. That is correct.
Q. Okay. So I'm going to show you what we'll mark as Exhibit 11.
(Exhibit Romero-11 marked for identification.)
BY MS. BAZAN:
Q. Is the child in this photograph the child you're talking about, the white child, several families down --
A. That is correct.
Q. -- that got the hug.
Okay. How do you know this child is white?
A. The color of his skin, possibly.
Q. How do you know he or she is not Hispanic?
A. It's a high possibility, but like I said before, discrimination also comes in many forms. And in this form, I am a strong believer it's based on skin tone, hair color, and appearance, so.
Q. How do you know this child is not Asian?
A. I -- I am -- I seen the child. The child was definitely a white child.
Q. Because of the color of his skin?
MR. RICHARDSON: Objection.

THE WITNESS: I was there so I, kind of, remember that significant child because that was the child that was able to receive the hug, so.

BY MS. BAZAN:

Q. Do you know that child?

A. No, I don't know anyone there.

Q. Did you ask the child or its family how they identify racially?

A. No. That's not nothing I would ask at a theme park.

Q. So just based on how this child looks, you're assuming that it's white?

A. If it's not white, they're still discriminating my child because, obviously, the person that was of light color and, you know, my daughter, who is somebody of darker skin tone, was discriminated against.

Q. Okay. So it's your testimony that even if this child is Hispanic and E.C. is Hispanic, this interaction is still race discrimination?

A. It is. Mhm.

Q. Okay. Did Cookie Monster say anything derogatory to E.C.?

A. No.

Q. Did Cookie Monster say anything to E.C. about race?

A. No. Of course not.

Q. So you believe that the interaction that we've been looking at was race discrimination because Cookie Monster interacted with E.C. with the hand tap and then moved down the line and hugged a different child?

A. That, and also, if you take the time to look at the video again, you would just see how he was able -- you know, had more delicacy and focus on the children next to me and kind of reached a little bit for E[redacted] without -- I feel like the one-on-one interaction with the kids next to us had, along with the...

Q. So touching her hand wasn't enough of an interaction?

A. Not saying it wasn't enough, but it was more of a -- it was to get her out the way, but the other children were able to get the one on -- seeing Cookie Monster in front of them. If you could see, he, kind of, reached out quickly and proceeded to other children.

marked as Exhibit 8 --

A. Mhm.

MS. BAZAN: Alek, if you wouldn't mind --

BY MS. BAZAN:

Q. -- I'm going to show you the second video linked in the complaint. So it's on page 13, footnote 9.

MS. BAZAN: And I believe, Mr. Richardson, this was produced to us as video 2, if that's a helpful cross reference.

MR. RICHARDSON: Okay.

MS. BAZAN: That's what the file was called, but this is the one from YouTube.

(Whereupon, video recording was played.)

BY MS. BAZAN:

Q. Did you record that video?

A. Yes, ma'am.

Q. On the same iPhone as you recorded Cookie Monster video?

A. Yes.

Q. And does that video show the incident regarding Zoe that you're suing about in this lawsuit?

A. Yes.

Q. And is E.C. the little girl in the bright pink top in the video?

A. Yes. Correct.

Q. Did you put that video on YouTube?

A. No.

Q. Has that video been edited in any way since you took it?

A. Uh-uh.

MR. RICHARDSON: You have to say, "yes" or "no."

THE WITNESS: Oh, I'm sorry. Yes. I mean, no. I'm sorry.

BY MS. BAZAN:

Q. So why did you choose to stop it right there when it sounded like E.C. was in the middle of saying something?

A. Because in reality, my intentions wasn't really to record to show proof of what was going on because I wasn't trying to think that at the moment. I was, kind of, trying to record the moment and capture the moment, but if my daughter is complaining, I was like, "What's the purpose of recording, especially while other children are being -- they're interacting with the character my

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 E[redacted].

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.

If it's not, it could also be her as well. The same kids were all on the right side of me. This was all in a minute span, several-minute span.

Q. Uh-huh. And, again, you're assuming that this family next to you is white because of how they looked?

A. The skin tone. Discrimination is because of the color, of course.

Q. Okay. And so how was Zoe interacting with that family?

A. Reaching out, one on one --

Q. Hand touch?

A. Yes. As well. And E[redacted] got the thumbs up.

Q. Thumbs up.

Oh, E[redacted] got the thumbs up?

A. No. She went like this and walked past her. You can start the video -- is it possible to start that over one more time.

Q. Sure.

A. As you see, she approaches one on one with the kids, does the dance. Gave the thumbs up for E[redacted] as she's reaching out and goes to the other children. I think that's evident, you know, being

ignored.

Q. So you think Zoe giving E.C. a thumbs up is evidence of E.C. being ignored?

A. I know it is. Yeah.

Q. Okay.

A. Mhm.

Q. And I think you've said before, the parade route is long, so you didn't see every person Zoe interacted with on the entire parade route, correct?

A. Correct.

Q. So you can't say for sure Zoe was only interacting with white people, right?

MS. BAZAN: Objection.

THE WITNESS: From what I noticed, what I seen and witnessed, that's all it was. Obviously, seeing that a bunch of other people have a similar story to similar incidents, it's evident it's probably going to be an ongoing issue.

BY MS. BAZAN:

Q. And in that video we just watched 5 few time, E.C. turns to you and says, "I want to give her a hug" twice, right? She's looking at you?

A. Yes.

Q. And then do you remember what you said to her in response?

A. I said, "Go give her a hug."

Q. And so after you gave E.C. that instruction, then what did E.C. do?

A. She -- obviously, Zoe continued to go her way, so it was too far, too gone. E[redacted] was trying to follow protocols. As you noticed, she didn't want to go past the yellow line.

Q. So by then, Zoe had moved past?

A. Yes.

Q. Do you think Zoe even heard E.C. at that point?

A. I think so. But either or. When she was approaching, she seen that E[redacted] was reaching out. She didn't even reach out a hand, but she gave her a thumbs up and went towards the other children.

Q. Did Zoe say anything derogatory to E.C.?

A. No, not at all.

Q. Did Zoe say anything to E.C. about race?

A. Not at all.

Q. After you took this video, did you post it to any social media platforms?

A. No, not at all.

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?

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

crimes?

A. No.

Q. Have you ever made a complaint of discrimination to an administrative agency?

A. No.

Q. Have you ever filed for bankruptcy?

A. No.

Q. Other than for something like a will and for this case, other than those two things, have you ever had any reason to obtain an attorney in the past?

A. Can you elaborate? In what sense?

Q. Have you ever had to hire a lawyer before, not including this case?

A. No.

Q. Did someone hire a lawyer on your behalf?

A. As a child, yes. Mhm.

Q. And in that case that you were involved in as a child, did you ever have to testify under oath before a judge?

A. I can't say because I was so young. I was -- this was probably 2006, 2007. So I, kind of, don't remember.

Q. Okay. So you were 12 or 13?

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

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.

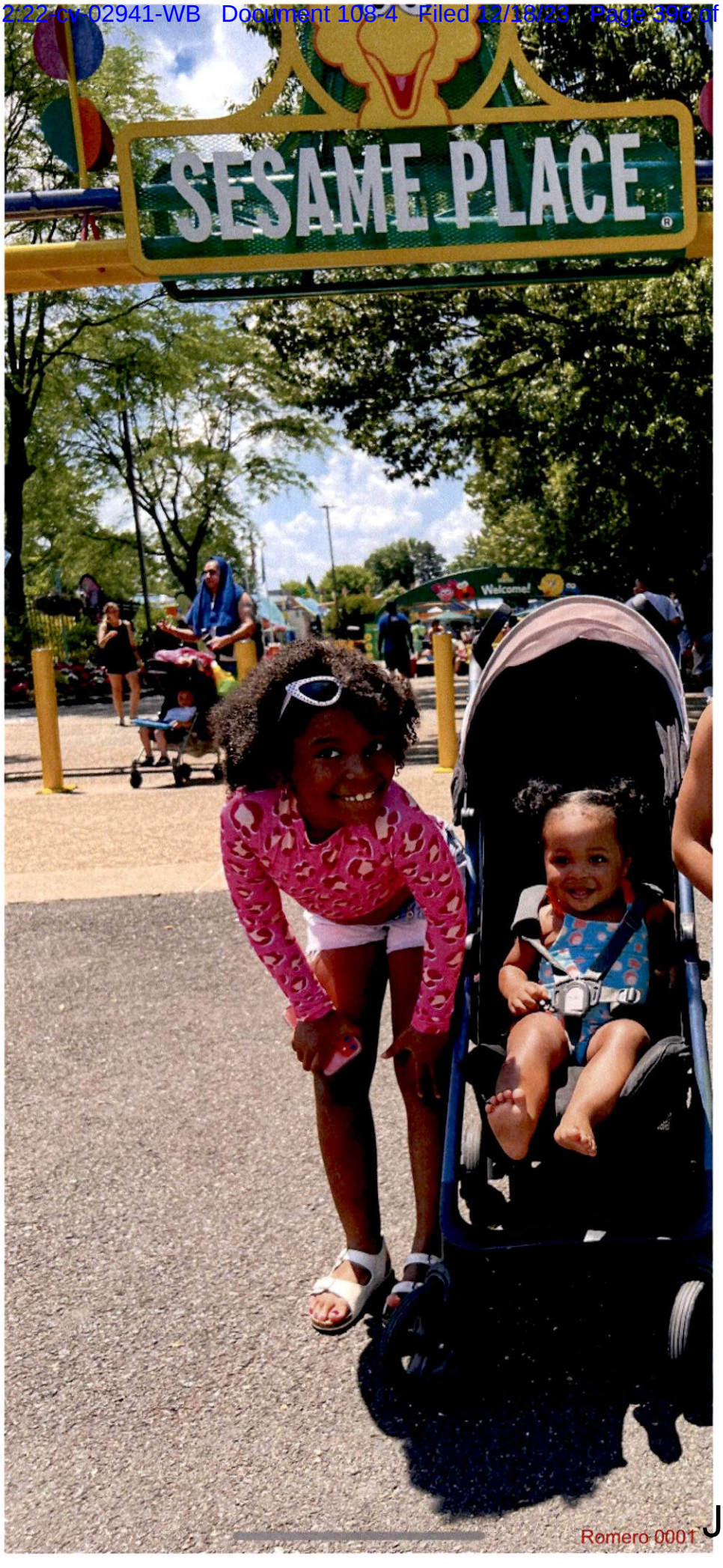
I further certify that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

_____

Gianna Iaconelli

Court Reporter

and Notary Public



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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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DENNIS MULLIN, VIDEOGRAPHER

I N D E X

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KATIE VALDEZ		
BY: MR. SIMPSON		6

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E X H I B I T S

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VIDEOGRAPHER: We are now on the record. This begins video number 1 in the deposition of Katie Valdez in the matter of Burns, et al. v. Seaworld Parks & Entertainment, et al. in the U.S. District Court in the Eastern District of Pennsylvania. Today is Sunday, February 19th, 2023, and the time is approximately 10:10 a.m.

This deposition is being taken at 30 South 17th Street, Philadelphia, PA. The videographer is Dennis Mullin of Magna Legal Services, and the court reporter is Gianna Iaconelli of Magna Legal Services.

Will counsel please state their appearances for the record?

MR. O'CONNELL: Andrew O'Connell on behalf of the plaintiffs.

MR. SIMPSON: John Simpson on behalf of the defendants.

MR. SMOLIJ: Alek Smolij on behalf of the defendants.

VIDEOGRAPHER: Will our court reporter please swear in the witness?

- - -

"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 M[redacted] L[redacted]; is that correct?

A. M[redacted] A[redacted] L[redacted], yes.

Q. Amias.

COURT REPORTER: Could we spell that?

BY MR. SIMPSON:

Q. Can you spell the middle name?

A. The middle name? A[redacted].

Q. And when the document filed, the complaint, the first amended complaint that was filed in this case, refers to M.L., that's M[redacted] L[redacted]; 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. R[redacted] E[redacted] L[redacted].

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

any kind?

A. No.

Q. And I would say any kind of lawsuit, including either a civil or a criminal case.

A. No.

Q. Have you ever given sworn testimony in connection with a lawsuit?

A. No.

Q. Other than today?

A. No.

Q. Had you ever made a complaint of discrimination to an administrative agency of any kind?

A. No.

Q. If I could return your attention to the date in question in this case for you, which is December 29th, 2021.

Could you -- how did you -- what did you go to Sesame Place with? A ticket, a season pass? How did you go?

A. A season pass.

Q. And when did you buy that season pass?

A. So I -- I'm not sure exactly when I bought it, but it was on a payment plan on my credit card.

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 M[redacted]'s favorite. She's R[redacted]'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 M[redacted] 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 M[redacted].

So what I did immediately is to just make light of it because I didn't want -- M[redacted] 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

M[redacted] 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 R[redacted]. So the first feeling was the hurt and then a washing over of anger.

Q. So it your testimony, Ms. Valdez, that your son, M[redacted], 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, M[redacted] 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 M[redacted]?

A. R[redacted] was there and my God daughter, B[redacted] T[redacted].

Q. All right. And at the time of this interaction, how old was R[redacted]?

A. R[redacted] was two.

Q. Is it Brianna?

A. B[redacted].

Q. B[redacted].

And how old was B[redacted]?

A. She was nine.

Q. And B[redacted] 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 R[redacted]'s hand.

Q. Did R[redacted] 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 M[redacted] won't cry. Again, M[redacted] 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 M[redacted]?

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 B[redacted]'s mom.

Q. What did you tell her?

A. Well, I mean, she -- I had B[redacted]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 B[redacted]'s mom say?

A. Well, you know, B[redacted]'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. M[redacted]'s father?

A. M[redacted]'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,

THE WITNESS: Okay.

BY MR. SIMPSON:

Q. Se the answer -- the question was -- and I'll paraphrase it -- for each instance in which you claim characters refused to engage, et cetera, "identify whether you made any complaints."

The answer is, "Plaintiff did not make any complaints;" is that correct?

A. That's correct.

Q. Why didn't you make any complaints?

A. I mean, it was the end of the night. I was tired. I just wanted to go home.

Q. I take it in addition to not -- have you ever complained about this to Seaworld, other than through the lawsuit that you filed?

A. No.

Q. Have you made any complaints about the incident you described taking place on December 29th, 2021 to any governmental agency?

A. No.

Q. Have you ever been personally subject to racial discrimination before, other than what we're talking about here today?

A. I probably have, but again, like I said, I

BY MR. SIMPSON:

Q. Okay. What we're going to do now, Ms. Valdez, is we're going to play what's on this flash drive as Valdez video number 1, which I'll represent to you is the video that comes up when you click on paragraph 87, note 10 in the first amended complaint.

A. Okay.

Q. If Mr. Smolij will do so, he will run the film.

(Whereupon, video recording was played.)

THE WITNESS: I'm sorry. Can I have a napkin, please?

BY MR. SIMPSON:

Q. You mean a Kleenex?

A. Yes, Kleenex, please.

MR. O'CONNELL: Thank you.

THE WITNESS: Thank you.

BY MR. SIMPSON:

Q. Are you ready?

A. Yes.

Q. In the film we just saw, Ms. Valdez, the boy with the cap and the olive fur jacket is M.L.;

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 M[redacted] 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 M[redacted] 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:

because that's how I remember it, but four little white kids and then snubbed mine. That's my claim.

You know, I'm not arguing that, yeah, he went like this. But then, again, if my daughter was standing right next to the little white boy, then he was interacting with both of them.

Q. I guess that depends on the little white boy's perception, doesn't it?

A. I guess. Just like this only has to do with my perception. You know, this is how I -- I'm not -- I don't have an issue with Murray at all, now that I know his name.

Q. This interaction that we just played, this happened before the failure of Abby to hug your child; is that correct?

MR. O'CONNELL: Objection.

You can answer.

THE WITNESS: That's correct. Yes.

From -- mhm.

BY MR. SIMPSON:

Q. All right. I'm going to run Valdez video number 7 on Exhibit 9.

(Whereupon, video recording was played.)

BY MR. SIMPSON:

Q. Okay. This is not something you produced to us.

A. No.

Q. Do you recognize that as the infamous Rosita video withholding the two blacks girls you referenced earlier in your testimony?

A. Yes.

Q. Okay. Now, based on -- when did you -- I may have asked this, and I apologize if I have.

When did you first become aware of that particular video?

A. Sometime in the beginning of summer.

Q. Do you know whether you were aware of this video we just played, Valdez number 7, before or after you posted your video on YouTube?

A. It was after; it was after.

Q. You posted it after or you found out about the -- that was a bad question.

Had you already seen Valdez video number 7 when you made your post of your video on YouTube?

A. Yes. I had already seen this one prior to posting mine. Yes.

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 R[redacted] 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 R[redacted]'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?

trips?

A. For my season pass, which includes -- which would include all of the trips because I have never paid for one ticket. In this case, not paid for one ticket. The cost would be the entire season pass, so yes.

Q. All right. So you want the entire season pass refunded?

A. I would like the entire season pass refunded, yes, if that's what the judge finds in -- I don't know how to -- but yeah.

Q. Right. Okay. So putting the ticket cost aside, what other economic losses have you sustained?

A. Putting the tickets aside?

Q. Yes.

A. Well, I mean, again, in the -- in gas, in tolls, in food. And so much goes into making a trip of this caliper.

Q. So this would be gas, tolls, and food incurred in connection with each of the trips to Sesame Place; is that right?

A. Yes.

Q. Okay. Putting that aside, any other

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 R[redacted], "R[redacted], 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 R[redacted]. Especially now that R[redacted], 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

Court Reporter

and Notary Public

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.

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DENNIS MULLIN, VIDEOGRAPHER

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VIDEOGRAPHER: We are on the record. This begins video number 1 in the deposition of Ashlee Valette in the matter of Burns, et al. v. Seaworld Parks & Entertainment, et al. in the U.S. District Court, Eastern District of Pennsylvania.

Today is Monday, February 20th, 2023, and the time is approximately 10:05 a.m. This deposition is being taken at 30 South 17th Street, Philadelphia, PA. The videographer is Dennis Mullin of Magna Legal Services, and the court reporter is Gianna Iaconelli of Magna Legal Services.

Will counsel please state their appearances for the record?

MR. RICHARDSON: Yes. Good morning. This is Ron Richardson on behalf of Ms. Valette.

MR. SIMPSON: John Simpson on behalf of the defendants.

MR. SMOLIJ: Alek Smolij on behalf of the defendants.

VIDEOGRAPHER: Will our court reporter please swear in our witness?

- - -

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. [redacted]

[redacted].

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.

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 D[redacted] V[redacted]; 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 D[redacted].

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 D[redacted].

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?

which you've been a party, other than that one, and this one today that we're talking about?

A. Yeah. My job had a class action lawsuit last year for unpaid overtime wages, FLSA overtime wages. It was list year. I wasn't, like, a representative. I decided to participate in it.

Q. You were a member of the class?

A. Yes. I decided to participate, and got some money for it.

Q. I take it you didn't have to give a deposition in that case.

A. No.

Q. Have you ever made a claim -- complaint -- excuse me -- of discrimination to any kind of federal or state agency?

A. No.

MR. RICHARDSON: Are you done with that exhibit?

MR. SIMPSON: Temporarily, yes.

MR. RICHARDSON: Okay. She could keep it on the side then?

MR. SIMPSON: Yes.

(Exhibit Valette-4 marked for identification.)

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:

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

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.

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 R[redacted], my son. Next to R[redacted] with her head down is D[redacted]. Next to D[redacted] 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 D[redacted] V[redacted]. She has her head down. And then right next to her is my son, R[redacted] V[redacted].

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.

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

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?

A. I didn't think it was that big of a deal at the time, honestly. I saw what happened, but I deal with this. My husband deals with this. This is just America right now. I didn't think that it was -- I don't if what I saw -- if I was really acknowledging what I saw happened to my kid right there. But when it was brought to my eyes that this is literally happening to kids there, then it, kind of, opened my eyes that yeah, she was discriminated against.

Q. So if it was a big deal at the time you witnessed it, what made it a big deal later?

A. I didn't say it wasn't a big deal. It was a big deal. It's always been a big deal. But I didn't know if I was really seeing it -- seeing it as what it was. I tried to brush it under the rug to protect my daughter. And maybe I just wasn't as -- like, open to acknowledge what really happened. But the fact that it's ongoing, then yeah. It's really happening.

There was also nobody -- I don't know. I don't know why I didn't complain, honestly. I didn't think it was a big deal at the time. I didn't want to make it a big deal at the time.

Q. The video that we played showing the Rosita interaction with the two black girls, did that have a bearing on your decision to consider --

A. Yeah. It made me realize that it wasn't just my daughter. That it is happening. If it was just one time, maybe it's one character having a bad day one day, but if it's happening ongoing, then no. There's a problem.

Q. So I take it you made no complaints to Seaworld or Sesame Place, correct?

A. No.

Q. Did you make a complaint about what happened that day to any other entity, any other agency, or any other source?

A. No.

Q. Have you been subjected to discrimination before in your life?

A. Yeah.

Q. Have you made complaints about it?

A. Probably not. Not that I could recall right now.

Q. All right. If we could go back to the videos that are on Exhibit number 3 --

MR. RICHARDSON: Two.

MR. SIMPSON: Two. Excuse me.

I want to play, for the record, Valette video number 1.

BY MR. SIMPSON:

Q. And I'm going to ask you some questions.

(Whereupon, video recording was played.)

BY MR. SIMPSON:

Q. The tape we just played, who made that tape?

A. My sister.

Q. Angelise, is that her name?

A. Yes.

Q. And explain to me the process from which Angelise made the tape to the point in time when in which it was given to your lawyers?

A. She sends me everything she takes of my kids. Before she moved to Florida, she was our, like, photographer. All of those pictures she took that day, she sent me. I had that on my phone when I reached out to my other attorney. When I reached out to this firm, then they asked me to send it to them.

Q. Do you know whether this tape we just

played was edited any way?

A. It was not.

Q. Was it part of a longer tape in which it was taken from?

A. No.

Q. So is it the case that your sister, what we just saw, she turned it on exactly at that point and turned it off exactly that point?

A. Correct.

Q. Did you make any tapes that day?

A. No.

Q. Did you take any photographs?

A. No.

Q. Did your husband?

A. Not that I could recall.

Q. You took the photographs that we've, I guess, seen as Exhibit 7?

A. Oh, yes.

Q. Did he take any others?

A. No.

Q. Did he take any videos?

A. No.

MR. SIMPSON: Let's run it, again, if we could, the same tape.

(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

other customers; is that correct?

A. Yes.

Q. Including a child in a yellow shirt?

A. Yes.

Q. Going to mark this as Valette Exhibit number 8.

(Exhibit Valette-8 marked for identification.)

BY MR. SIMPSON:

Q. For the record, Ms. Valette, I'll represent to you -- we could play the video again if you want to compare it.

These are still shots from that video we just played.

A. Yes.

Q. Video number 2. It just stops the action so you could see what's going on here.

If you could, take a minute to look at it. And you'll see on the left-hand side, I put the counter numbers for the video.

Do you see that?

A. Yes.

Q. So I take it from this series of shots that it's -- that this Sesame character hugged the

child in the yellow shirt; is that correct? Is that what happened?

A. Yeah. It looks like it.

Q. And the child in the foreground, who is shorter, wearing the white shirt, the sleeveless white shirt, is that your son?

A. My son.

Q. So your son managed to, it looks like, come up and hug the character's leg; is that true?

A. Yes.

Q. Do you know whether the Baby Bear character could even see your son?

A. No. I don't think he could.

Q. Why do you say that?

A. He didn't react to R[redacted] hugging him at all.

Q. Do you regard this incident -- this interaction as an instance of discrimination?

A. Yeah. Like I said, my kids continued not to get any attention. R[redacted] is the one that got in there and got a hug himself. He felt happy about that. But that was from my 2 year old taking action, not the bear character at all.

(Exhibit Valette-9 marked for

identification.)

BY MR. SIMPSON:

Q. Show you what we've marked as Valette Exhibit number 9.

And this is a photograph that was produced in this case and Bates labeled Valette 0003.

Do you recognize this?

A. Yes.

Q. Is this a photograph -- who took this photograph?

A. I'm guessing my sister.

Q. The child in the foreground with the white shirt is your son?

A. Yes.

Q. And the child in the background with the yellow shirt is the one who the Baby Bear character hugged; is that correct?

A. The shirts look similar. I think so.

Q. Would you agree with me that that person is not white?

A. No, he's not.

Q. What would you guess his ethnicity is?

A. Asian.

Q. And is your son's ethnicity the same as you and your daughter's?

A. My kids are mixed.

Q. Would you regard your son as a black citizen in the United States?

A. Yes.

Q. On any of the other trips that you've made to Sesame Place, as you mentioned before, the one that occurred in 2019, and the one that got partially rained out, did you make [sic] any photographs?

A. No that I recall.

Q. Did you make any videos?

A. Not that I recall.

Q. Did you post anything on any social media platform about your experience at Sesame Place?

A. No.

Q. Ms. Valette, if you could, turn back to Exhibit 4, interrogatory answers.

I want to direct your attention to interrogatory number 4, the bottom of the page. It asking you to state each item of economic loss or damage you suffered as a result of the incidents alleged in this case.

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?

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.

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

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

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.

A P P E A R A N C E S

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ALSO PRESENT: VIDEOGRAPHER JEREMY KOVACS
LAURIE BEECHNER - SEA WORLD RESPRENTATIVE

XXXX

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that:

All rights provided by the C.P.L.R., including the right to object to any question, except as to form, or to move to strike any testimony at this(these) examination(s), are reserved, and, in addition, the failure to object to any question or to move to strike any testimony at this(these) examination(s)shall not be a bar or waiver to make such motion at, and is reserved for the trial of this action;

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that this(these) examination(s) may be sworn to by the witness(es) being examined, before a Notary Public other than the Notary Public before whom this(these) examination(s) was (were)

S T I P U L A T I O N S

begun; but the failure to do so, or to return the original of this (these) examination(s)to counsel, shall not be deemed a waiver of the rights provided by Rules 3116 and 3117 of the C.P.L.R., and shall be controlled thereby;

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that this(these)examination(s) may be utilized for all purposes as provided by the C.P.L.R.;

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that the filing and certification of the original of this(these)examination(s) shall be and the same hereby are waived;

S T I P U L A T I O N S

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that a copy of the within examination(s) shall be furnished to counsel representing the witness(es) testifying, without charge.

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that all rights provided by the C.P.L.R., and Part 221 of the uniform Rules for the Conduct of Depositions, including the right to object to any question, except as to form, or to move to strike any testimony at this examination is reserved; and in addition, the failure to object to any question or to move to strike any testimony at this examination shall not be a bar or waiver to make such motion at, and is reserved to, the trial of this action.

* * *

L A U R E N W I L L I E, 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.

L. WILLIE

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.

[redacted]

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

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

L. WILLIE

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

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

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?

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.)

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

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.

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

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, C[redacted], my brother, Benjamin, his wife, Bri and their twins A[redacted] and B[redacted]. 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

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

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.

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

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

six months about as follow up, just to make sure that everything is as needed to be. I didn't tell him about the situation that happened, but I just asked about if anxiety can compound the situation, and he said well, you know, you should try to stay as calm as possible, and you don't want your blood pressure to get up too much, because it's an artificial valve, it's not -- you know, you don't want to make it overwork because then you may have to -- you don't want to overwork it and you don't want to make yourself too anxious.

Q. Has your doctor prescribed any medication for you to take to handle your current situation?

MR. RUFF: Objection. Assumes a fact that's not in evidence. I'm objecting to the form. You can answer.

A. Because mine was preventative as opposed to my mothers where her ascending aortic valve had actually ruptured, I wasn't on any blood pressure medication before. I was only on some shortly after

my surgery, but I haven't been on any medication since then. It's just this where my anxiety manifests, and it's a tightness in my chest, and that's how it comes about.

Q. How would you say that the experience with Rosita not interacting with L.W. effected L.W., has effected L.W.?

MR. RUFF: Objection. Calls for speculation and so I'm objecting to the form.

Q. What have you observed about L.W.'s behavior that you can attribute to her interactions or failure to interact with Rosita, the character on July 10, 2022?

MR. RUFF: Objection to form. It assumes a fact not in evidence. You can answer the question.

A. She has been a lot more attentive to us filming her, because after it happened my brother-in-law had the video, and we were looking at it, and she wanted to know what we were talking about. She

made mention to me something about not wanting to wear her hair the way it was the day that it happened and ordinarily she always says because her hair is like mine and so she says that likes to wear her hair wild and free and a few times I've heard her say things like, well, I don't want to wear my hair like that anymore or -- then I think because we did pivot the way that we did that she felt it, but it didn't resonate the same way for her, as it did for us, because she hasn't had the experiences with discrimination that we have, so if we sat and talked about it more in that moment. We talk about discrimination. We talk about people being treated badly because of being different from others and she understands the concept but I don't think she -- I think she was upset when it initially happened, because she wasn't getting to speak to and see the character she wanted to see, but I think because, as parents, we try to redirect her and entertain that hope so that she came

away from it or came away from it remembering but not internalizing it the same way that we did. It's there, and she knows it happened, but I don't know that she can separate that there is a person inside the costume that did it, versus, it actually being Rosita and that was what -- it's a layered thing to have to unpack with a child, because yes, you can talk about discrimination but it wasn't Rosita discriminating against you, it's somebody dressed as that, and then well, why does that person get to do that.

Like I said, we pivoted, and we were talking about having a conversation with her about all of this, but being a small child, the danger is then does she go into school and tell everybody about this, and them does it become that she is disclosing things she shouldn't be talking about, because this is, you know, it's a very sticky situation, because you want to be completely honest with her about what happened but at the same time you want 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.

L. WILLIE

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?

L. WILLIE

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

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.

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

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

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.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.

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

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

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

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.,

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.

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.

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

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.

A. Yes, that's him.

Q. How about who said hey, you better get in line?

A. That's also Keith.

Q. And yeah, you better get in line we waited at least 15, 20 minutes?

A. That's my brother-in-law, Sammy.

Q. And they both were laughing, correct?

A. Yes.

Q. Is it true that you had to wait 15 to 20 minutes for the Zoey interaction?

A. Yes.

Q. Is this Zoey interaction, which we just saw on video a meet-and-greet?

A. Yes.

Q. Just from a timeline standpoint, when did this meet-and-greet with Zoey occur in relation to the Rosita incident in which Rosita ignored L.W.?

A. After.

Q. After?

A. Yes.

Q. How long after?

and Exhibit 16.

A. So it is my understanding that when you copy a link that has a photograph in it, a website link that has a photograph in it, and you post it in the e-mail, that that immediately populates it in the e-mail so that is what -- you see because I have here is the link to my post. That is the body of that post right there and then here is Rodney's post and it's the same thing. This, I believe, was and I don't know how they submitted it to you, but I don't know why it didn't do the same thing when they did it. When I shared it with them, that is how it appeared in the e-mail that I sent them?

Q. So is it the case that Exhibit 15 is an e-mail that you send to Denise Greeley with this material in it?

A. Yes.

MR. SIMPSON: Let me show you what we've marked as Exhibit 17.

(Whereupon, Instagram posts were marked as Lauren Willie Exhibit 17 through 21 for

Identification.)

Q. And I'll represent to you that this is what I got when I clicked on the link in Exhibit 16. This appears to be a copy of your landing page closer to the July 17th, 2022 post; is that correct?

A. Yes.

Q. At the end of this particular post on the third page, it says at the bottom edited dash 31-W. Was this edited in some way that you know of?

A. So I shared it and there is quite possibly, there was a typo in there or I didn't have something that I wanted it to have, so I went back in and edited the original post that 31W indicates that it was edited 31 weeks ago and from the screen shot that you have here, this was posted shortly after my husband's birthday which is February 6th so 31 weeks before that was when I edited the post.

Q. Do you recall what the editing was that you made?

A. No. Knowing myself it was

probably spelling.

Q. And I take it from the -- on the last page it says posted with regram LR Blitz. What does that reference to regram?

A. So Regram is an app that you can put on your phone and therefore if you see a post that you would like to share on your Instagram page, you copy the link and then you go into Regram and then it reposts the post for you, so the body of the text that's after posted with regram is from Rodney's Instagram post, and so it put his video with his caption, and then I added my own caption above it, so the part that is before posted with Regram is my caption. The part that is after is his caption.

Q. So the text is, just so I'm clear, that comes posted with Regram-LR blitz, that's Rodney Willie's text, not yours?

A. That's his text beneath that, yes.

Q. LRblitzkrieg, that is his instagram handle, correct?

A. It is his Instagram and his twitter handle, yes.

Q. Okay. On the second page opposite the cute cook, it says, "one child could have been an accident, which is what we initially thought when it happened to L.W, on her birthday trip on 7-10. There are now at least three other children who have been snubbed by the staff members in the Rosita costume." So you make a reference here to it originally could have been an accident, right, that was your initial reaction, that this could have been accidental?

A. In 2023, as a black woman, you don't want to immediately assume that people are being racist towards you, towards your child, towards your spouse, but unfortunately that is often the case and one of the learned behaviors that black people have had to adapt is to weigh the options, always. Could it have been this, could it have been that as opposed to taking the discrimination at face value,

and in that moment, we were like, yeah, it stung, yeah, it was unfortunate, maybe it wasn't what we thought it is, maybe it was just an accident, maybe it was just, you know, she had to get somewhere, but then when you see that there is documentation of other children being treated the same way, then you realize that it's not, that you should have trusted your gut, you should have believed what you thought it was at first and not try to just keep pushing.

Q. Were these -- you make reference here to there are now at least three other children who have been snubbed, what do you make reference to there when you say three other children?

A. There were on the 17th was when the first family's video came out on social media and then another one came out later on that day. The 17th was a Sunday and that family was the one that, I believe, Attorney Krump & company were representing and they were the ones doing the press conferences and stuff like that. They were

the first ones that came out and their video posted on the 17th, which was a Sunday. Later that day we saw another video and then we woke up the next morning on the 18th and saw a third video, at which point we posted ours because so then we realized, okay, that we were right, to feel what we felt. It wasn't accidental. They were snubbing us. They were discrimination against us.

Q. Were these other incidents all involving the Rosita character in Sesame Place?

A. I believe -- one of them was the Rosita character at the parade. I think there was another one that was also a Rosita character, but if there was a third I can't remember now, because I've seen so many of these posts, that it's hard for me to remember which ones fell in which order. I just know that the first ones were the two girls standing at the parade and Rosita walks by, shakes her hand at them that she's not going to high five them and then

high fives people on either side of them.

MR. SIMPSON: I'd like to play video No. 5 to see if this is the video that you just made reference to so if we could play Willie Video No. 5.

(Video played.)

A. That's the one.

Q. In addition to that one, you're saying that there were other Rosita incidents also posted online in addition to that?

A. I believe there was another one after that, yes.

Q. And these were posted on Instagram?

A. Yes.

Q. Do you know whose platform they were posted on on Instagram?

A. At this point it's hard to remember which one I saw first. I know frobabies posted several of them. I believe the shade room posted some, BET may have posted a couple of them. It's hard to differentiate now, because there have been

think it's him, but it might have been me. No, it's him because at the top it says lr_blitzkrieg and ourhouse so that means he shared the post on both of his accounts, on his account and that account so this is his.

Q. It states in here the company that runs the park needs to train the staff better and their customer service needs to be more responsive when these reports come in. Do you agree with that?

A. Yes.

MR. SIMPSON: I'll show you what we've marked as Exhibit 19. Off the record.

THE VIDEOGRAPHER: We are going off the record the time is 11:49.

(Whereupon, an off the-record discussion was held.)

THE VIDEOGRAPHER: We are back on the record and the time is 11:56.

Q. Mrs. Willie, I've showed you what we've marked as Exhibit 19. Do you recognize that as July 18th, 2022 post by the entry called frobabies on Instagram?

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

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.

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,

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

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. 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

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

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.

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?

C E R T I F I C A T E

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
LAUREN A. FITZGERALD

Transcript of Catherine Ann Valeriano

Date: November 7, 2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.

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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	:	No. 2:22-cv-02941
Defendants.	:	

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Videotaped deposition of CATHERINE ANN VALERIANO, held at Courtyard Langhorne, 5 Cabot Boulevard East, Langhorne, Pennsylvania, commencing at 10:00 a.m., on Tuesday, November 7, 2023, before Lisa Claud Neal, R.P.R. and Notary Public in the Commonwealth of Pennsylvania.

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- - -

I N D E X

PLAINTIFF'S EVIDENCE

WITNESS:	PAGE:
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E X H I B I T S

PLAINTIFF'S

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DEPOSITION SUPPORT INDEX

DIRECTIONS NOT TO ANSWER

PAGES: None

REQUESTS FOR DOCUMENTS OR INFORMATION

PAGES: None

STIPULATIONS AND/OR STATEMENTS

PAGES: None

MARKED QUESTIONS

PAGES: None

P R O C E E D I N G S

THE VIDEOGRAPHER: Here begins meeting No. 1 in the videotape deposition of Cathy Valeriano, in the matter of Burns, et al. versus SeaWorld Parks Entertainment, Inc, et al, in the United States District Court for the Eastern District of Pennsylvania, Philadelphia Division. The case number is 22-cv-02941. Today's date is November 7, 2023. The time on the video monitor is 10:00 a.m., Eastern Time. The videographer to Emil White, representing Planet Depo. This video deposition is taken place at Courtyard Marriott, in Langhorne, Pennsylvania. The court reporter today is Lisa Neal. Will counsels please voice identify themselves and state whom they represent? 09:59:50 09:59:51 09:59:53 09:59:56 10:00:01 10:00:04 10:00:06 10:00:08 10:00:14 10:00:17 10:00:20 10:00:23 10:00:26 10:00:29 10:00:31 10:00:34 10:00:36 10:00:40

MR. O'CONNELL: Andrew O'Connell on behalf the Plaintiffs. 10:00:42 10:00:42

MS. PARDO: Michelle Pardo on behalf of Defendants. 10:00:46 10:00:47

MS. BAZAN: Rebecca Bazan on 10:00:50

A. Yes. 10:16:57
Q. By who? 10:16:57
A. SeaWorld Parks, SeaWorld 10:16:58
Entertainment, Inc. Sesame Place. 10:16:58
Q. Okay. What is your position? 10:17:02
A. Park president. 10:17:03
Q. And how long have you held that 10:17:05
position? 10:17:07
A. Since 2017. 10:17:09
Q. Okay. Uhm, could you give me just 10:17:15
a brief overview of what you do as the park 10:17:16
president? 10:17:19
A. Sure. I am responsible for the 10:17:20
overall operation of Sesame Place Park here 10:17:22
in Langhorne, Pennsylvania. We focus on 10:17:26
safety, operation of rides, and overall, you 10:17:29
know, operation of -- of the park in 10:17:32
general. 10:17:35
Q. Okay. Did you join this operation 10:17:35
in 2017 or were you promoted up from some 10:17:39
other possession? 10:17:43
A. I was promoted. 10:17:44
Q. And what did you do for the park 10:17:46
before that? 10:17:47
A. I was the vice president of 10:17:49

Q. Okay. There were changes, I understand, to the guest interaction rules at the parade recently; is that right? 13:57:16 13:57:29 13:57:37

A. Can you define "recently"? 13:57:42

Q. After the institution of this lawsuit? 13:57:44 13:57:45

A. After the Rosita incident? 13:57:46

Q. Okay. 13:57:48

A. Yes. 13:57:49

Q. All right. How was it changed? 13:57:49

A. I mean, the Rosita incident, you know, anytime we have a guest -- a guest complaint and we take a look at it there's opportunity for us to continue to evolve our -- our training program. 13:57:52 13:57:54 13:57:56 13:57:59 13:58:02

This area in particular, the Rosita incident was what we called a mini-parade. And a mini-parade is a parade that doesn't stop. So it continues to move on, there's no choreography, it's just a kind of a meet-and-greet -- 13:58:03 13:58:06 13:58:08 13:58:13 13:58:15 13:58:16

Q. Uh-huh. 13:58:20

A. -- as you go, just a guest interaction down. 13:58:20 13:58:22

So we wanted to make sure that 13:58:23

when we -- you know, we saw we had obviously outrage on media happening and PR, guests that -- that were saying that we were being racist. We wanted to pause and make sure that -- that we had an opportunity to review all of our policies and not have a situation where we could have something misinterpreted in the future. So we kind of looked at all of our policies. It was just an opportunity for us to make sure that we didn't have any type of ambiguity going on. 13:58:26 13:58:29 13:58:33 13:58:35 13:58:37 13:58:39 13:58:42 13:58:46 13:58:48 13:58:49 13:58:51

Q. Uh-huh. 13:58:54

A. And so we paused the mini-parades and we stopped doing interactions altogether. 13:58:55 13:58:57 13:59:06

Q. Prior to the change, where you stopped all interaction altogether, was there a -- any type of instructions or policy for the costume characters to interact with park guests? 13:59:17 13:59:19 13:59:20 13:59:26 13:59:30

A. I mean that's part of what we do at Sesame Place. Right? Like guests are coming to the park, they're enjoying the park as a -- as an entity. They're there to meet and -- and see the characters. And so, 13:59:33 13:59:34 13:59:37 13:59:40 13:59:45

C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me in the above cause and that this is a correct transcription of the same.

Lisa Neal

Lisa Claud Neal, RPR

- - -

Transcript of George Anthony Taylor

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

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

QUINTON BURNS, et al.,

Plaintiffs,

vs. Case No. 2:22-CV-02941

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

Defendants.
_____/

VIDEO DEPOSITION OF: GEORGE ANTHONY TAYLOR

DATE: TUESDAY, NOVEMBER 14, 2023

TIME: 10:00 A.M. - 6:30 P.M.

PLACE: 390 NORTH ORANGE AVENUE
ORLANDO, FLORIDA 32801

STENOGRAPHICALLY REPORTED BY: ANEESHA L. WILLIAMS, CSR & NOTARY PUBLIC

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S T I P U L A T I O N S

It is hereby stipulated and agreed by and between the counsel for the respective parties and the deponent that the reading and signing of the deposition transcript be reserved.

P R O C E E D I N G S

****

THE VIDEOGRAPHER: Here begins video No. 1 to the videotaped deposition of Tony Taylor in the matter of Burns, et al. versus Seaworld Parks & Entertainment, Inc., et al., in the United States District Court for the Eastern District of Pennsylvania, Philadelphia Circuit, case number 22-CV-02941. 10:00:36 10:00:36 10:01:15 10:01:17 10:01:21 10:01:25 10:01:28

Today's date is November 14th, 2023. The time on the video monitor is 10:01 a.m., Eastern time. The videographer today is Mike Martinez representing Planet Depos. This being video deposition is taking place at 390 North Orange Avenue, Orlando, Florida, 32801. 10:01:35 10:01:40 10:01:46 10:01:46 10:01:51

Will counsel please voice identify themselves and state who they represent. 10:01:57 10:01:59

MR. RICHARDSON: Yes. Good morning. This is Ron Richardson, attorney for the plaintiffs. 10:02:01 10:02:02

MR. SIMPSON: This is John Simpson, attorney for the defendants and for the witness, Mr. Taylor. 10:02:06 10:02:07

MS. BEECHNER: Laurie Beechner, deputy general counsel for Seaworld Parks & Entertainment. 10:02:10 10:02:18

THE VIDEOGRAPHER: The court reporter is today Aneesha Williams representing Planet Depos. The witness will now be sworn. 10:02:18 10:02:21 10:02:23 10:03:03

all of the entities, except for we have three very low -- lower-tier entities in Texas that are in existence for liquor licensing purposes. I am not an officer of -- or the chief legal officer for those three entities. 10:11:03 10:11:09 10:11:14 10:11:19

Q. So what is your exact title? 10:11:22

A. It is general counsel, chief legal officer, and corporate secretary. 10:11:25 10:11:25

Q. Would that be for Seaworld Parks & Entertainment, Inc.? 10:11:31 10:11:34

A. Yes. 10:11:35

Q. I'm just going to go through a couple of them just to confirm. 10:11:35 10:11:37

A. Yes. 10:11:38

Q. Would that be also for Seaworld Parks & Entertainment, LLC? 10:11:38 10:11:39

A. Yes. 10:11:41

Q. And would that be also for Seaworld Entertainment, Inc.? 10:11:41 10:11:43

A. Yes. 10:11:45

Q. Any others? 10:11:45

A. There's a lot of others. 10:11:47

Q. It's a lot of others? 10:11:48

A. Yeah. 10:11:50

Q. I won't have you go through all of them. 10:11:51

A. I can, but it would be a bit of a memory test. 10:11:53

A. I am aware that she gave a deposition in this case because I know she was a 30(b)6 witness for something, but I'm not aware of anything that took place in the deposition. 11:58:31 11:58:33 11:58:36 11:58:39

MR. RICHARDSON: Can we mark this as the next exhibit? 11:59:03 11:59:03

(Deposition Exhibit No. 3 was marked for identification.) 11:59:03 11:59:03

BY MR. RICHARDSON: 11:59:03

Q. Take your time, Mr. Taylor. I just want you to review this e-mail chain. I have some questions for you. 11:59:13 11:59:16

A. A long one. 11:59:59

Q. Yes. 12:00:01

A. Okay. 12:05:25

Q. So this particular e-mail chain appears to be related to an incident that occurred in October of 2018. 12:05:29 12:05:31

Do you see that in the e-mail? 12:05:35

A. Yeah. I think -- yes. 12:05:40

Q. And Cathy Valeriano, what is her position? 12:05:42

A. She's the park president at Sesame Place in Langhorne. 12:05:45 12:05:49

Q. Okay. And was she park president at Sesame Place Langhorne in 2018? 12:05:51 12:05:55

A. That's what she's assigned here, so yes. 12:05:59

Q. And who was Ms. Valeriano's employer in 2018? 12:06:02

A. Seaworld Parks & Entertainment, LLC. 12:06:12
Q. And who paid her salary? Was it the LLC? 12:06:15
A. Yeah, Seaworld Parks & Entertainment, LLC. 12:06:18
Q. Do you know who Jeffrey Thomas is? 12:06:23
A. I do know Jeff. 12:06:29
Q. And who is Jeff? 12:06:30
A. Jeff is now our VP of operations of Busch Gardens Williamsburg. 12:06:32 12:06:37
Q. And when you say "our," which entity? 12:06:39
A. That would also be Seaworld Parks & Entertainment, LLC. 12:06:43 12:06:46
Q. Okay. I'm going to read Mr. Jay Colon's C-o-l-o-n, e-mail dated February 20th of 2019. My first is question going to be did I read it correctly, but -- it's fairly lengthy, so I apologize, but I do want the substance of this e-mail to be on the record. 12:06:47 12:07:01 12:07:07 12:07:10 12:07:13
A. Isn't it going to be an exhibit? 12:07:15
Q. It is an exhibit. 12:07:17
A. Oh, okay. 12:07:19
Q. I've already marked it. 12:07:20
A. All right. 12:07:21
Q. But it starts, "Hi, my name is Johnnael Colon, C-o-l-o-n, and I'm a Grover season holder and also have additional three memberships for my wife and my two sons. I have always been satisfied with Sesame Place, and my 12:07:22 12:07:30 12:07:35 12:07:40

kids enjoy it a lot. I was planning on getting 2019 membership at the park once we was done with all the rides that day, but that changed once I had a bad experience. 12:07:43 12:07:48 12:07:51 12:07:55

On October the 7th, 2018, around 3:20, my kids was excited to go on the ride "Count Cruiser." It seems to have been a ride that was just added for Halloween time, and my kids never been on it so they really wanted to go on it. The plan was to put both of my kids on the ride without an adult, but after waiting in line for 30 minutes, the worker named Nate not told my wife that she has to ride on the ride because my son was not the height to ride alone. So my wife sat in the back seat of a ride with my three-year-old son and my eight-year-old sat in the front of the ride. 12:07:57 12:08:02 12:08:09 12:08:12 12:08:15 12:08:19 12:08:24 12:08:29 12:08:33 12:08:37 12:08:42

As the ride started, the ride didn't move as everyone else ride. Nate stopped the ride and told my wife to get out of the ride because it's not moving the way it's supposed to move, that they can't ride the Count Cruiser. My wife felt embarrassed, upset, unsatisfied with Nate. The worker Nate did not use the word sorry and did not -- told her to wait for the next ride. 12:08:44 12:08:46 12:08:51 12:08:54 12:08:58 12:09:03 12:09:11

Nate did not told my wife that at least my eight year old could stay in the ride and she can take the next one. He just kick her off the ride and denied 12:09:15 12:09:18 12:09:22

her of riding the ride. While everyone is able to ride, my family was denied to do so. My wife felt discriminated by Nate. All my wife wanted to was leave Sesame Place and never come back 12:09:25 12:09:28 12:09:32 12:09:37

I went to back to Nate and requested for supervisor. He told me to talk to Briana" -- B-r-i-a-n-a -- "that was standing close by. Briana told me to go to welcome center to file a formal complaint there. She did not apologize either of what happened after telling her the story. 12:09:39 12:09:42 12:09:47 12:09:51 12:09:54 12:09:57

The first thing I did when I got to welcome center is tell worker named Regina that I want to talk to a supervisor. She then asked me what happened, so I told her everything that happened. She offered me these cards that I can use to skip a line, but I told her that's not what I really want. I want to file a written discrimination report and talk to a manager. I was not allowed to talk to a manager and was not apologized for what happened. 12:09:59 12:10:01 12:10:05 12:10:08 12:10:13 12:10:19 12:10:22 12:10:25 12:10:29

I told Regina my wife wants to leave the park already. We're not going to use the skip line pass because my wife is too upset to stay in the park. The pass don't even include the ride that my family was kicked out from" -- or kick out from. "I paid so much money for all four season pass to just enjoy the park, 12:10:29 12:10:32 12:10:35 12:10:39 12:10:42 12:10:46

not being kick out of a ride and denied to ride on it. This is a shame, and I hope a very high management write me back about this. I take this serious because my wife never want to go to Sesame Place, and my kids was mad they was taken out of the ride. 12:10:49 12:10:53 12:11:00 12:11:04 12:11:08

I don't know why Regina did not let me talk to management and instead gave me a piece of small paper that has an e-mail address. This is poor customer service in dealing with issues that means a lot to a customer when requesting for assistance in person. Not one time she -- not one time we were told sorry. I have pictures to show my wife and two kids was on the ride before being kick out." 12:11:11 12:11:14 12:11:18 12:11:21 12:11:26 12:11:29 12:11:34 12:11:36

The last paragraph is lengthy, but here it goes. It begins with the phrase, "Waiting 30 minutes -- 30 min for this seasonal only ride. This action was embarrassment in front of the public by Nate who took my family out of the ride in front of everyone and did not -- did not offer an apology. This is a discriminated action against my family because Nate took my family out and replaced them right away with another race. He did not told my family way for the next turn. He did not told my wife just leave my oldest son on the ride. He did not let the one ride empty to go around to see if it work again. He just simply kicked my family out and replace it by 12:11:41 12:11:44 12:11:48 12:11:52 12:11:55 12:12:00 12:12:04 12:12:06 12:12:10 12:12:14 12:12:19 12:12:23

another race and continue the ride for everyone. 12:12:26

Briana only told me where I can talk to someone 12:12:30
about the issue, which was the welcome center, instead of 12:12:33
being more concerned and walking me to the welcome 12:12:36
center. When I arrived at welcome center, I told Regina 12:12:41
everything that happened and that my wife feels 12:12:43
discriminated and bothered about the action that 12:12:46
happened, that she felt unfair treated and not equally 12:12:49
like the rest of the riders. Regina also refused to 12:12:54
allow us to talk to someone else in the park to resolve 12:12:57
the issue and only gave me the piece of paper showing 12:13:00
only the e-mail where you can you can report an issue. 12:13:02

She gave me also a pass to be able to skip the 12:13:07
line that does not even work for the ride that we was 12:13:09
trying to get on. She was not concerned about -- she was 12:13:12
not concerned that we felt discriminated, unhappy and 12:13:16
upset. I told her how I spent hundreds of dollars on 12:13:19
four membership Grover season pass and no good customer 12:13:22
service from the rider operator to welcome center worker. 12:13:26
She told me the only place that can help me is that 12:13:30
e-mail. 12:13:33

This is a horrible way to help because I wasted 12:13:35
hundreds of dollars and treated wrong. I wasted gas and 12:13:37
time to travel from New York. After this incident, we 12:13:41
never went back to sesame because of the embarrassment my 12:13:45

family faced and also the bad customer service where no one in the park care that we face discrimination and was upset. Nothing was done in the park to make things better as we was there. Instead someone care to try to listen over an e-mail on the issue. I'm sure if this was Six Flags or Disney World and I complained in the park, they would have resolved this issue the moment I complained to the first person -- to the first employee and would have done everything to make my family have a satisfied day in the park, but Sesame failed from the moment Nick kicked my family out and treated them different and no apology. 12:13:48 12:13:53 12:13:55 12:13:59 12:14:02 12:14:07 12:14:10 12:14:13 12:14:16 12:14:19 12:14:22 12:14:25

Briana also did not apologize and really care of the concerns, just told me to go to the front of the park welcome center instead of walking with me. Regina also did not care that my family faced discrimination, kicked out of the ride, that we were season pass holder, did not apologize, and only gave me piece of paper in order to get someone in a future day to try to help me out with the issue. We've been going to Sesame for many years and someone in a future day to try" -- I'm sorry. "And since October of 2018, we haven't went back due to the way we was treated and the way this has been handled. 12:14:27 12:14:31 12:14:34 12:14:39 12:14:41 12:14:44 12:14:47 12:14:50 12:14:54 12:14:59 12:15:03

This is why I'm requesting you for an e-mail of someone not part of Sesame Place to help me with this 12:15:09 12:15:11

issue, and I want a formal discrimination complaint done and complaint on how I was refused to talk to high management in person to let them know my family was treated unfairly and discriminated. Regina did not allow me to write a complaint on paper to submit to her. Instead she told me to e-mail my issue to the e-mail on the piece of paper she gave me. 12:15:15 12:15:18 12:15:21 12:15:25 12:15:29 12:15:32 12:15:34

I would like to talk to someone from Seaworld Entertainment, the owner of Sesame Place about this issue. I want you to tell me a city and state agency that can also look at my complaint since nothing was done in the park. I want to file a complaint about this everywhere where I'm able to. Because Sesame welcome center only wanted me communicate over e-mail, that will be the only way I want to be contact back." 12:15:36 12:15:39 12:15:42 12:15:45 12:15:48 12:15:52 12:15:57 12:16:00

First of all, did I read that correctly? 12:16:04

A. You were pretty close. 12:16:05

Q. Pretty close. 12:16:07

A. Yeah. A couple words here and there, but that was a tough e-mail to read. 12:16:08 12:16:10

Q. It was. 12:16:12

A. In substance, yes. 12:16:14

Q. So would it be fair to say, Mr. Taylor, that Seaworld Parks & Entertainment, LLC through Cathy Valeriano was made aware of this allegation of race 12:16:15 12:16:19 12:16:24

discrimination that occurred on or about October 2018? 12:16:25

A. Yes. 12:16:29

Q. To your knowledge, appearing for this deposition, was Sesame Place -- I'm sorry, was Seaworld Parks & Entertainment, Inc. also made aware of this allegation of race discrimination? 12:16:30 12:16:35 12:16:40 12:16:42

A. No, I don't believe so. 12:16:45

Q. Are you aware of any other documents related that were generated by either of the two defendants in connection with this particular allegation of race discrimination? 12:16:50 12:16:53 12:16:57 12:16:59

A. Am I aware of any? I'm not aware of any documents that were on this. 12:17:00 12:17:02

Q. Is this the first time that you've seen this e-mail? 12:17:05 12:17:07

A. Yes. 12:17:07

Q. So you have no knowledge as to whether or not Mr. Colon was ever responded to other than what you see on this e-mail chain? 12:17:08 12:17:13 12:17:16

A. Yeah. It looks like Cathy wrote to him the same day, in about a half hour or less later than he sent his note. 12:17:17 12:17:21 12:17:29

Q. Right. Do you remember who Brandon Tom is? 12:17:30

A. I do know Brandon. 12:17:42

Q. And who is he? 12:17:43

A. Brandon is -- he's no longer with the company, but he had -- he had left Sesame Place and was at Busch Gardens Tampa or Adventure Island Tampa before he departed. 12:17:44 12:17:50 12:17:58 12:18:01

Q. Okay. All right. 12:18:08

Do you have any knowledge, based on your review and preparation for this deposition, as to whether or not the particular employees identified in this e-mail were ever provided any training or supervision to address -- to make sure that such an allegation would not occur again? 12:18:15 12:18:17 12:18:19 12:18:24 12:18:28 12:18:31

MR. SIMPSON: Object to the form. 12:18:32

THE WITNESS: I'm not -- obviously because I'm not aware that this -- of this incident, I wouldn't know what training they took or didn't take. 12:18:32 12:18:37 12:18:39

BY MR. RICHARDSON: 12:18:42

Q. Okay. And do you have any knowledge as to whether or not any of these employees were disciplined in any way? 12:18:42 12:18:50 12:18:54

A. Again, since I'm not aware of the incident until I saw this e-mail, I don't know. 12:18:54 12:18:56

Q. Do you know whether or not either of the two defendants took this e-mail from Mr. Colon seriously? 12:18:59 12:19:13

MR. SIMPSON: Object to form. He's only here to talk about with respect to Inc. 12:19:16 12:19:19

BY MR. RICHARDSON: 12:19:25

Q. Well, with respect to the Inc. 12:19:26

A. The Inc. doesn't have any employees, so there's no way for it to take it seriously or not seriously. 12:19:27 12:19:30

Q. To the extent that Marc -- strike that. I'll get to that one. Let me go to the next one. 12:19:37 12:19:39

(Deposition Exhibit No. 4 was marked for identification.) 12:20:14 12:20:14

BY MR. RICHARDSON: 12:20:16

Q. Have you read it? 12:21:37

A. Am I supposed to be reading? 12:21:38

Q. Yes. I just want to make sure before I ask you any questions, you've had a chance to read it. 12:21:40 12:21:42

Okay. So we've marked as Deposition Exhibit No. 4. And just for the record, the previous document was Exhibit No. 3, e-mail chain. 12:23:58 12:24:03 12:24:04

But we've just marked this as Exhibit No. 4. It is an e-mail chain involving an allegation of race discrimination by Arias, A-r-i-a-s, Ivin, I-v-i-n. The earliest date of this e-mail is April 3rd of 2021. 12:24:07 12:24:09 12:24:14 12:24:23

And that e-mail at the very last page reads as follows: "I'm formally complaining against whoever the male supervisor that closed the ride Honker Dinger Derby today, 04/03" -- April the 3rd, 2021 -- "around 6:00 p.m. He CLEARLY wanted to shut down the ride by kicking people 12:24:37 12:24:41 12:24:46 12:24:52 12:24:59

out. We waited three rounds to get on. The girl that was operating saw us all the time. She had to leave, this guy came, checked her out, and opened the gate for the next round. We were the third I'm (sic) line. And said the kids we had were too small and kicked out. my niece -- my niece is 6. My nephews are 2. There was another lady behind us with her daughter and kicked her out too. To our surprise, yup, the last people I'n (sic) the line all got on, and there were kids way smaller than ours. I took pictures as proof that at least two kids were about one year old. 12:25:04 12:25:08 12:25:14 12:25:16 12:25:24 12:25:28 12:25:32 12:25:35 12:25:42 12:25:48 12:25:51

That was what we observed ALL THE time while we were waiting in line and NO ONE was kicked out. We were clearly mistreated and discriminated against." 12:25:53 12:26:00 12:26:05

That e-mail is dated April the 3rd, 2021. There was a response on April the 6th, 2021 from SPL Guest Comments. And do you know what that is, Mr. Taylor, "SPL Guest Comments"? 12:26:10 12:26:14 12:26:19 12:26:22

A. It looks like the guest comments e-mail address. 12:26:26 12:26:30

Q. Are you aware that Sesame Place Philadelphia had something called a guest comment section or -- it lists here "Guest Correspondence Team." 12:26:32 12:26:35 12:26:39

Are you aware of that? 12:26:41

A. That certainly -- yeah, that's what this says. 12:26:43

So, yes, they have a guest correspondence team. 12:26:45

Q. Do you know whether or not at Sesame Place -- 12:26:48

strike that. Seaworld Parks & Entertainment, Inc. has 12:26:52

any role at all in getting copies of complaints made to 12:26:55

Sesame Place Philadelphia alleging race discrimination? 12:27:03

A. So Seaworld Parks & Entertainment, Inc. does 12:27:08

not have any employees, so it wouldn't just be e-mails or 12:27:11

things dealing with race discrimination. It would be 12:27:14

everything, any e-mails. 12:27:18

Q. So is it your testimony, Mr. Taylor, that no 12:27:21

one from Seaworld Parks & Entertainment, Inc. would ever 12:27:23

get a copy of any e-mails related to allegations of race 12:27:26

discrimination that may have occurred at Sesame Place 12:27:32

Philadelphia? 12:27:35

A. Correct, there are no employees. So, again, as 12:27:36

we went over earlier today, because Delaware law requires 12:27:38

that that corporation have officers and directors, that's 12:27:42

what it has. It has no employees. 12:27:46

Q. It's a very short reply that was dated 12:27:48

April the 6th, 2021 from SPL Guest Comments. It says, 12:28:01

"Hi, Irvin," I-r-v-i-n. "It is our intention to create a 12:28:03

fun, safe, and enjoyable environment for the entire 12:28:08

family. We're sorry to hear that you were disappointed. 12:28:11

Our employees are hired because of their courteous and 12:28:15

polite manner. They're also specially trained to deal 12:28:17

with our guests. I truly apologize for the inconvenience you encountered. I assure you that we are continuously looking for ways to improve the quality of service we provide our guests and always welcome feedback such as yours. Your comments are being reviewed to ensure that the proper protocol is being practiced. We hope you decide to give Sesame Place another chance. Best, Sesame Place Guest Correspondence Team." 12:28:20 12:28:23 12:28:27 12:28:30 12:28:34 12:28:36 12:28:40 12:28:44

Did I read that correctly? 12:28:45

A. Yes. 12:28:46

Q. Do you have any knowledge as to whether or not the Inc. had any role in establishing any protocol that would have been put in place as a result of this particular complaint? 12:28:48 12:28:50 12:28:55 12:28:58

A. Again, just as I've answered previously, Seaworld Parks & Entertainment, Inc. does not have any employees. It has officers and directors pursuant to Delaware law. So it would not have any role in the matters that you just mentioned. 12:28:59 12:29:06 12:29:10 12:29:12 12:29:19

Q. Okay. Mr. Ivin followed up with an e-mail -- by the way, I think I mentioned the reply e-mail was April the 6th of 2021. Mr. Ivin then sends an e-mail dated the same day to the SPL guest comments location. 12:29:21 12:29:27 12:29:30 12:29:35

It says, "Rule of thumb, make sure you review the spelling of the name of the person you're writing 12:29:40 12:29:44

to." And then he goes on, "I can interpret your response 'our employees are hired because of their courteous manner' as if I am making this up. There were a total if four adults that had the experience and heard the way that man handled the situation. Also, as a hiring employer for many years, I can tell you that everyone is courteous during an interview, so please reconsider the wording of your responses. 12:29:46 12:29:51 12:29:53 12:29:58 12:30:01 12:30:05 12:30:08 12:30:11

Also, specially trained to 'DEAL with our guests?' Are you serious? Is this how you handle complaints? We were simply waiting to get on the ride, and your SPECIALLY TRAINED employee simply wanted to shut down the ride and cut the line by kicking those Hispanics that were in front with the little ones claiming they were too small. My twin nephews are 2.5 years and my niece is 7. And as a reminder, there was a baby girl who was barely one year old and the rest of the people allowed to ride on the last round. I'll be happy to show you pictures so you stop making it look as if I am 'making that up.' Your response is so poorly edited that I would think several times to recommend this park." 12:30:13 12:30:17 12:30:25 12:30:28 12:30:35 12:30:40 12:30:43 12:30:47 12:30:51 12:30:53 12:30:58 12:31:01 12:31:06

Did I read that correctly? 12:31:09

A. Yeah, I think. The only thing it says also the -- I don't believe he's Mr. Ivin. I think that's his first name. I think he would be Mr. Arias. 12:31:10 12:31:13 12:31:16

Q. Okay. Fair enough. I think you're right. 12:31:19
But that being said, did I read that correctly? 12:31:25
A. Yes. 12:31:28
Q. As you are the chief -- strike that. You've answered my question on that. 12:31:36 12:31:41
(Deposition Exhibit No. 5 was marked for identification.) 12:31:41 12:31:41
THE WITNESS: Are we done with this one? 12:32:19
MR. RICHARDSON: We are. 12:32:26
THE WITNESS: Because you didn't read the whole thing. 12:32:27 12:32:28
BY MR. RICHARDSON: 12:32:29
Q. Got you. 12:32:29
I've just shown you what's been marked as Deposition Exhibit No. 5. 12:32:38 12:32:40
A. Okay. 12:32:42
Q. It's another e-mail chain involving another allegation of race discrimination of Sesame Place Philadelphia. I'd just ask you to take a moment to review it before I have some questions. 12:32:43 12:32:46 12:32:49 12:32:51
A. Okay. 12:35:32
Q. Do you know who Taylor Johnson is? 12:35:33
A. I do not. 12:35:35
Q. Do you know who Jessica Finucane, F-i-n-u-c-a-n-e, is? 12:35:38 12:35:47

A. I don't. 12:35:48
Q. Do you know who Brittany Kenny is? 12:35:51
A. That name sounds familiar, but I guess I -- 12:35:58
no, I don't. 12:36:01
Q. Okay. If I can refer you to the e-mail chain 12:36:02
that's -- by the way, this document -- this document is 12:36:12
Bates numbered SW0003098 through SW0003100. And that 12:36:14
makes me wonder did I do that. 12:36:28
Exhibit No. 3, the Bates No. Range is SW0002408 12:36:35
through SW0002409. Exhibit No. 4 is Bates number 12:36:40
SW0002660 through SW0002662. On the last page of Exhibit 12:36:48
No. 5, there's an e-mail from a Ms. Amaillanee, and 12:37:05
that's A-m-a-i-l-l-a-n-e-e, dated July 6th, 2021. 12:37:20
It reads as follows: "I would appreciate it 12:37:30
for the owner of Sesame Place." I'm going to stop there, 12:37:33
Mr. Taylor, to ask you who owns Sesame Place 12:37:36
Philadelphia? 12:37:39
A. Seaworld Parks & Entertainment, LLC. And, 12:37:40
also, I believe her name is Ms. Bryant. 12:37:46
Q. Yes. I'm just reading from the document, but 12:37:53
that just has her first name there but -- 12:37:54
A. But you called her Ms. Am -- 12:37:56
Q. Yeah. I'm reading at the top of the page 12:37:59
Bates number 3100. It says, On Tuesday July 6th, 2021, 12:38:01
3:58 p.m., Amaillanee, and then it gives her e-mail 12:38:05

address wrote, and that's why I referred to her in that, but you're right, it is. Her last name is Bryant, B-r-y-a-n-t. 12:38:09 12:38:13 12:38:18

So I believe I just heard you testify that Seaworld Parks & Entertainment, LLC owns Sesame Place Philadelphia? 12:38:20 12:38:24 12:38:27

A. Correct, the assets. Yes. 12:38:28

Q. And does Seaworld Parks & Entertainment, Inc. have any ownership interest in Sesame Place Philadelphia? 12:38:30 12:38:34

A. It -- it owns the membership interest of Seaworld Parks & Entertainment, LLC, but no -- other than its membership interest, it has -- it doesn't own anything at Sesame Place. 12:38:37 12:38:42 12:38:46 12:38:49

Q. Has Seaworld Parks & Entertainment Inc. ever represented to a court in any litigation that it owned and operated Sesame Place for Philadelphia? 12:38:51 12:39:05 12:39:08

A. It may have. I have certainly not reviewed the court documents. That corporation has been in existence since 2009 or so, so I -- I don't know. It may have. 12:39:10 12:39:17 12:39:20

Q. So the e-mail on the last page, which ends on 3100 reads as follows: "I would appreciate it for the owner of Sesame Place to contact me as I've been calling an (sic) leaving messages" -- calling a-n leaving messages -- "about my horrible experience while there with my children. I took my two-year-old an (sic) -- 12:39:27 12:39:31 12:39:34 12:39:39 12:39:44 12:39:47

a-n -- three-year-old on the tube water ride, the one in which you can tube alone. You'll see the video below this video. 12:39:50 12:39:53 12:39:57

When I walked around with both of the tubes in hand, the first waterfall frightened them both. My God son jumped his tube, an (sic) and then my God daughter jumped off the other. I hollered help -- I hollered help and 'Someone help me.' I went under water to grab my God son. Not to mention, they both did have life jackets on, but it didn't much matter when there (sic) loose in the water. I had to stand my God daughter on the side while I calmed my God son down. Meanwhile, I was looking for a life guard to assist me that kept her head straight as to avoid assisting me. I hollered for help. No help. I paid $384 an (sic) some change an (sic) paid for parking an (sic) did not get the service I was entitled to. 12:39:59 12:40:01 12:40:07 12:40:13 12:40:16 12:40:19 12:40:23 12:40:26 12:40:33 12:40:36 12:40:40 12:40:44 12:40:53

I never want to bring up race. However, thanks to Donald Trump, people who are racist are showing themselves every day. Your lifeguard kept her face straight ahead as to avoid me, as far as I'm concerned, because when I hollered help, she did not look my way. The video beneath will show me and my God children, me carrying them both in my arms an (sic) I have a disability in both hands a-n arms. A-n I was in pain form (sic) that encounter where I felt I could have lost 12:40:57 12:41:00 12:41:03 12:41:06 12:41:09 12:41:13 12:41:16 12:41:20 12:41:26

one of my grandchildren. 12:41:30

I would appreciate it if someone can view the 12:41:31

date and time with the camera to see which lifeguard that 12:41:33

was an (sic) so you can see that I was distress. I was. 12:41:36

I was petrified. I called risk management to no avail, 12:41:42

left two messages for a Jacob. I need for someone to 12:41:46

acknowledge it an apologize. My number is." And she 12:41:49

gave her phone number. "Thank you in advance." 12:41:53

Did I read that correctly as best as I could? 12:41:56

A. As best -- as best as any of us could, yes, you 12:41:59

did. 12:42:03

Q. Okay. And, again, I believe your answer is 12:42:04

going to be the same, but I've got to ask it. 12:42:10

Did Seaworld Parks & Entertainment, Inc., were 12:42:12

they ever put on notice of this particular allegation of 12:42:15

race discrimination at Sesame Place Philadelphia? 12:42:18

A. No. As I've said before, Seaworld Parks & 12:42:21

Entertainment, Inc. doesn't have any employees. It does 12:42:24

have officers and directors, you know, under Delaware 12:42:26

law, but it doesn't have any employees to be made aware. 12:42:30

Q. Okay. And I'm about to beat this dead horse 12:42:37

one more time, but... 12:42:43

A. Isn't that what depositions are about? 12:42:44

Q. That's what they are about. 12:42:45

So would it be fair to say then, Mr. Taylor, 12:42:47

that you do not as the corporate fact witness for Seaworld Parks & Entertainment, Inc., you are not aware of any instance in which anybody from Seaworld Parks & Entertainment, Inc. ever was made aware of any allegation of race discrimination at Sesame Place Philadelphia? 12:42:49 12:42:54 12:42:56 12:43:00 12:43:02

A. Correct. Again, Seaworld Parks & Entertainment, Inc. does not have any employees. It does have officers and directors under Delaware law, and those officers and directors can serve in any number of other companies. 12:43:06 12:43:09 12:43:11 12:43:14 12:43:17

So could they have become aware of anything, perhaps, but certainly not in their role as an -- as an officer or director of Seaworld Parks & Entertainment, Inc. 12:43:18 12:43:22 12:43:24 12:43:28

Q. Fair enough. 12:43:28

(Deposition Exhibit No. 6 was marked for identification.) 12:43:28 12:43:28

THE WITNESS: You done with this one? 12:43:44

BY MR. RICHARDSON: 12:43:44

Q. I am. 12:43:44

All right. I've just shown you what's been marked as Deposition Exhibit No. 6. It is another e-mail chain. This one is Bates numbered Richardson Monique 0008 through 0009. 12:43:53 12:43:55 12:43:57 12:44:01

A. Okay. 12:44:07

Q. I'd just ask that you take a moment to look at that. 12:44:08 12:44:11

A. Okay. 12:45:28

Q. If I can focus your attention to the e-mail at the bottom of the first page from -- if you look at the back, Monique Richardson is who authored it. It's dated September the 9th, 2021, and it is addressed to the SPL Guest Comments e-mail address. 12:45:29 12:45:31 12:45:35 12:45:39 12:45:42

It read as follows: "Good evening, Guest Services. My family and I were visitors at your park on September the 3rd, 2021. We enjoyed ourselves until the end around or at 5:20 p.m. or so. We were at the funnel cake line near the lazy river. The male, Caucasian young man, was standing in line and told my family and I line is closed. He also told others the line was closed. I stood nearby while my children went into the lazy river and saw that same young man allowing a Caucasian woman get into line, then another 'Caucasian couple.' 12:45:45 12:45:48 12:45:52 12:45:56 12:46:02 12:46:06 12:46:10 12:46:15 12:46:19 12:46:23

I've been taking my children to Sesame Place for years, and my oldest is 26 years old and my youngest grand child is three years old. My complaint is not being treated fairly at your park on September 3rd, 2021. And the thing is, that there was still time for my family and I to get a drink or even a funnel cake because the funnel cakes were pre-made in a paper bag. Just the fact 12:46:29 12:46:30 12:46:35 12:46:38 12:46:42 12:46:46 12:46:49

of how it all looked unsettled me and my family, especially my kids, to see something like this. A customer even said, "You should say something," but I choose to not make a scene because of all the children in the park. I was so hurt and upset that I couldn't say anything because it was going to make me cry, and I couldn't do that around my kids, praying that scene wasn't what it appeared to be. Thank you for listening." Monique Richardson. 12:46:53 12:46:57 12:47:00 12:47:03 12:47:06 12:47:10 12:47:13 12:47:17 12:47:20

Did I read that correctly? 12:47:21

A. Yes. 12:47:23

Q. And, again, your answer will be the same. But Seaworld Parks & Entertainment, Inc., were they ever made aware of this particular allegation of race discrimination at Sesame Place Philadelphia? 12:47:23 12:47:28 12:47:33 12:47:37

A. So Seaworld Parks & Entertainment, Inc. does not have any employees. It does have officers and directors under Delaware law. So there would be nobody to be aware of this at the Inc. level. However, there -- again, as I said, there are officers and directors, and any one of them could be made aware of something, but it would not be in their capacity as an officer or director of Seaworld Parks & Entertainment, Inc. 12:47:40 12:47:41 12:47:44 12:47:48 12:47:54 12:47:57 12:48:00 12:48:03

Q. So in what capacity would it be that an officer or director of Seaworld Parks & Entertainment, Inc. be 12:48:08 12:48:11

made aware of an allegation of race discrimination that may have occurred at Sesame Place Philadelphia? 12:48:14 12:48:18

A. In the case of the officers, it would most likely -- because they happen to be employees of the SWBG Orlando Corporate Operations Group, LLC, which provides all of the corporate services to the subsidiaries, indirect and direct subsidiaries of Seaworld Entertainment, Inc. 12:48:19 12:48:21 12:48:28 12:48:32 12:48:40 12:48:43

Q. Can I get that acronym again? And I apologize. 12:48:44

A. It's okay. It's a fairly long one. SWBG Orlando Corporate Operations Group, LLC. It's a mouthful. 12:48:47 12:48:53 12:49:07

Q. And what does -- what does the SWEG stand for? 12:49:07

A. It's SWBG. 12:49:14

Q. B? 12:49:14

A. Yes. 12:49:15

Q. Okay. I'm sorry. 12:49:16

A. It's just -- it's just -- we use it a lot. It's Seaworld/Busch Gardens. It's just SWBG. 12:49:17 12:49:18

Q. Okay. And what role does that entity play in potentially getting involved with being made aware of allegations of race discrimination that may have occurred at Sesame Place Philadelphia? 12:49:21 12:49:27 12:49:33 12:49:36

A. So the same question as earlier. So it would just depend on the nature and severity and, you know, 12:49:37 12:49:41

whatever may have been alleged as to what level the folks at SWBG Orlando Corporate Operations Group, LLC would -- would be made aware or would assist in responding or addressing what had happened or allegedly happened? 12:49:47 12:49:51 12:49:59 12:50:04

Q. And do you know what role -- strike that. 12:50:07

Does SWBG Orlando Corporate Operations Group, LLC play any role in developing policies and procedures to train or supervise employees of Seaworld Parks & Entertainment, LLC? 12:50:16 12:50:20 12:50:25 12:50:31

A. Yes. 12:50:32

Q. And what role would they play? 12:50:32

A. So, for instance, that's where all of our -- that's where HR -- that's where all the of the HR -- corporate HR all sits at, SWBG Orlando Corporate Operations Group, LLC. 12:50:34 12:50:37 12:50:42 12:50:48

Q. Okay. Does Seaworld Parks & Entertainment, LLC have its own HR operations department? 12:50:51 12:50:54

A. Well, no -- well, yes, but not at -- it doesn't have it, like, at its own corporate level. It has local HR at its parks, which would be Sesame Place Langhorne or Philadelphia, Busch Gardens Williamsburg, Water Country USA, Busch Gardens Tampa, and Adventure Island. They all have -- they all have some level of HR. 12:50:57 12:51:02 12:51:05 12:51:11 12:51:17 12:51:23

I take that back. So Seaworld -- I'm sorry. Sesame Place has its own HR group that works and 12:51:26 12:51:31

interacts with the group at SWBG Orlando Corporate Operations Group, LLC. The next two, which would be Busch Gardens Williamsburg and Adventure Island, they have a combined HR function for those two parks that interacts with the HR functions at SWBG Orlando Corporate Operations Group, LLC. 12:51:37 12:51:42 12:51:45 12:51:49 12:51:54 12:52:01

And then the last two that I mentioned, Busch Gardens Tampa and Adventure Island, they also have a shared local HR between those two parks that interact with and work with the HR employees at SWBG Orlando Corporate Operations Group, LLC. 12:52:03 12:52:05 12:52:10 12:52:15 12:52:25

Q. That was a mouthful. 12:52:27

A. That is. 12:52:29

Q. All right. So to the extent that SWBG Orlando Corporate Operations Group, LLC got involved in a situation where there was an allegation of race discrimination at the Sesame Place Philadelphia park, would Seaworld Parks & Entertainment, Inc., as the sole member of Seaworld Parks & Entertainment, LLC, be made aware of SWBG's involvement? 12:52:30 12:52:37 12:52:41 12:52:44 12:52:47 12:52:50 12:52:54

A. No. Again, Seaworld Parks & Entertainment, Inc. does not have any employees. It has officers and directors under Delaware law. So to the extent that those officers and directors may have knowledge or may have been informed of anything that happens, it's not 12:52:58 12:53:02 12:53:05 12:53:08 12:53:11

just allegations of racial discrimination. It's any operational issue. It would not be in that capacity. 12:53:14 12:53:17

Q. So what are the roles of the corporate officers of Seaworld Parks & Entertainment, Inc.? 12:53:21 12:53:28

A. Primarily signatories is -- that's really the main purpose. I mean, of course, under, you know, Delaware law, officers and directors have any number of enumerated authorities, and they have authorities that could be also granted by their own board of directors. But really, for the most part, like what they do, is sign things. 12:53:32 12:53:36 12:53:38 12:53:42 12:53:48 12:53:52 12:53:58

Q. Okay. Other than signing things as signatories, does the corporate officers of Seaworld Parks & Entertainment, Inc. have any other duties and responsibilities? 12:53:59 12:54:03 12:54:08 12:54:10

A. No. I mean, signing -- it's mainly just signing. Signing reports that get filed with the state of Delaware. It can be tax documents, signing off on loan documents or loan guarantees, any number of things, but it's really just more as a -- you know, as a signatory. 12:54:11 12:54:20 12:54:24 12:54:32 12:54:38 12:54:40

Q. Okay. In Mr. Nicholas Manna's deposition, he stated that there was an individual by the name of Scott who had a majority interest in -- in the company. I don't know which company it is -- that had to personally 12:54:54 12:54:58 12:54:59 12:55:03

get involved in company responses. The one at issue in that case was an allegation of race discrimination. 12:55:08 12:55:14

Do you know who a Scott Ross is? 12:55:17

A. I do know Scott Ross, yes. 12:55:19

Q. And what is his role, if any? I mean, what is his job title? 12:55:21 12:55:24

A. He is the chairman of the board of Seaworld Entertainment, Inc. He is also the chairman of the board of Seaworld Parks & Entertainment, Inc. 12:55:24 12:55:27 12:55:31

Q. So there is a board for Seaworld Parks & Entertainment, Inc.? 12:55:33 12:55:38

A. As I've testified -- 12:55:38

Q. But you talked about corporate officers. 12:55:38

A. -- probably 30 times. 12:55:40

Q. I just want to make sure. There's a distinction between corporate officers and a board. 12:55:41 12:55:42

A. I say -- I think if you back read my answers, each and every time I've said officers and directors. 12:55:45 12:55:47

Q. All right. So how many directors are in Seaworld Parks & Entertainment, Inc.? 12:55:50 12:55:56

A. There are nine with one vacant seat. So it's a 10-member board. There are nine directors right now. 12:55:58 12:56:02

Q. And Mr. Scott Ross is the chairman of that board? 12:56:06 12:56:08

A. Yeah, he's one of --yes, he is one of those 12:56:09

directors and the chairman. 12:56:12

Q. And do you happen to know for what period of time was Mr. Ross the chairman of the board of Seaworld Parks & Entertainment, Inc. between 2018 and 2022? 12:56:13 12:56:17 12:56:20

A. Certainly, in 2022. '18, maybe not. Again, this is all -- it's in the -- you can look all this stuff up in the Delaware corporate records. It's all there. 12:56:24 12:56:34 12:56:37

Q. So in what capacity would Mr. Scott Ross be when he got involved in drafting a response -- a corporate response to any allegation or incident of race discrimination alleged to have taken place at Sesame Place Philadelphia? 12:56:39 12:56:45 12:56:50 12:56:52 12:56:55

A. So Mr. Ross could be acting in one of two capacities or would be usually. One could be as the chairman of the board of Seaworld Entertainment, Inc., the publicly-traded company because it is the ultimate parent. His -- Hill Path Capital and its related entities -- also we have a shareholders' agreement with them where there are sharing of information with Hill Path and its related entities. And so he could also be made aware of something that's going on through that shareholder agreement. 12:56:57 12:57:02 12:57:07 12:57:16 12:57:20 12:57:26 12:57:29 12:57:35 12:57:39 12:57:41

Q. And would he also be made aware as the chairman of the board of Seaworld of Parks & Entertainment, Inc.? 12:57:41 12:57:43

A. Not really. I mean, again, the function of 12:57:48

that board is really just sort of -- the function of that entire entity is really more as a passthrough entity. It does -- again, it's required by law to have its own board and its own officers and directors, but that's all it is. 12:57:51 12:57:55 12:58:01 12:58:05

Q. Is Mr. Ross one of the founders or the founder of Hill Path Capital? 12:58:09 12:58:12

A. I'm certainly not designated for that, so I don't know. 12:58:16 12:58:20

Q. Okay. 12:58:20

A. Yeah. 12:58:21

Q. Do you know if Mr. Ross is a majority owner of Seaworld Parks & Entertainment, Inc.? 12:58:21 12:58:37

A. He is not. 12:58:38

(Deposition Exhibit No. 7 was marked for identification.) 12:59:05 12:59:05

MR. RICHARDSON: By the way, just let me know if you need a break. 12:59:05 12:59:05

THE WITNESS: No, I'm good. 12:59:05

We're done with 6, right? 12:59:23

MR. RICHARDSON: Yes, we are. 12:59:24

BY MR. RICHARDSON: 12:59:24

Q. Mr. Taylor, I've shown you what I've marked as Deposition Exhibit No. 7. It is a two-page e-mail from Ms. Kieanna, K-i-e-a-n-n-a, Alexander, Bates number 0007 through 0008. It is an e-mail dated September the 15th, 12:59:25 12:59:27 12:59:35 12:59:43

2021, from Kieanna Childs, C-h-i-l-d-s, to guestcomments@sesameplace.com. 12:59:50 12:59:55

I'll just have you take a look at that for a moment. 12:59:57 01:00:00

A. Okay. 01:00:00

Q. The subject of the e-mail is "Incident-Disappointed Season Pass Holder." I'm going to read that into the record. 01:00:01 01:00:08 01:00:20

"On Sunday, September 2nd, 2021, my younger sister, her daughter, and my son approached the two-tube water ride. Upon approaching the water ride, the associate advised my sister and I that our children who stand well over four feet would need to have someone at least 14 years of age ride with them -- with each of them on the water ride or they could not go on the ride. 01:00:21 01:00:25 01:00:28 01:00:31 01:00:34 01:00:37 01:00:42

Baffled, my sister and I advised the associate that the rules for the ride were literally behind her, and the rules explicitly state that children under 36 inches need to ride with someone 14 and over. We also clearly pointed out numerous children who were shorter than our own children on the ride. Please note that those children did not look like our children. 01:00:47 01:00:50 01:00:53 01:00:57 01:01:01 01:01:04 01:01:07

The associate then proceeded to advise my sister and I, both season pass holders members, that she does not make the rules. This comment baffled both my 01:01:10 01:01:13 01:01:16

sister and I, but it got worse quickly. The associate then asked if we would like to speak to a supervisor. At that exact time another associate approached. The associate advised the approaching associate, who we believe was a supervisor, of the situation. The supervisor advised the associate that our kids could indeed ride the rides alone. 01:01:22 01:01:25 01:01:28 01:01:31 01:01:35 01:01:38 01:01:40

My son (who I literally just made a season pass holder on Saturday) became upset at the behavior of your associate. In front of both the associate and supervisor, I had to calm my son down and encourage him to get on the ride. The associate said she apologize, but the damage had been done. I am beyond upset with the terrible treatment that my son, my sister, and my daughter endured on the last and final day of the water ride season. 01:01:43 01:01:48 01:01:51 01:01:54 01:01:58 01:02:02 01:02:06 01:02:09 01:02:13

Is this how season pass members are treated? I am beyond regretful of taking out a season pass as my son's first memory is of Sesame Street associate ruining his opportunity to enjoy Sesame street. I'm disheartened, disappointed, and very much so heartbroken at how wer (sic) were spoken to, and I feel that the associate had no clue what the stick in her hand was for. At no time did she even measure our children. And to be very transparent, I feel as if we were definitely singled 01:02:14 01:02:16 01:02:20 01:02:25 01:02:28 01:02:32 01:02:38 01:02:42 01:02:45

out for more reasons than one. 01:02:49

Sesame Street was not the fun and friendly 01:02:52

place for us to be, and as a Silver season pass holder, I 01:02:54

am disappointed and definitely wouldn't recommend others 01:02:58

to take out a pass. Thank you." Kieanna Childs 01:03:00

Alexander. 01:03:03

Did I read that correctly? 01:03:05

A. Yeah. There were a few words you didn't hit, 01:03:06

but in substance, yes. 01:03:10

Q. And, again, this is addressed to -- an e-mail 01:03:12

address assigned to Sesame Place Philadelphia? 01:03:17

A. The e-mail address says 01:03:24

guestcomments@sesameplace.com. 01:03:26

Q. What is your understanding as to which of 01:03:28

the -- whether it's the Inc. or the LLC or neither that 01:03:32

this e-mail would go to? 01:03:35

A. It very well -- I -- so I'm not the IT person, 01:03:37

so this very well would be a domain that is operated by 01:03:42

SWBG Orlando Corporation -- Corporate Operations Group, 01:03:49

LLC. 01:03:54

Q. Okay. 01:03:55

A. Since it provides the IT services for the 01:03:56

subsidiaries. 01:03:58

Q. Is it your understanding that this then would 01:04:03

not have gone to anyone connected to Seaworld Parks & 01:04:05

Entertainment, LLC? 01:04:09

A. I certainly did not say that. 01:04:10

Q. Okay. And that's what I'm asking, but if you don't know, you don't -- it's quite all right. 01:04:13 01:04:15

A. No. I would -- since there's no response, everything I've seen so far, those responses have all come from the park, so... 01:04:17 01:04:21 01:04:25

Q. Okay. All right. 01:04:26

And, once again, is it your testimony, Mr. Taylor, that no one connected with Seaworld Parks & Entertainment, Inc. was made aware of this allegation of race discrimination that may have occurred at Sesame Place Philadelphia? 01:04:29 01:04:31 01:04:36 01:04:39 01:04:42

A. Well, so Seaworld Parks & Entertainment, Inc. does not have any employees. It does have officers and directors pursuant to Delaware law, and so to -- and certainly those are human beings. But to the extent that any of those people could have been made aware that anything happened at any of our parks, it would not be in their capacity as officers or directors of Seaworld Parks & Entertainment, Inc. 01:04:43 01:04:46 01:04:49 01:04:56 01:04:58 01:05:00 01:05:04 01:05:07

MR. RICHARDSON: Do you want to take a break at this point? 01:05:11 01:05:12

THE WITNESS: Sure. 01:05:12

MR. RICHARDSON: When do you want to come back? 01:05:12

MR. SIMPSON: How much more do you have? 01:05:12
MR. RICHARDSON: I would say two hours. 01:05:12
THE VIDEOGRAPHER: We are going off the record. The 01:05:27
time is 1:05 p.m. 01:05:29
(A recess was taken.) 02:08:41
THE VIDEOGRAPHER: We are back on the record. The 02:08:42
time is 2:08 p.m. 02:08:43
MR. RICHARDSON: We're good? 02:08:48
THE WITNESS: Good. Yes, sir. 02:08:49
BY MR. RICHARDSON: 02:08:50
Q. So Mr. Taylor, I've seen some e-mails that had 02:08:50
individuals' names and then @seaworld.com. 02:08:54
Are you familiar with that e-mail? 02:08:58
A. Yes. 02:09:00
Q. And which company does that relate to? 02:09:01
A. Well, so as far as the -- ideally, when a new 02:09:04
employee starts, they have an e-mail address that's 02:09:12
associated with wherever they start, so, like, just the 02:09:14
name itself. So Seaworld employees usually have a 02:09:18
seaworld.com address. Those associated with, like, Busch 02:09:22
Gardens brands, they might have a buschgardens.com 02:09:25
address. I think Discovery Cove has an address. Sesame 02:09:28
has an address. 02:09:31
Q. I got you. 02:09:36
So -- because on Exhibit 1, one of the e-mail 02:09:36

addresses for Cathy Valeriano was @discoverycove.com? 02:09:39

A. Yes. So Cathy was a -- I'm sorry. I should 02:09:43
let you ask the question. Yeah. 02:09:46

Q. So my question is, did Cathy at some point have 02:09:48
a role with Discovery Cove? 02:09:52

A. Yes, she -- Cathy worked at both Seaworld 02:09:54
Orlando and Discovery Cove at different times in her 02:09:58
career before she became the park president at Sesame 02:10:01
Place. 02:10:01

Q. So if someone has a designation @seaworld.com 02:10:06
beside their e-mail address, would they be someone who 02:10:09
worked out of Seaworld in Orlando? 02:10:11

A. Or it could -- no. I mean, it could be 02:10:13
Seaworld California; it could be Seaworld Texas; it could 02:10:21
be Seaworld sort of -- you know, more of our corporate 02:10:25
headquarters. 02:10:27

Q. I got you. 02:10:28

A. But it could also be what you're just 02:10:29
describing. You could have somebody who started at 02:10:32
Seaworld and then went to work somewhere -- went to work 02:10:35
at another one of our parks and just kept the Seaworld 02:10:37
address. 02:10:41

We have -- there's certainly employees, 02:10:41
executives that I occasionally will see that have a 02:10:44
buschgardens.com address, and I will kind of smile 02:10:48

thinking, "Oh, I remember when he or she worked at Busch Gardens years and years ago." So they don't always switch over their e-mail addresses. 02:10:52 02:10:57 02:11:01

Q. I see. 02:11:02

These are going to be quickly because they're short, but let me just go through them with you. 02:11:11 02:11:13

A. No. It's okay. It's your deposition. 02:11:16

Q. Yeah, it is, but thank you. 02:11:16

MR. RICHARDSON: I think this is 8. 02:11:16

(Deposition Exhibit No. 8 was marked for identification.) 02:11:16 02:11:16

BY MR. RICHARDSON: 02:10:43

Q. So Mr. Taylor, I've just shown you what I've marked as Deposition Exhibit No. 8. It is an e-mail from a Mr. Hannibal with a Bates number of SW0003117. 02:10:43 02:10:46 02:10:49

I'd just ask that you take a moment and read that, please. 02:10:57 02:11:00

A. Okay. 02:11:23

Q. So this document is -- this e-mail is dated July 17th of 2022. It's addressed from a sh -- suhaylabrown@gmail.com to SPL guest comments. 02:11:23 02:11:27 02:11:36

Is that Sesame Place guest comments? 02:11:43

A. I don't know. It doesn't say here. Oh, yes, I'm sorry. Yes, it does. SPL, yes. 02:11:48 02:11:52

Q. You see that? 02:11:53

A. SPL, yes. 02:11:54
Q. Would that be Sesame Place guest comments? 02:11:55
A. Yes. 02:11:59
Q. Sesame Place Philadelphia; am I correct? 02:11:59
A. Correct, yes. 02:12:02
Q. So this e-mail says, "Hi, my name is 02:12:05
Tony Hannibal. I purchased tickets on July 15th of 2022 02:12:09
for my daughter birthday. I went and spoke to you two 02:12:12
supervisors about the characters being racist and mean to 02:12:16
my children. I asked for a full refund. They refused to 02:12:20
refund me. I asked for tickets to come back on another 02:12:23
day. They refused that as well. 02:12:26
Also I seen the characters being racist to 02:12:28
other African American children and being nice to white 02:12:31
kids. I'm highly upset and disgusted. Them characters 02:12:34
hurt my children feelings, as well as mines. 02:12:37
Can you please give me a call or e-mail me back 02:12:40
ASAP? The characters would shake all the white kids 02:12:43
hands and take pictures with them, but when my kids 02:12:47
asked, they said no." 02:12:49
Did I read that correctly? 02:12:51
A. Yes, you did. 02:12:52
Q. And am I -- well, you tell me, Mr. Taylor. 02:12:52
Did SeaWorld Parks & Entertainment, Inc. 02:12:58
ever -- were they ever made aware of this particular 02:13:01

allegation of racial discrimination at Sesame Place Philadelphia? 02:13:03 02:13:07

A. Well -- excuse me, SeaWorld Entertainment, Inc. doesn't have any employees. It has officers and directors. 02:13:08 02:13:14 02:13:17

MR. SIMPSON: You mean SeaWorld Parks. 02:13:18

THE WITNESS: I'm sorry? 02:13:20

MR. SIMPSON: I made a mistake. Let me back up. 02:13:24

No, because I do the same thing. 02:13:23

THE WITNESS: Yeah, but it's okay for you to do it. It's not okay for me to do it. I apologize. Yes, and thank you. 02:13:25 02:13:27 02:13:31

SeaWorld Parks & Entertainment, Inc. doesn't have any actual employees. It has officers and directors under Delaware law. To the extent that those people that sit in those roles, they could be made available of anything that happens in any of the parks, but it wouldn't be as a result of them being officers or directors of SeaWorld Parks & Entertainment, Inc. 02:13:32 02:13:34 02:13:37 02:13:42 02:13:45 02:13:48 02:13:49

Q. Got you. 02:13:54

(Deposition Exhibit No. 9 was marked for identification.) 02:14:24 02:14:24

THE WITNESS: Okay. 02:14:55

BY MR. RICHARDSON: 02:14:56

Q. So, Mr. Taylor, I've just shown you what's been 02:14:56

marked as deposition Exhibit No. 9. It has the Bates number SW0003116. It is from a Laquoyah, L-a-q-u-o-y-a-h, Sims, S-i-m-s. The e-mail is dated July 18th, 2022, and it's addressed to the SPL guest comments. 02:14:58 02:15:00 02:15:08 02:15:14 02:15:19

I think we've established that that relates to Sesame Place; is that correct? 02:15:19 02:15:21

A. That's correct, yes. 02:15:23

Q. This particular e-mail says, "Hi. I'm contacting you because I had a recent visit and my children was trying to interact with characters, and the character ignored my children but acknowledged the children and a couple other. I'm very upset. I have seen videos of the some foul play with other black children, and I'm asking for a refund and to cancel my season pass. I will not be returning back here." 02:15:24 02:15:28 02:15:31 02:15:34 02:15:37 02:15:41 02:15:44 02:15:47

Did I read that correctly? 02:15:49

A. You did, yes. 02:15:51

Q. And once again, sir, the question is, was SeaWorld Parks & Entertainment, Inc made aware of this particular allegation of race discrimination as Sesame Place Philadelphia? 02:15:51 02:15:57 02:15:59 02:16:02

A. So SeaWorld Parks & Entertainment, Inc. does not have employees. It does have officers and directors pursuant to Delaware law. And to the extent that the 02:16:03 02:16:06 02:16:11

people that could be those officers and directors are aware of anything that happens in any of the parks, which they could be, it's not in their capacity as an officer or director of SeaWorld Parks & Entertainment, Inc. 02:16:15 02:16:16 02:16:20 02:16:24

Q. And in the future when I ask you that question, if you're willing to say, "The same answer that I've given to the previous kind of questions, that's fine with me." You don't have to reiterate the whole statement. 02:16:28 02:16:30 02:16:33 02:16:36

A. If that's -- I'm fine with that if everybody is else. 02:16:38 02:16:41

MR. SIMPSON: As long as it's clear. 02:16:41

MR. SIMPSON: As long as it's clear, but I'm willing to go with that. 02:16:52 02:16:54

(Deposition Exhibit No. 10 was marked for identification.) 02:16:55 02:16:55

MR. RICHARDSON: 02:16:55

Q. So, Mr. Taylor, I've just given you -- I just had the court reporter give you a copy of what's been marked as Deposition Exhibit No. 10. It's an e-mail dated July 18th, 2022, from Taylor Christmas to SPL guest comments. It's Bates number SW0003106. I would ask that you just take a moment to read that. 02:16:56 02:16:59 02:17:01 02:17:04 02:17:15 02:17:21

A. Okay. I have read it. 02:17:35

Q. Again, sir, is this an e-mail that's addressed to SPL guest comments? 02:17:36 02:17:40

A. It is, yes. 02:17:43

Q. Okay. The message component of the e-mail 02:17:44

reads as follows: "Afternoon, I am a season pass holder 02:17:49

of 2022 year, but following the past events seen on 02:17:53

media, I feel very uncomfortable bringing my one-year-old 02:18:00

daughter who has been enjoying her multiple visits to 02:18:03

your park. While being at your park during the parade on 02:18:05

multiple occasions, my child was ignored by your 02:18:07

characters, in which I thought may have been a 02:18:10

coincidence, but with the recent videos of it being done 02:18:13

to other children just like her, I feel it was done 02:18:16

intentionally. I am very disappointed." 02:18:19

Did I read that correctly? 02:18:22

A. Yes, you did. 02:18:23

Q. Does SeaWorld Parks & Entertainment, Inc. have 02:18:24

anything to do with developing the season pass for 02:18:32

patrons of Sesame Place Philadelphia? 02:18:36

A. So -- I -- because the question is different, I 02:18:38

can't adopt the same answer, but I -- so SeaWorld Parks & 02:18:43

Entertainment, Inc. doesn't have any employees. It does 02:18:47

have officers and directors pursuant to Delaware law. 02:18:51

And to the extent the people that sit in those roles may 02:18:54

have responsibilities in developing season pass products 02:18:58

for any number of our parks, it would not be in their 02:19:02

capacity as officers or directors of SeaWorld Parks & 02:19:05

Entertainment, Inc. 02:19:09

Q. So now I am going to ask the question I asked 02:19:10

before. 02:19:12

Do you have any knowledge as to whether or not 02:19:13

SeaWorld Parks & Entertainment, Inc. was ever made aware 02:19:16

of this particular allegation of race discrimination 02:19:19

occurring at the Sesame Place Philadelphia 02:19:21

Amusement Park? 02:19:24

A. So I would just adopt the same answer that I 02:19:24

have used on Deposition Exhibit 9 and several of the 02:19:26

other deposition exhibits. 02:19:30

Q. As to that particular question? 02:19:31

A. As to that particular question, yes. 02:19:33

Q. Okay. Fair enough. 02:19:34

(Whereupon Deposition Exhibit No. 11 02:19:52

was marked for identification.) 02:19:52

BY MR. RICHARDSON: 02:19:52

Q. Mr. Taylor, I'm now showing you what's been 02:20:01

marked as Deposition Exhibit No. 11. It is an e-mail 02:20:04

from a Patricia Tse, T-s-e. It is dated July 18th, 2022. 02:20:07

It is addressed to SPL guest comments with a 02:20:15

Bates number of SW0003113. 02:20:19

I'd just ask you to take a moment to read that, 02:20:23

sir. 02:20:26

A. Okay. 02:20:26

Q. So, Mr. Taylor, I think we've established that SPL guest comments' e-mail address is specific to Sesame Place Philadelphia? 02:20:27 02:20:56 02:21:00

A. As far as I know, yes. 02:21:01

Q. This particular message of this e-mail reads as follows: "I am truly elated that prejudice at the park on Saturday was exposed. I planned on reaching out just to see multiple videos like the four I possess pop up on social media. I did not enjoy the disappointment on my children's faces reaching out to say hello to their favorite character. My two year old said hi and sad and she waved endlessly and put her little hand out to receive a high-five heist, to come face-to-face with every character and literally be curbed. I just purchased a season pass and opted to ask for a refund due to my dissatisfaction. 02:21:02 02:21:05 02:21:09 02:21:13 02:21:18 02:21:21 02:21:25 02:21:29 02:21:33 02:21:38 02:21:40 02:21:43

We decided to try one more ride before deciding to leave after the 7:00 p.m. parade. The attendant at the red bus ride was DISGUSTING." Disgusting is in all caps. "He did not treat myself or my children well. My four-year-old son fell coming out of the bus, and his leg got stuck between the bus and pavement. The attendant wasn't us out and did not care about his condition. Please do better." 02:21:45 02:21:48 02:21:53 02:21:56 02:21:59 02:22:03 02:22:06 02:22:11

Did I read that correctly? 02:22:13

A. You did, yes. 02:22:14

Q. And once again, Mr. Taylor, did SeaWorld Parks & Entertainment, Inc, were they ever made aware of this particular allegation of race discrimination occurring at the Sesame Place Philadelphia Amusement Park? 02:22:15 02:22:21 02:22:24 02:22:26 02:22:30

A. So if it's okay with you, I'll just adopt the same answer that we just had on Deposition Exhibit 10 and previous deposition exhibits. 02:22:30 02:22:33 02:22:37

Q. As to that question? 02:22:39

A. As to that question. 02:22:39

Q. I just want to add that in so that we're very clear. 02:22:41 02:22:43

A. I'll add it in next time. How is that? As to that question. 02:22:43 02:22:43

(Deposition Exhibit No. 12 was marked for identification). 02:23:02 02:23:02

BY MR. RICHARDSON: 02:23:02

Q. Okay. Mr. Taylor, I've now shown you what's been marked as Deposition Exhibit No. 12. It is an e-mail from Shekeera, S-h-e-k-e-e-r-a, Greene, G-r-e-e-n-e. The e-mail is dated July 19th, 2022, and it's addressed to SPL guest comments with a Bates number of SW0003107. 02:23:08 02:23:10 02:23:13 02:23:20 02:23:25 02:23:29

Just take a moment to read that, sir. 02:23:33

A. I've read it, yes. 02:23:47

Q. All right. And I -- just for -- establish for the record, this is an e-mail addressed to SPL guest comments; am I correct? 02:23:48 02:23:53 02:23:56

A. That's correct, yes. 02:23:56

Q. Sesame Place Philadelphia? 02:23:57

A. Yes, this would be associated with Sesame Place Philadelphia. 02:23:59 02:24:02

Q. And do you happen to know what the language is right after the two where it says, "SPL guest comments," and then it has a bunch of information there? Do you happen to know what any of that is? 02:24:03 02:24:08 02:24:11 02:24:15

A. I don't know exactly. I've seen it on several of the other e-mails, so I don't know if -- well, but it's an e-mail to SPL guest comments. And so most -- our e-mail exchanges and all that are all handled by our IT department that sits in corporate, so that is operated by SWBG Orlando Corporate Operations Group, LLC. 02:24:16 02:24:20 02:24:28 02:24:31 02:24:36 02:24:39

So I would guess that that language is some sort of routing IP language that sends it to the right place, but I'm not an IT person, so I -- to some degree, I'm guessing. 02:24:46 02:24:49 02:24:53 02:24:58

Q. Does the SWBG Orlando Corporate Operations Group, LLC, do they also handle the e-mail exchanges for SeaWorld Parks & Entertainment, Inc? 02:24:59 02:25:07 02:25:11

A. Yeah, although there's -- nobody has -- there is nobody at SeaWorld Parks & Entertainment, Inc, so it doesn't have any e-mail addresses, but I guess if they did have e-mail addresses I'm sure the corporate -- that SWBG Orlando Corporate Operations Group LLC, would be the entity that would administer -- 02:25:13 02:25:17 02:25:20 02:25:22 02:25:25 02:25:32

Q. Okay. 02:25:32

A. If they had them. 02:25:35

Q. All right. 02:25:35

A. But they don't. 02:25:35

Q. Okay. So this particular e-mail under message says, "Hello. Last week I brought my one year old to the Philadelphia location, and the characters ignored him when he was trying to give them a hug or high-five. I feel that they are super rude and racist, and they need to do better. If it's a class action lawsuit on this place, I will be joining in." 02:25:37 02:25:39 02:25:44 02:25:46 02:25:50 02:25:53 02:25:57

Did I read that correctly? 02:25:59

A. You did. 02:26:00

Q. And once again, Mr. Taylor, did SeaWorld Parks & Entertainment, Inc ever become aware of this particular allegation of racial discrimination at Sesame Place Philadelphia? 02:26:01 02:26:05 02:26:10 02:26:14

A. As to that question, I'll just adopt the answer that we've gone over in several of the deposition 02:26:15 02:26:18

exhibits, including the last one, Deposition Exhibit 11. 02:26:23

(Deposition Exhibit No. 13 was 02:26:54

marked for identification.) 02:26:54

BY MR. RICHARDSON: 02:26:54

Q. Okay. Mr. Taylor, I have now shown you what's 02:26:58

been marked as Deposition Exhibit No. 13. It is an 02:26:59

e-mail from a Ketra, K-e-t-r-a, Smothers, 02:27:02

S-m-o-t-h-e-r-s, addressed to SPL guest comments, dated 02:27:08

July 19th, 2022. It has a Bates number of SW0003108, and 02:27:12

I ask that you just take a moment to read that. 02:27:21

A. Okay. I've read it. 02:27:32

Q. In the message of this particular e-mail, it 02:27:33

reads as follows: "My family and I visited Sesame Place. 02:27:36

The characters treated my African American kids unfairly. 02:27:41

I have three children I took there to have fun, and I am 02:27:44

outrageous at the fact they left unhappy because of how 02:27:49

the characters treat them, but was very nice and playful 02:27:52

to other racial Americans. 02:27:56

I am looking into a lawyer because my children 02:27:58

should not had to go through an experience like that. I 02:28:01

wasted my money on flights and tickets and hotel to bring 02:28:06

them to have an enjoyable experience." 02:28:09

Did I read that correctly? 02:28:12

A. Yes, you did. 02:28:13

Q. And, Mr. Taylor, was SeaWorld Parks & 02:28:14

Entertainment, Inc ever made aware of this particular allegation of racial discrimination occurring at the Sesame Place Philadelphia park? 02:28:18 02:28:20 02:28:23

A. As to that question, I will just adopt the same answer that we've gone over with regard to other deposition exhibits, including the last one, Deposition Exhibit No. 12. 02:28:25 02:28:30 02:28:34 02:28:38

(Deposition Exhibit No. 14 was marked for identification.) 02:28:50 02:28:50

BY MR. RICHARDSON: 02:28:51

Q. Mr. Taylor, I am now showing you what's been marked as Deposition Exhibit No. 14. It is an e-mail from Sandra Matias, M-a-t-i-a-s. It is dated July 19th 2022. It is addressed to the SPL guest comments e-mail address. It is Bates number SW00031029. 02:28:51 02:28:59 02:29:01 02:29:07 02:29:14

I ask that you just take a moment to read that. 02:29:21

A. Okay. 02:29:44

Q. The message of this particular e-mail reads as follows: "Hi. I am reaching out as to I've seen so many videos of characters being racist to children. I have a video myself if an incident happening to my daughter. 02:29:45 02:29:47 02:29:54 02:29:57

I took her and my whole family of 15 to Sesame Place on her fifth birthday. She was so excited as she was dressed as Abby Cadabby. And when we were at the parade, I waved to Abby and pointed at my daughter 02:30:02 02:30:10 02:30:14 02:30:15

multiple times. All were ignored. When Abby came closer, she high-fives the rest of the non-colored children and ignored my daughter." 02:30:19 02:30:22 02:30:25

Did I read that correctly? 02:30:26

A. Yes, you did. 02:30:27

Q. If true, would you view that a racist act? 02:30:28

A. If this was true -- well, let me read it again. 02:30:39

Q. Yeah. 02:30:44

A. I mean, I guess, you know, read on its face, it's still really difficult to tell whether it is or not. I mean, certainly, that's what -- that's what Ms. Matias, I think, is trying to allege. There's just -- there's not enough detail here to know, like, what was the proximity of the other, you know, children, and what was the route of the parade, or the pace of the parade. 02:30:57 02:31:00 02:31:03 02:31:09 02:31:12 02:31:16 02:31:20

So it's difficult to tell, but I do think that is what she is -- I'm not -- I want to make sure -- I mean, I understand what her allegations are, certainly, yeah. 02:31:22 02:31:25 02:31:30 02:31:34

Q. And really, my question is this, Mr. Taylor: If there's an allegation that minorities, either Hispanic, black, were ignored when white kids were not, at the amusement park, would that be an allegation of racial discrimination? 02:31:34 02:31:36 02:31:40 02:31:45 02:31:49

MR. SIMPSON: Object to the form. 02:31:51

THE WITNESS: Certainly. And I wouldn't limit that just to -- just to white children. I mean, I would say the same thing about all races of children. If they're being treated differently, I mean. 02:31:52 02:31:54 02:31:59 02:32:02

BY MR. RICHARDSON: 02:32:04

Q. Right, yeah. 02:32:04

Okay. And the same question: Did SeaWorld Parks & Entertainment, Inc. -- were they ever made aware of this particular allegation of racial discrimination occurring at the Sesame Place Philadelphia park? 02:32:08 02:32:12 02:32:15 02:32:18

A. As to that question, I'll just -- if okay with you, I'll just adopt the answer that we have been going over, including the answer given on the last Exhibit 13. 02:32:20 02:32:24 02:32:29

Q. Thank you. 02:32:31

(Deposition Exhibit No. 15 was marked for identification.) 02:32:41 02:32:41

BY MR. RICHARDSON: 02:32:42

Q. Mr. Taylor, I'm now showing you what's been marked as Deposition Exhibit No. 15. It is another e-mail, this time from Karen Cerda, C-e-r-d-a. It is dated July 19th, 2022. It is to SPL guest comments. It is Bates number SW0003110. I will ask that you just take a moment and read that, please. 02:32:42 02:32:53 02:32:56 02:33:00 02:33:06 02:33:12

A. Okay. I have read it. 02:33:32

Q. All right. The message of this particular 02:33:33

e-mail is as follows: "I just got to see a video in which you see the discrimination of the two little girls, and just came to my memory almost the same situation that happened to us in the same park. I tried many times to contact the park because I didn't feel fair for my kids to be discriminated that way also. I bring it up today because there's something wrong with the staff. Don't want to believe that's something that Sesame Place teaches their people." 02:33:34 02:33:39 02:33:42 02:33:46 02:33:50 02:33:53 02:33:57 02:34:00 02:34:03

Did I read that correctly? 02:34:04

A. Yes, you did. 02:34:05

Q. And to your knowledge, did SeaWorld Parks & Entertainment, Inc -- were they ever made aware of the allegation of racial discrimination as contained in this e-mail? 02:34:06 02:34:13 02:34:14 02:34:17

A. As to that question, if okay with you, I'll adopt the same answer that we've gone over a few times, including on Deposition Exhibit 14 preceding this one. 02:34:17 02:34:21 02:34:25

Q. Thank you. 02:34:28

(Deposition Exhibit No. 16 was marked for identification.) 02:34:45 02:34:45

BY MR. RICHARDSON: 02:34:46

Q. So Mr. Taylor, I'm now showing you what's been marked as Deposition Exhibit No. 16. This is an e-mail from Rasheed, R-a-s-h-e-e-d, Marshal, dated 02:34:46 02:34:52 02:34:55

July 20th, 2022, to SPL guest comments, Bates number SW0003111. I would ask that you just take a moment and read that one. 02:35:00 02:35:06 02:35:12

A. Okay. I read it. 02:35:51

Q. This particular message, it says message two of three, but the message that is on this particular exhibit reads as follows: "I noticed the characters that was greeting families and children would overlook families of color. Being a black man holding my son, standing between another group whom appeared to be Hispanic and another group black, it affected my family trip due to the fact we witnessed and experienced being profiled and singled out. I stood in shock as I witnessed a pattern -- and I am not saying ALL" -- All is caps, all capitalized -- "the characters was avoiding minority families. I am speaking on the few minority groups that were overlooked and ignored while the person next to them would be greeted. It stinged [sic] my heart when one of the little girls said, 'How can they not see us when the people over there is standing right in front of me?' 02:35:52 02:35:56 02:36:01 02:36:03 02:36:06 02:36:10 02:36:14 02:36:19 02:36:22 02:36:25 02:36:31 02:36:33 02:36:36 02:36:39 02:36:43 02:36:47

My toddler just kept waving as the characters literally look our way, no wave back, no interaction, just turned away, then proceeded to walk toward someone directly in our view. My son is too young to understand what happened." 02:36:52 02:36:54 02:36:58 02:37:02 02:37:06

Did I read that correctly? 02:37:07

A. Yes, you did. Message 2 out 3 is the only thing you missed, so I'm not sure if that means anything. 02:37:08 02:37:12

Q. Yeah, and I even said that at first, right, before I started reading? I said, message 2 of 3; is that correct? 02:37:15 02:37:17 02:37:20

A. Yes, that is correct, both places. 02:37:20

Q. Right. And did SeaWorld Parks & Entertainment, Inc, were they ever made aware of this particular allegation of racial discrimination at the Sesame Place Philadelphia park? 02:37:22 02:37:26 02:37:28 02:37:31

A. As to that question, if it's all right with you, I'll just adopt the same answer that we've given on these similar exhibits, including most recently on Deposition Exhibit No. 15. 02:37:32 02:37:36 02:37:40 02:37:43

Q. Let me ask you, is SeaWorld Parks & Entertainment, Inc. the sole member of SeaWorld Parks & Entertainment, LLC? 02:38:01 02:38:05 02:38:07

A. Yes, it is. 02:38:07

Q. So as the member of SeaWorld Parks & Entertainment, LLC, does it concern -- well, should it concern SeaWorld Parks & Entertainment, Inc. that there have been so many allegations of racial discrimination occurring at the Sesame Place Philadelphia Amusement Park? 02:38:08 02:38:11 02:38:16 02:38:20 02:38:23 02:38:25

A. Well, again, it's kind of a similar answer. Since SeaWorld Parks & Entertainment, Inc. doesn't actually have any employees -- it does have officers and directors pursuant to Delaware law. So it doesn't have, I guess, the ability to have that awareness in the sense of employees. 02:38:25 02:38:27 02:38:29 02:38:32 02:38:38 02:38:41

However, though, on just a -- like on a much broader note, the allegations -- any kind of allegations of racism, along with any other type of allegations of people being treated unfair is something that we -- we would take serious throughout any of our subsidiaries. 02:38:43 02:38:46 02:38:50 02:38:55 02:38:57

Q. All right. 02:39:01

(Deposition Exhibit No. 17 was marked for identification.) 02:39:45 02:39:45

BY MR. RICHARDSON: 02:39:46

Q. Mr. Taylor, I'm now showing you what's been marked as Deposition Exhibit No. 17. It is an e-mail with the Bates number range of Fleming 0005 dated July 19th, 2022. It's addressed to socialmedia@sesameplace.com, and there is a reply e-mail from SPL guest comments -- excuse me, to Mr. 717. 02:39:46 02:39:52 02:39:55 02:40:00 02:40:05 02:40:08

And just for the record, the first page of this e-mail is from a Mr. 717, e-mail address of bestbarber717@gmail.com, and the second page of Exhibit No. 17 is a reply from SPL guest comments to that 02:40:16 02:40:17 02:40:23 02:40:27

e-mail address. This one is dated July 20th, 2022, also with the Bates number Fleming 0004. 02:40:30 02:40:36

I would ask that you just take a moment and read both of those e-mails that are collectively Exhibit No. 17. 02:40:41 02:40:43 02:40:48

A. Okay. 02:41:23

Q. You've had a chance to read both the e-mails and the reply? 02:41:23 02:41:25

A. I did Bates stamped Fleming 05 followed by Fleming 04. 02:41:26 02:41:30

Q. Yes, okay. So Fleming 05 -- 0005 reads as follows: 02:41:31 02:41:39

"This video shows your staff has some sort issue towards certain groups of children. After being blown off by several characters, I finally got one's attention while pointing at my child so she could have her magical moment. All she wanted was a high-five, and he proceeded to walk towards her just to turn away and focus on an Asian kid. 02:41:40 02:41:45 02:41:47 02:41:51 02:41:53 02:41:57 02:42:01

I'm not saying this is racially motivated, but sheesh," s-h-e-e-s-h. "If you watch my video, it's heartbreaking. My daughter is still upset. I already posted on my Instagram, but I would love a response back, and possibly some sort of acknowledgment and a resolution." 02:42:03 02:42:09 02:42:10 02:42:13 02:42:16 02:42:20

Did I read that correctly? 02:42:20

A. You did, and then there's -- apparently, there was some link or attachment that followed it. That's the only other thing that's in the e-mail. 02:42:21 02:42:24 02:42:27

Q. And it's some Instagram post? 02:42:27

A. Correct. 02:42:29

Q. And to socialmedia@sesameplace.com, is there another -- do you happen to know whether there's another e-mail address that goes directly to Sesame Place Philadelphia? 02:42:30 02:42:34 02:42:36 02:42:39

A. I mean, I would -- I would -- I really just kind of have the same answer. It's clearly an e-mail address. It looks like it was responded to by the guest comments. So it must have -- obviously, it made it there. It routed there. 02:42:41 02:42:45 02:42:47 02:42:52 02:42:55

Q. Okay. And then the reply from SPL guest comments says as follows: "Thank you for contacting Sesame Place Philadelphia. Your comments and concerns are very important to us, and we have received your correspondence. Please allow five to seven business days for a response to be issued as we are working diligently to provide you with the proper response. 02:43:05 02:43:14 02:43:16 02:43:19 02:43:22 02:43:25 02:43:28

If you need to change the visit date on your admission tickets, Dine with Elmo and Friends, or any other reservation product, please call." 02:43:31 02:43:33 02:43:36

And then it provides a number; is that correct? 02:43:39
A. That is correct. 02:43:41
Q. And did I read that correctly, but for the 02:43:42
number? 02:43:45
A. And the "Thank you, Sesame Place Philadelphia." 02:43:45
Q. Right. 02:43:48
A. Yep. 02:43:49
Q. So did Sesame Place -- I'm sorry. 02:43:49
Did SeaWorld Parks & Entertainment, Inc., were 02:44:04
they ever made aware that this particular individual was 02:44:07
complaining about his experience of alleged racial 02:44:09
discrimination at the Sesame Place Philadelphia park? 02:44:14
A. As to that question, if it's okay with you, 02:44:17
I'll just adopt the same answer that we've given -- or 02:44:20
I've given with regard to similar exhibits, including the 02:44:24
last exhibit Deposition Exhibit No. 16. 02:44:29
(Deposition Exhibit No. 18 was 02:44:29
marked for identification.) 02:44:29
BY MR. RICHARDSON: 02:44:55
Q. So Mr. Taylor, I'm showing you what's been 02:44:59
marked as deposition Exhibit No. 18. It is an e-mail. 02:45:09
It's just an e-mail. Written by Sara Tsivikis, 02:45:18
T-s-i-v-i-k-i-s, to Brittany Kenny and SPL guest 02:45:26
comments, and the subject is "Guest Compensation 02:45:39
Request." It's Bates number SW0003120. 02:45:40

And I'd ask that you take a moment to read that. 02:45:43 02:45:47

A. Okay. 02:46:49

Q. So I believe you've testified earlier that you may or may not know Ms. Tsivikis? 02:46:50 02:46:56

A. That was my testimony, but I see she's the -- she was the vice president of human resources, so I think I later said that I do know her, and that's... 02:46:58 02:47:02 02:47:04

Q. Yeah. And would this be the human resources department that's associated with Sesame Place Philadelphia? 02:47:07 02:47:12 02:47:14

A. Correct. 02:47:16

Q. And not corporate? Or -- when I say corporate, not Orlando? 02:47:17 02:47:20

A. Not Orlando and not the other parks that are owned by SeaWorld Parks & Entertainment, LLC. 02:47:21 02:47:23

Q. Okay. And I believe you testified that you do not know Brittany Kenny? 02:47:27 02:47:29

A. I mean, I don't know her personally, but I believe Brittany is in operations. 02:47:31 02:47:37

Q. Do you know Lisa Passero, P-a-s-s-e-r-o? 02:47:40

A. I do not. 02:47:49

Q. Do you know Pam Nuzzo, N-u-z-z-o? 02:47:50

A. I do. 02:47:53

Q. And who is she? 02:47:54

A. She's the VP of marketing, I believe. 02:47:55

Q. For whom? 02:47:59

A. Sesame Place Langhorne -- or Philadelphia. 02:48:00

Q. SeaWorld Parks & Entertainment, LLC? 02:48:04

A. Yes. 02:48:07

Q. Okay. So this particular e-mail from 02:48:07

Ms. Tsivikis states, [redacted] 02:48:22

[redacted] 02:48:27

[redacted] 02:48:30

[redacted] 02:48:34

[redacted] 02:48:39

[redacted] 02:48:43

And it has the woman's name as Yolanda Billok, 02:48:46

B-i-l-l-o-k, with a phone number, and then it goes on to 02:48:50

say, [redacted] 02:48:55

[redacted] 02:48:59

[redacted] 02:49:02

[redacted] 02:49:05

[redacted] 02:49:07

[redacted] 02:49:12

[redacted] 02:49:19

[redacted] 02:49:24

[redacted] 02:49:30

[redacted] 02:49:32

[redacted] 02:49:35

[redacted]

Did I read that correctly? 02:49:58

A. You did. 02:49:59

Q. And once again, Mr. Taylor, would SeaWorld Parks & Entertainment, Inc., would they have been made aware of this particular allegation of racial discrimination occurring at the Sesame Place Philadelphia Amusement Park? 02:50:00 02:50:05 02:50:07 02:50:11 02:50:13

A. As to that question, if it's okay with you, I'll adopt the answer that I've given previously with similar e-mails, including last given on Deposition Exhibit 17, the exhibit that preceded this one. 02:50:13 02:50:17 02:50:20 02:50:26 02:50:30

(Deposition Exhibit No. 19 was marked for identification.) 02:50:43 02:50:43

BY MR. RICHARDSON: 02:50:52

Q. Mr. Taylor, I'm now showing you what's been marked as Deposition Exhibit No. 19. It's an e-mail dated July 20th, 2022. It's to SPL guest comments from Ingrid Morales, I-n-g-r-i-d, M-o-r-a-l-e-s. There is no 02:50:52 02:51:00 02:51:03 02:51:10

Bates number, but it is Morales. It has an exhibit sticker of Morales 10. 02:51:18 02:51:21

I ask that you take a moment to read that. 02:51:24

A. I've read it. 02:51:37

Q. The message of this particular e-mail reads follows: "I visited 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." 02:51:38 02:51:40 02:51:44 02:51:47 02:51:51 02:51:53 02:51:56 02:51:59 02:52:04

Did I read that correctly? 02:52:05

A. You did. Excuse me. You did. 02:52:05

Q. Were you made aware that Ms. Morales gave a deposition in this case? 02:52:10 02:52:13

A. No. 02:52:14

Q. Do you have any knowledge as to whether or not SeaWorld Parks & Entertainment, Inc. was ever made aware of this typical allegation of racial discrimination occurring at the Sesame Place Philadelphia Amusement Park? 02:52:25 02:52:28 02:52:30 02:52:32 02:52:34

A. As to that question, if it's okay with you, I will just adopt the same answer I have given in response 02:52:34 02:52:39

to that question on previous similar exhibits, including last given on Deposition Exhibit No. 18. 02:52:42 02:52:45

(Deposition Exhibit No. 20 was marked for identification.) 02:53:03 02:53:03

BY MR. RICHARDSON: 02:53:05

Q. So, Mr. Taylor, I'm now showing you what has been marked as Deposition Exhibit No. 20. This is an e-mail from Nikita Kinsey, N-i-k-i-t-a. Kinsey is K-i-n-s-e-y. 02:53:05 02:53:09 02:53:12 02:53:16

It is from Ms. Kinsey to SPL guest comments. It is Bates number SW 0003118. I believe I gave the date, but it's July 20th of 2022. I'm going to ask if you'll just take a moment to read that. 02:53:20 02:53:24 02:53:29 02:53:34

A. Okay. 02:54:15

Q. All right. So this particular e-mail has a message that reads as follows: "My name is Nikita. I live and traveled all the way from Chicago to Langhorne, Pennsylvania. I attended the park two days in a row on July 7th and 8th. I only traveling for my two-year-old daughter to see and enjoy the characters because she loves and watches Sesame Street at home. 02:54:15 02:54:19 02:54:23 02:54:28 02:54:31 02:54:35 02:54:39

I noticed while watching the 3:00 p.m. parade the characters were heading in our direction, waving to the crowd, and walking along shaking some of the kids hands. Unfortunately, when the Rosita character got 02:54:42 02:54:45 02:54:48 02:54:51

close, it skipped right over my daughter, and kept walking shaking other kids' hands of non-African American decent. 02:54:54 02:54:57 02:55:02

I was not pleased with this and went to customer care to file a complaint, but was only told to send an e-mail with my concerns. When the character walked past, my daughter started to whine as she also saw Rosita walk up to other kids and shake their hands right in front of her. 02:55:03 02:55:05 02:55:09 02:55:12 02:55:17 02:55:20

I am very disappointed in how this made me and my daughter feel. I would like to be accommodated with a refund." 02:55:21 02:55:24 02:55:27

Did I read that correctly? 02:55:28

A. You did. 02:55:29

Q. And do you have any knowledge as to whether or not SeaWorld Parks & Entertainment, Inc. was ever made aware of this particular allegation of racial discrimination occurring at the Sesame Place Philadelphia Amusement Park? 02:55:30 02:55:35 02:55:38 02:55:41 02:55:44

A. As to that question, if it's okay with you, I'll just adopt the same answer that I've given on similar exhibits, including last given on Deposition Exhibit No. 19. 02:55:47 02:55:51 02:55:54 02:55:59

(Deposition Exhibit No. 21 was marked for identification.) 02:56:01 02:56:02

BY MR. RICHARDSON: 02:56:02

Q. So Mr. Taylor, I'm now showing you what's been 02:56:15
marked as Deposition Exhibit No. 21. It is an e-mail 02:56:25
from Kristen Newmuis. I'm going to spell both. 02:56:27
K-r-i-s-t-e-n. The last name is N-e-w-m-u-i-s. It is 02:56:33
dated July 22nd, 2022. It is to the SPL guest comments 02:56:38
with a Bates number range of SW0003119. 02:56:44

I'll just ask you to take a look at that. 02:56:50

A. Okay. I've read it. 02:57:14

Q. So the message of this e-mail reads, "With the 02:57:16
recent news stories on racist practices by characters at 02:57:19
your park, I am requesting a full refund for our 02:57:23
memberships. As a mother to two black children, I have 02:57:30
had the same experience with your characters 02:57:31
intentionally ignoring my children during the parade. 02:57:34

After seeing this in practice with other 02:57:38
children of color, it only further confirms my suspicion 02:57:39
that it was indeed based on their race. I am happy to 02:57:43
send pictures of the characters avoiding my children if 02:57:46
needed. I am currently on a monthly payment plan and 02:57:49
requesting all future charges to be canceled and a refund 02:57:53
for the ones already made. 02:57:57

The memberships are for Kristen Newmuis, Ryan, 02:57:58
R-y-a-n, Newmuis, and Carter Newmuis. I cannot and will 02:58:04
not support or participate in an organization that 02:58:09

supports or allows racism. Your characters' actions only further add to the feeling of 'not good enough' for children of color in this country. I will not willingly allow this happen to my children. Please advise on next steps." 02:58:12 02:58:20 02:58:24 02:58:29 02:58:29

Did I read that correctly? 02:58:32

A. You did, yes. 02:58:33

Q. I have some questions. Let me ask you the usual. 02:58:34 02:58:42

Were you ever made aware as to whether or not SeaWorld Parks & Entertainment, Inc. was ever made aware of this particular allegation of racial discrimination occurring at the Sesame Place Philadelphia Amusement Park? 02:58:49 02:58:51 02:58:53 02:58:56 02:58:59

A. As -- as to that question, if it's okay with you, I will just adopt the answer that I've given regarding similar deposition exhibits, including last given in Deposition Exhibit No. 20. 02:58:59 02:59:02 02:59:07 02:59:10

Q. So -- 02:59:10

A. Should I keep that in front of me? 02:59:17

Q. No, no. This question has nothing do with that exhibit. 02:59:19 02:59:20

Did SeaWorld Parks & Entertainment, Inc. have any role in receiving the payments that patrons made for season passes, or processing the payments rather? 02:59:21 02:59:24 02:59:30

MR. SIMPSON: Object to the form. 02:59:34

THE WITNESS: No, not in -- no, not in processing payments. 02:59:35 02:59:38

BY MR. RICHARDSON: 02:59:39

Q. Okay. Did they -- when I say "they," SeaWorld Parks & Entertainment, Inc. receive any payments made by Sesame Place Philadelphia Park patrons for season passes? 02:59:39 02:59:43 02:59:48 02:59:53

A. Well, they don't receive them directly, but as we went over earlier this morning, there's an intercompany note that runs between SeaWorld Parks & Entertainment, LLC as payor and SeaWorld Parks & Entertainment, Inc. as payee. 02:59:54 02:59:56 03:00:00 03:00:02 03:00:10

So to the extent that, you know -- again, it's not singled out or designated that it's coming from tickets, but there is -- there is money that flows between those two -- between those two companies. 03:00:10 03:00:14 03:00:16 03:00:19

Q. And between 2018 and 2022, was it the case that money flowed from the LLC to the Inc.? 03:00:22 03:00:27

A. It does, yeah. It's this order to pay debt. It's a way -- the note is there in order to be able to allocate interest to the various subsidiaries. 03:00:30 03:00:33 03:00:35

Q. So did the LLC obtain a loan from the Inc. that it repays in one form or another? 03:00:39 03:00:46

A. Essentially, it does because it benefits from 03:00:49

the debt that's taken on by SeaWorld Parks & Entertainment, Inc. It's the -- it is the entity in which the debt is held. 03:00:52 03:00:55 03:01:00

Q. What is the entity? 03:01:02

A. SeaWorld Parks & Entertainment, Inc. 03:01:03

Q. And you mentioned this agreement that was in place between 2018 and 2022, between the LLC and the Inc. with respect to the payment of that debt? 03:01:05 03:01:10 03:01:14

A. Right. It was in -- again, it wasn't just that period. It was in effect during that period, but it's not associated with just that period. It's still in place today. 03:01:16 03:01:21 03:01:23 03:01:25

Q. Okay. And does the Inc. have any idea as to where the funds come from the LLC? That is, made in payment of that debt? 03:01:26 03:01:31 03:01:36

A. Well, again, so Inc. doesn't have any employees. It does have officer and directors under Delaware law. So to the extent that those officers and directors are aware of that entire structure -- and again, it's a document that's used -- it's for accounting and in order to allocate interest to the subsidiaries because that's where the revenue comes from. 03:01:37 03:01:39 03:01:43 03:01:47 03:01:53 03:01:57 03:02:04

So to the extent that they are aware that that's in place, it's not as a result of them being officers or directors of SeaWorld Parks & Entertainment, 03:02:08 03:02:12 03:02:14

Inc, but in their other roles. 03:02:18

Q. I see. 03:02:21

THE WITNESS: Well, would it be possible to take a short break? 03:02:36 03:02:38

MR. SIMPSON: Absolutely. 03:02:38

03:02:58

THE VIDEOGRAPHER: Going off the record. The time is 3:03 p.m. 03:02:58 03:03:00

(A recess was taken.) 03:23:19

THE VIDEOGRAPHER: We are back on the record. The time is 3:24 p.m. 03:23:44 03:23:45

(Deposition Exhibit No. 22 was marked for identification.) 03:23:47 03:23:47

BY MR. RICHARDSON: 03:24:02

Q. Mr. Taylor, I'm now showing you what's been marked deposition Exhibit No. 22. It had a copy of a limited liability company agreement of Busch Entertainment, LLC. It is dated November the 19th, 2009. It has a Bates number range of SW0002685 through SW 0002689. 03:24:02 03:24:04 03:24:08 03:24:12 03:24:15 03:24:20

I ask that you just take a moment and read that document, please. 03:24:33 03:24:36

A. Do you want me to read the whole thing? 03:24:37

Q. Well, I want you to read it enough to be able to answer questions about it. So you tell me when you're 03:24:39 03:24:40

ready. 03:24:43

A. Okay. 03:26:00

Q. Mr. Taylor, am I correct that Busch Entertainment, LLC is the predecessor name of SeaWorld Parks & Entertainment, LLC? 03:26:05 03:26:07 03:26:09

A. I believe so. 03:26:11

Q. Am I also correct that BPOF Corp. is the predecessor name of SeaWorld Parks & Entertainment, Inc.? 03:26:14 03:26:17

A. You are not correct. 03:26:21

Q. Okay. What is the BPOF for? 03:26:23

A. It stands for Busch Properties of -- Busch Properties of Florida Corp -- corporation. 03:26:29 03:26:31

Q. And is that corporation, according to this agreement, [redacted] 03:26:37 03:26:41 03:26:47

A. Correct. 03:26:48

[redacted] 03:26:49 03:26:56

A. Yes, that's what this document indicates. 03:26:58

Q. All right. [redacted] 03:27:02 03:27:12 03:27:18 03:27:18 03:27:19 03:27:20

[redacted] 03:27:26
[redacted] 03:27:31
[redacted] 03:27:32
[redacted] 03:27:33
[redacted] 03:27:38
[redacted] 03:27:43
[redacted] 03:27:43
[redacted] 03:27:46
[redacted] 03:27:48
[redacted] 03:27:55
Q. Okay. And did SeaWorld Parks & Entertainment, 03:27:55
Inc. exist in 2009? 03:28:03
A. Yes. [redacted] 03:28:04
[redacted] 03:28:07
Q. Okay. [redacted] 03:28:09
[redacted] 03:28:20
[redacted] 03:28:23
[redacted] 03:28:26
[redacted] 03:28:32
Do you see that? 03:28:35
A. I do. 03:28:36
Q. [redacted] 03:28:36
[redacted] 03:29:00
[redacted] 03:29:03
[redacted] 03:29:06

Did I read that correctly? 03:29:07

A. You did. 03:29:08

Q. Let me ask you a different question. 03:29:10

Was the -- was it the intent of the sole 03:29:38

member -- in this case, it's the BPOF Corp., to create a 03:29:40

limited liability company to provide for the management 03:29:45

and administration of the company? 03:29:47

A. If you're asking what the purpose clause of 03:29:52

this limited liability company agreement, it says, [redacted] 03:29:54

[redacted] 03:29:57

[redacted] 03:29:59

[redacted] 03:30:02

[redacted] 03:30:07

[redacted] 03:30:11

[redacted] 03:30:12

[redacted] 03:30:15

[redacted] 03:30:16

Q. Right. 03:30:18

A. In corporate documents. 03:30:19

[redacted] 03:30:21

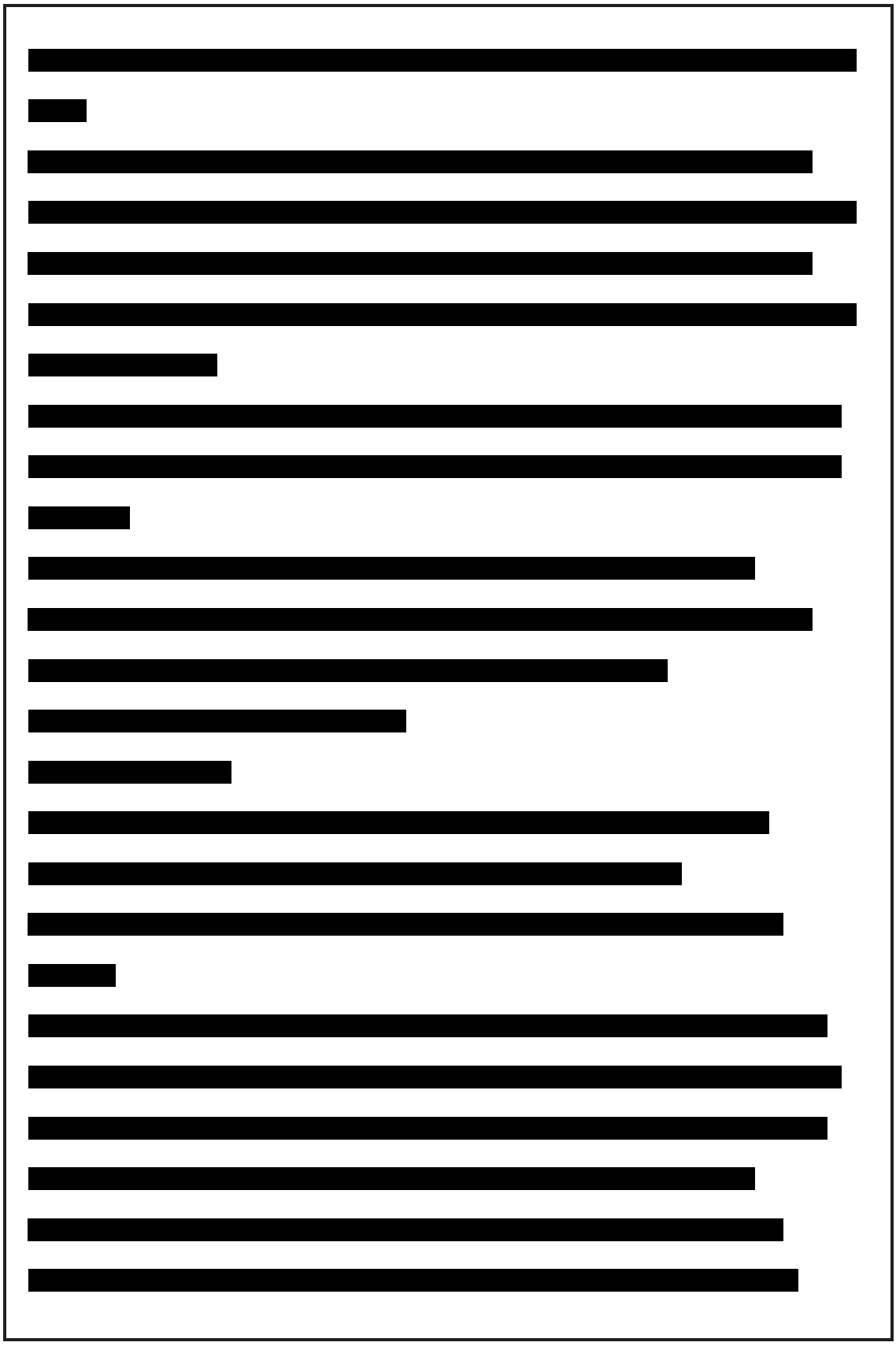
[redacted] 03:30:24

[redacted] 03:30:24

[redacted] 03:30:27

[redacted] 03:30:32

[redacted] 03:30:37



1	03:30:40
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7	03:31:01
8	03:31:01
9	03:31:03
10	03:31:08
11	03:31:10
12	03:31:14
13	03:31:17
14	03:31:22
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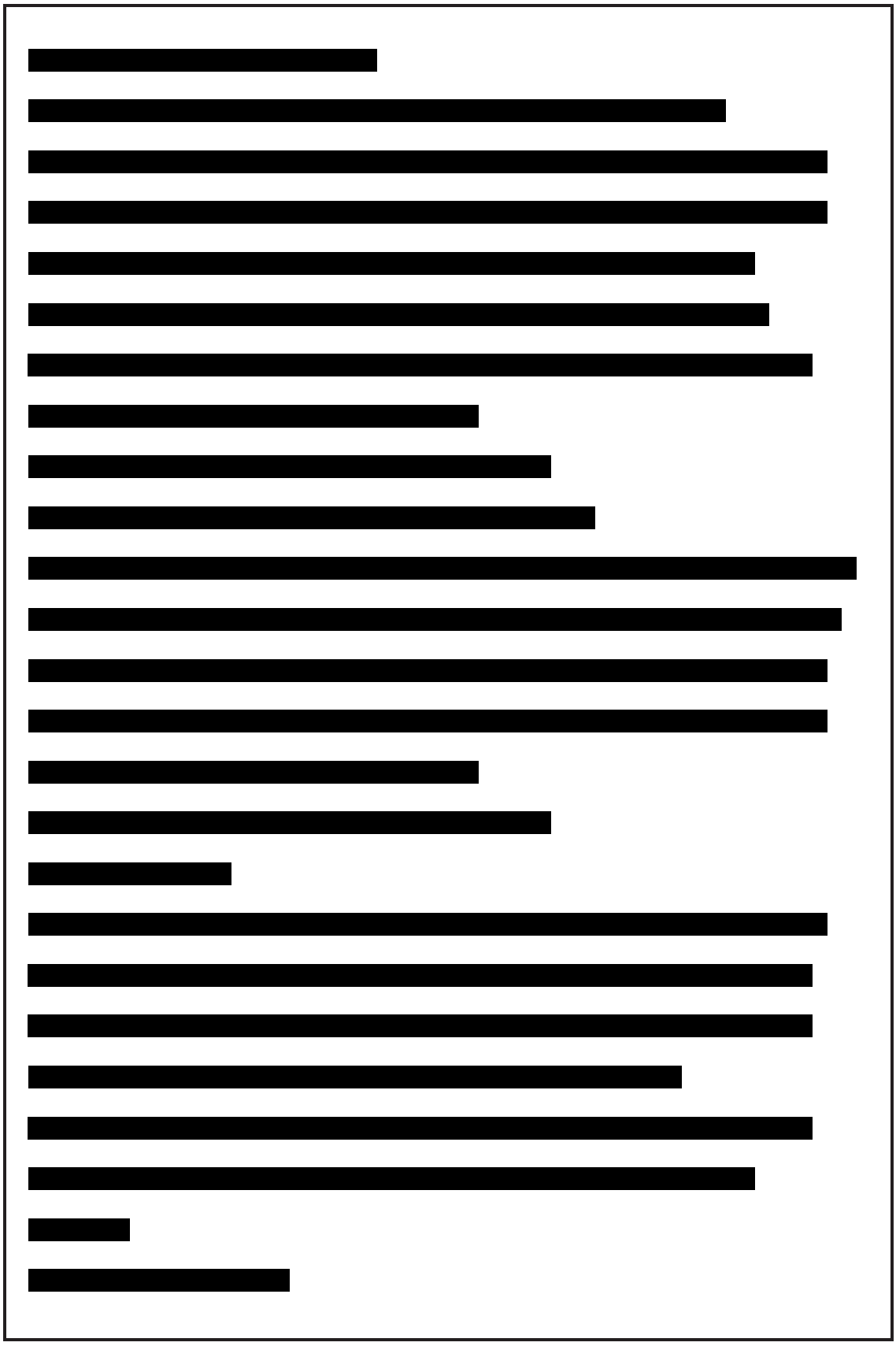

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15	03:32:36
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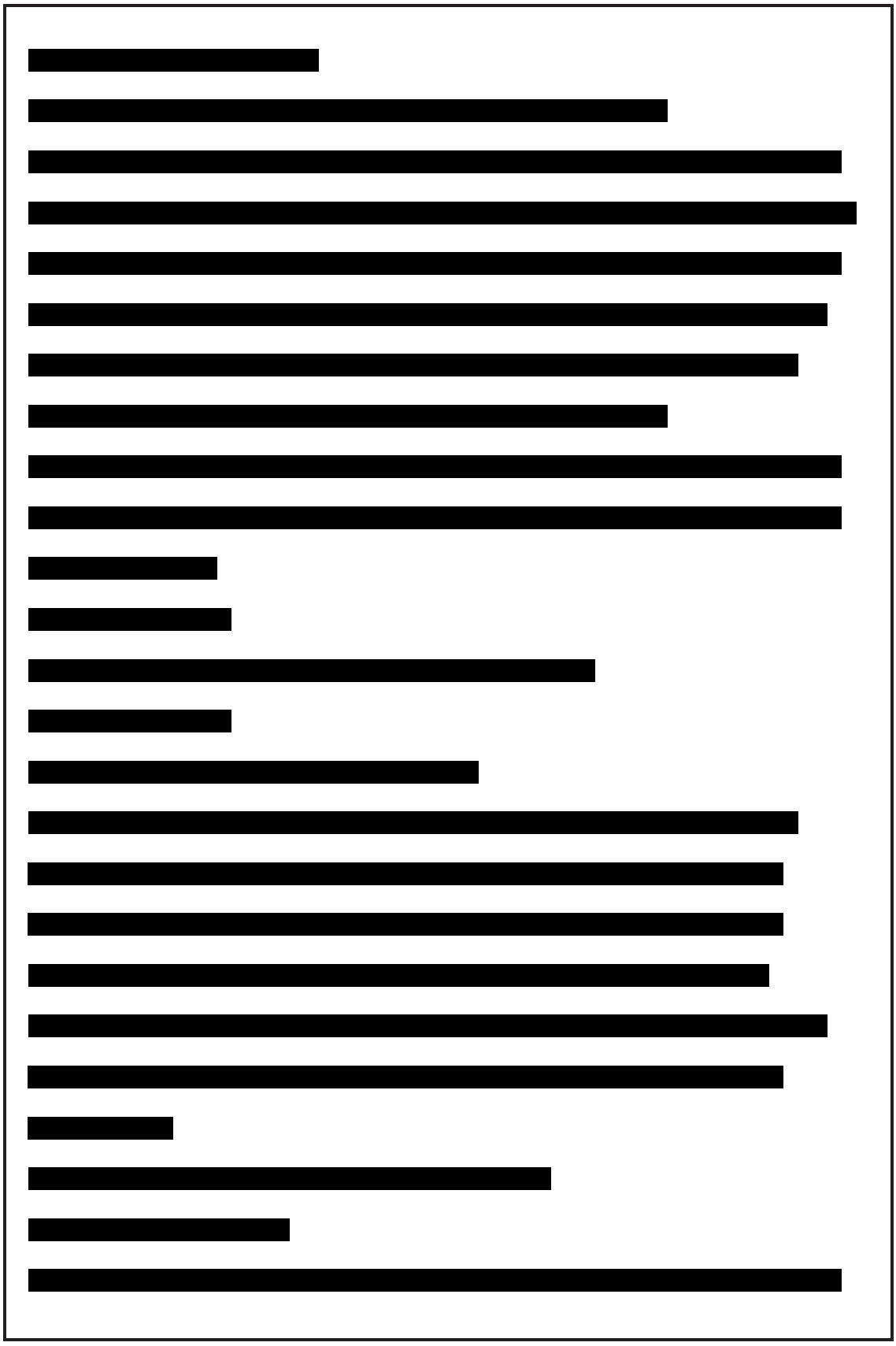

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12	03:33:35
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14	03:33:38
15	03:33:38
16	03:33:46
17	03:33:49
18	03:33:52
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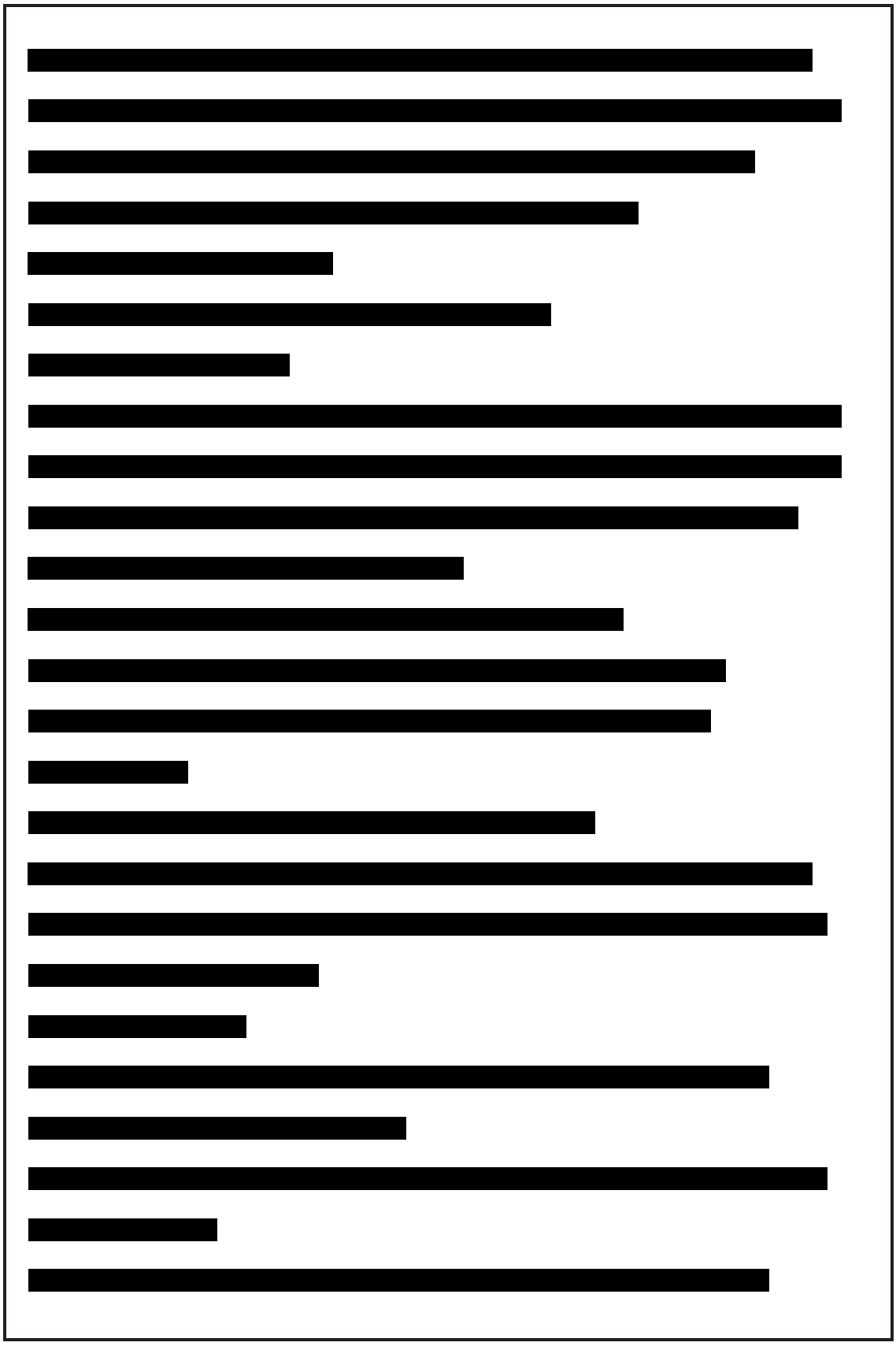
22	03:34:05
23	03:34:06
24	03:34:07
25	03:34:08



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16	03:35:04
17	03:35:08
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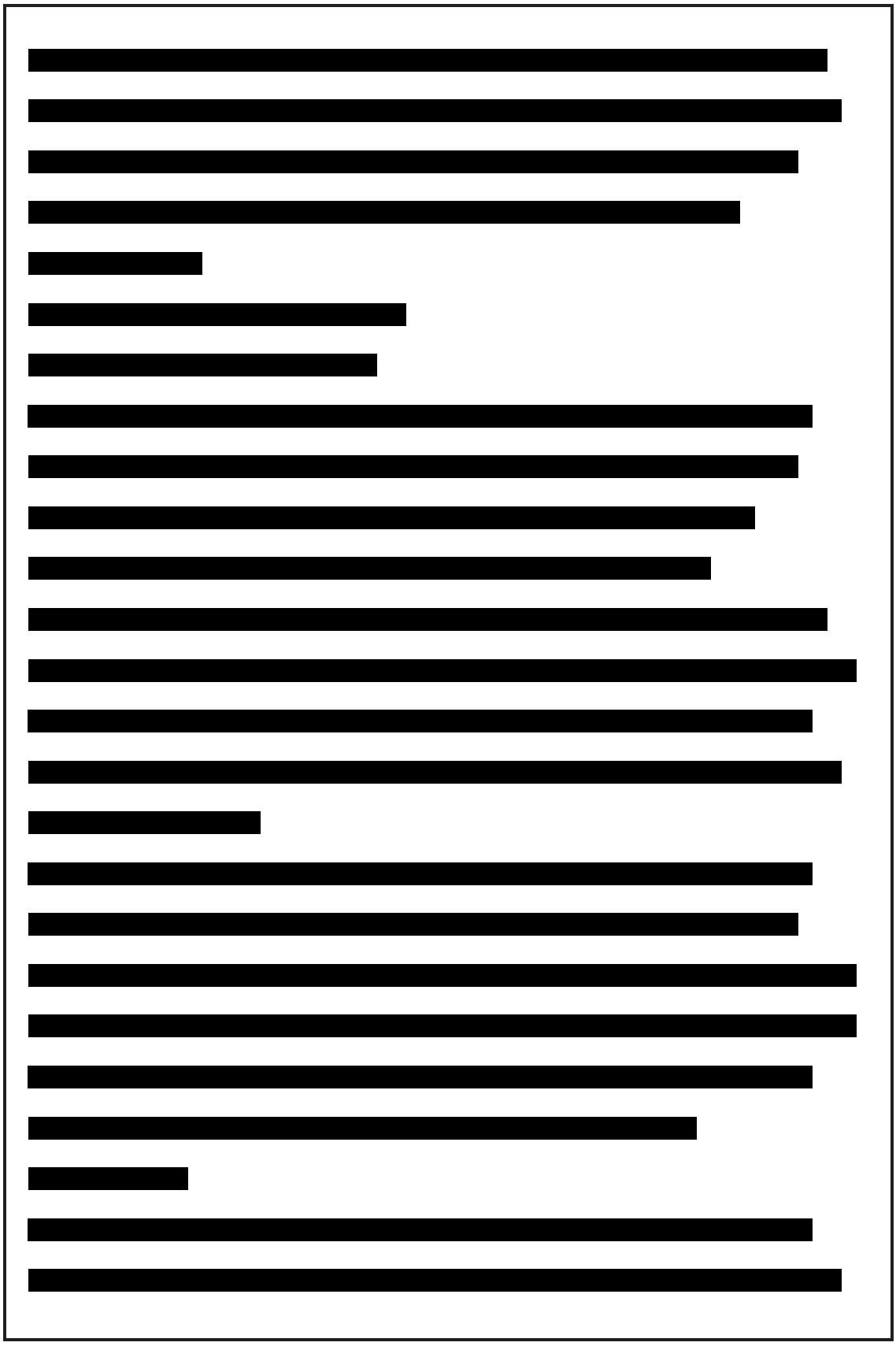

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8	03:36:43
9	03:36:50
10	03:36:56
11	03:36:59
12	03:37:02
13	03:37:06
14	03:37:09
15	03:37:13
16	03:37:16
17	03:37:18
18	03:37:22
19	03:37:24
20	03:37:29
21	03:37:32
22	03:37:34
23	03:37:37
24	03:37:37
25	03:37:39

[redacted]

[redacted]

[redacted]

Q. Okay. If you'll go to the last page, the signature page. For the BPOF Corp.? 03:37:50 03:37:56

A. Oh, I'm sorry. Yes. 03:38:00

Q. Do you see who Christine Allison is? 03:38:01

A. Yes. 03:38:04

Q. The director. Do you know Ms. Allison? 03:38:04

A. I believe I do know Ms. Allison. 03:38:09

Q. Who is she? 03:38:11

A. Yeah, it's been a long time. She worked in the corporate secretary's office of Anheuser-Busch Companies, Inc. 03:38:12 03:38:14 03:38:16

Q. And did she ever hold any other titles? 03:38:17

A. She may have. 03:38:20

Q. Okay. And did we establish that the Anheuser-Busch Company is the predecessor to SeaWorld Parks & Entertainment, LLC? 03:38:21 03:38:26 03:38:30

A. We did not establish that. 03:38:31

Q. Okay. Is it? 03:38:32

A. No. 03:38:33

Q. Okay. And do you see at the bottom of the signature page, it says "Signature page to Busch Entertainment, LLC agreement"? 03:38:33 03:38:46 03:38:46

A. Uh-huh. 03:38:48
Q. Let me show you the next document. 03:38:50
(Deposition Exhibit No. 23 was 03:39:13
marked for identification.) 03:39:13
BY MR. RICHARDSON: 03:39:13
Q. When was this dated? 03:39:13
A. January 13th, 2014. 03:39:14
Q. Okay. So I'm showing you what's been marked as 03:39:14
Deposition Exhibit No. 23. I think it's going to be your 03:39:34
answer that you are familiar with this document, at least 03:39:37
you're familiar with the signature on this document. 03:39:40
A. Certainly familiar with that signature. 03:39:42
Q. But I would ask that you just take a moment. 03:39:44
It appears to be a document titled -- a moment to read 03:39:46
it. It's a document titled "First Amendment to Limited 03:39:50
Liability Agreement," Bates number SW0002684. It's dated 03:39:50
January 13th of 2014 -- January 30th of 2014. 03:39:59
A. Okay. 03:40:37
Q. So this says the first amendment to limited 03:40:38
liability agreement. 03:40:42
Am I correct, Mr. Taylor, that this document is 03:40:43
referring to what has been marked as Deposition 03:40:47
Exhibit No. 22? 03:40:50
A. Yes, sure. 03:40:50
Q. Okay. It says, [redacted] 03:40:55

[redacted] 03:41:00
[redacted] 03:41:04
[redacted] 03:41:09
[redacted] 03:41:17
[redacted] 03:41:24
[redacted] 03:41:29
[redacted] 03:41:31
[redacted] 03:41:35
[redacted] 03:41:40
[redacted] 03:41:44
[redacted] 03:41:50
[redacted] 03:41:53
[redacted] 03:41:56
[redacted] 03:41:58
[redacted] 03:42:03
[redacted] 03:42:06

A. Right. That was my -- 03:42:06

Q. At least as of that time. 03:42:07

A. That was my title at the time, yeah. 03:42:09

Q. And that's -- and this is of SeaWorld Parks & Entertainment, Inc? 03:42:11 03:42:15

A. Correct. 03:42:17

[redacted] 03:42:17
[redacted] 03:42:27
[redacted] 03:42:34

[redacted] 03:42:36

A. Yes. 03:42:38

Q. All right. So it is the same entity? 03:42:39

A. As I've previously testified, yes. 03:42:42

Q. I thought you were saying they were not. 03:42:45

That's why I was wondering. 03:42:47

A. No, I didn't say that. 03:42:49

Q. Okay. All right. 03:42:50

[redacted] 03:43:12

[redacted] 03:43:16

[redacted] 03:43:20

[redacted] 03:43:24

[redacted] 03:43:26

[redacted] 03:43:27

[redacted] 03:43:35

[redacted] 03:43:37

[redacted] 03:43:41

[redacted] 03:43:46

[redacted] 03:43:48

[redacted] 03:43:50

[redacted] 03:44:01

[redacted] 03:44:04

[redacted] 03:44:16

[redacted] 03:44:24

[redacted] 03:44:27

Did I read that correctly? 03:44:28

A. Yes. 03:44:29

[redacted] 03:44:29

[redacted] 03:44:33

[redacted] 03:44:41

[redacted] 03:44:44

[redacted] 03:44:48

[redacted] 03:44:52

[redacted] 03:44:55

Did I read that correct? 03:44:56

A. You did. 03:44:57

[redacted] 03:44:58

[redacted] 03:45:04

[redacted] 03:45:09

[redacted] 03:45:13

[redacted] 03:45:17

Did I read that correctly? 03:45:20

A. You read that correctly. 03:45:21

[redacted] 03:45:23

[redacted] 03:45:31

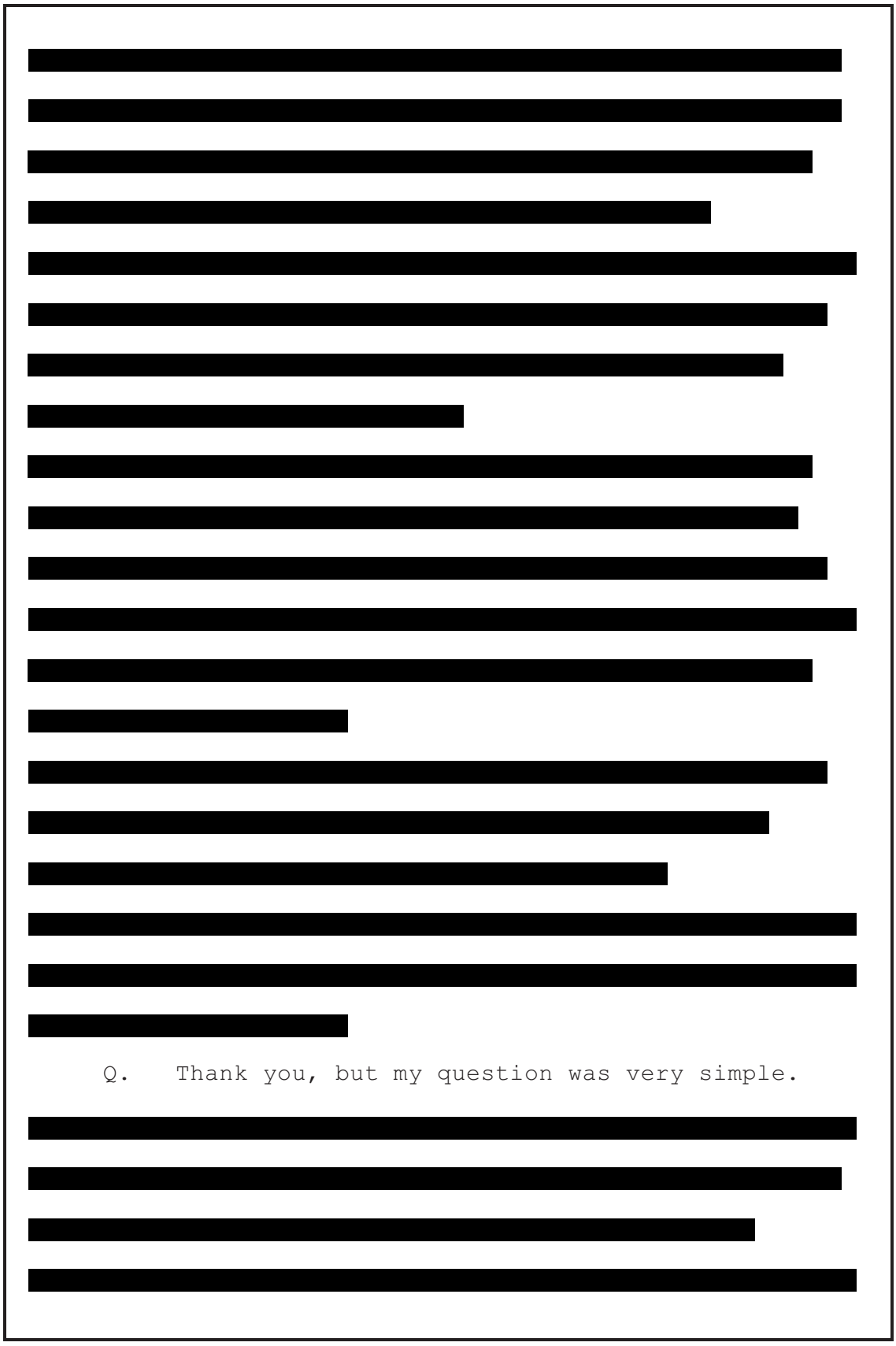
[redacted] 03:45:37

[redacted] 03:45:39

[redacted] 03:45:43

[redacted] 03:45:45

[redacted] 03:45:48



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13	[redacted]	03:46:30
14	[redacted]	03:46:33
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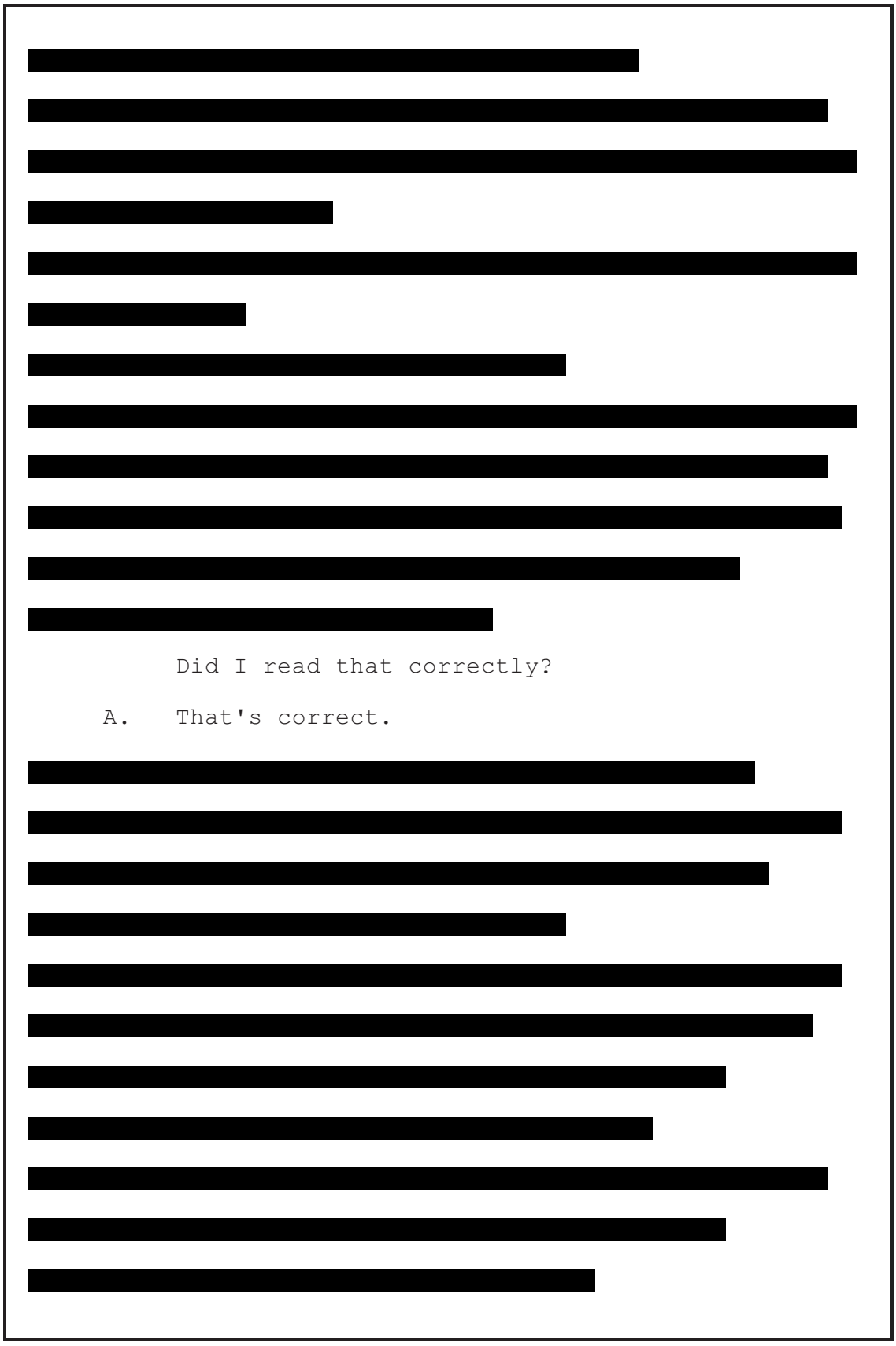
16	[redacted]	03:46:37
17	[redacted]	03:46:39
18	[redacted]	03:46:44
19	[redacted]	03:46:47
20	[redacted]	03:46:51
21	Q. Thank you, but my question was very simple.	03:46:54
22	[redacted]	03:46:56
23	[redacted]	03:47:00
24	[redacted]	03:47:03
25	[redacted]	03:47:08



Did I read that correctly? 03:47:39

A. That's correct. 03:47:40

[redacted] 03:48:11
[redacted] 03:48:12
[redacted] 03:48:14
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[redacted] 03:48:21
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[redacted] 03:48:52
[redacted] 03:48:56
[redacted] 03:48:57
[redacted] 03:49:00
[redacted] 03:49:05
Q. Let's talk about that. 03:49:06
A. No way. 03:49:06
Q. Let's talk abut that. [redacted] 03:49:08
[redacted] 03:49:10
[redacted] 03:49:13
[redacted] 03:49:17
[redacted] 03:49:21
[redacted] 03:49:24

Did I read that correctly? 03:49:29

A. Yes. 03:49:30

Q. Okay. 03:49:30

A. That's boilerplate, right? That's -- 03:49:32

Q. Well, it's signed by you, isn't it? 03:49:35

A. Yeah. 03:49:36

Q. On behalf of SeaWorld Parks & Entertain Inc.? 03:49:37

A. Again, this doesn't impact SeaWorld Parks & Entertainment, Inc. whatsoever because -- 03:49:40 03:49:43

Q. Well -- 03:49:44

A. No, you could -- 03:49:46

Q. Go ahead. Go ahead. 03:49:46

A. I'll try to do this again. 03:49:47

[redacted] 03:49:50

[redacted] 03:49:53

[redacted] 03:49:56

[redacted] 03:49:59

[redacted] 03:50:05

[redacted] 03:50:08

[redacted] 03:50:12

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[redacted] 03:50:42
[redacted] 03:50:45
[redacted] 03:50:48
[redacted] 03:50:53
[redacted] 03:50:53

Q. Okay. The language -- thanks. 03:50:53

A. You're welcome. I can try to explain it to you again. 03:50:58

Q. No. You've done your best. 03:51:00

(Deposition Exhibit No. 24 was marked for identification.) 03:51:20

BY MR. RICHARDSON: 03:51:20

Q. So, Mr. Taylor, I've shown you what I marked as Deposition Exhibit No. 24. It's a copy of an opinion in the Baker versus SeaWorld Entertainment, Inc. case? 03:51:26

A. Yes. 03:51:35

Q. I just asked if you ever -- are you familiar with this case? 03:51:35

A. Sure. 03:51:39

Q. And we have talked a little bit about SeaWorld Entertainment, Inc. 03:51:40

A. Yes. 03:51:57

Q. What's it called -- that's a company separate and apart from SeaWorld Parks & Entertainment, Inc.? 03:51:58 03:52:03

A. All the companies are separate from each other. 03:52:06

Q. In this particular case, if you go to the page that has background -- I think it's two pages in, or the second page. 03:52:11 03:52:14 03:52:17

Do you see the second -- section that starts with "Background"? 03:52:23 03:52:23

A. Yes. 03:52:25

Q. Do you see the second paragraph -- do you see the second paragraph where it says, "SeaWorld is a theme Parks & Entertainment company. During the class period, SeaWorld owned and operated 11 theme parks in the United States." And it goes on to list them and the last one is Sesame Place. 03:52:26 03:52:26 03:52:30 03:52:34 03:52:39 03:52:42

Do you see that? 03:52:43

A. I do. 03:52:43

Q. Is it your understanding -- well, let me ask you this: Did you play any role in actively litigating this case? 03:52:44 03:52:48 03:52:51

A. Yes. 03:52:52

Q. Okay. So are you aware of this representation that SeaWorld owned and operated Sesame Place? 03:52:52 03:52:58

MR. SIMPSON: Objection to the form. 03:53:04

THE WITNESS: Yeah, this isn't a representation. 03:53:05

This is Judge Anello's opinion, so I'm aware that Judge Anello wrote those words, yes. 03:53:07 03:53:10

BY MR. RICHARDSON: 03:53:12

Q. Okay. So was there any representation by SeaWorld Entertainment, Inc. that it did indeed own and operate Sesame Place? 03:53:12 03:53:16 03:53:21

A. SeaWorld Entertainment, Inc.? 03:53:22

Q. That's who the defendant is in this case. 03:53:23

A. Yeah, no. Again, like I have already -- I mean, we can go through it again. So Sesame Place is owned by now SeaWorld Parks & Entertainment, LLC. That is a member-managed LLC, the sole member being SeaWorld Parks & Entertainment, Inc. 03:53:25 03:53:29 03:53:31 03:53:36 03:53:39

SeaWorld Parks & Entertainment, Inc. is a Delaware corporation that has a sole shareholder, being SeaWorld Entertainment, Inc. 03:53:42 03:53:44 03:53:46

Q. Do you see Mr. Marc Swanson's name in the Blackstone Group, LP listed as defendants in this case? 03:53:56 03:53:59

A. Where are you looking? 03:54:02

Q. On the first page, the second column, second paragraph where it begins with "Brooke Elizabeth Cucinella, C-u-c-i-e-n-e-l-l-a, and then you see -- 03:54:04 03:54:09 03:54:14

A. Yeah, those are lawyers. 03:54:19

Q. Yeah. But do you see where it says defendant, SeaWorld Entertainment, Inc., that has James M. Heaney, 03:54:21 03:54:24

H-e-a-n-e-y, Marc Swanson, The Blackstone Group, L.P. 03:54:27

Do you see that? 03:54:33

A. Let's see. 03:54:34

MR. SIMPSON: There's two Brooke -- there's two references to Brooke. 03:54:46 03:54:46

MR. SIMPSON: Yeah. It's the first one. 03:54:48

MR. SIMPSON: Actually, three references to Brooke. 03:54:49

MR. SIMPSON: It is. The first one in that first paragraph at the very end of that paragraph, and I can refer you -- 03:54:51 03:54:54 03:54:57

THE WITNESS: This one (indicating)? 03:54:58

MR. SIMPSON: Yes. 03:55:00

THE WITNESS: Yeah. So Jon Youngwood and Meredith Karp were with Simpson Thatcher, and I guess -- well, I guess they all were. Yeah, Brooke, Dean. Oh, yeah, I remember Dean McGee. I'm sorry, some of these names are coming -- I know most of these people. Isaac, I know Isaac. Janet, I certainly know, and John, Meredith, so they're -- and Chet. Chet is out of their LA office, and they are representing -- yeah, so Jim -- yes. 03:55:02 03:55:05 03:55:18 03:55:22 03:55:25 03:55:27 03:55:30 03:55:36 03:55:40

Jim Heaney was the chief financial officer for SeaWorld Entertainment, Inc. Marc Swanson was the chief accounting officer. Those two have to sign their -- SOC certifications. So that's why they're defendants in this 03:55:40 03:55:44 03:55:47 03:55:55

lawsuit. And then The Blackstone Group was at the time, a -- let's see. Were they -- they were no longer the sole shareholder by the time this was done. 03:55:58 03:56:05 03:56:12

BY MR. RICHARDSON: 03:56:15

Q. Who is they? Who is they? I'm sorry. 03:56:15

A. Blackstone. 03:56:16

But they were a shareholder at the time this was done. 03:56:17 03:56:20

Q. A shareholder of SeaWorld Entertainment, Inc.? 03:56:20

A. Right, the public company. They held -- they held both -- they held both registered and unregistered chairs at that time. 03:56:23 03:56:25 03:56:29

Q. And Mr. Marc Swanson, what was his role again? 03:56:30

A. Chief accounting officer. 03:56:33

Q. Of SeaWorld Entertainment, Inc.? 03:56:35

A. Correct. 03:56:37

Q. You'll also see the CEO is also here, James Atchinson. At the time it looks like he was -- oh, no, Katten was in, so Jim Atchinson was the -- so you have -- anytime you have securities litigation -- not anytime, but you're typically going to see your CEO, CFO, and chief accounting officer since they have to sign the Sarbanes-Oxley certifications. 03:56:38 03:56:43 03:56:49 03:56:55 03:56:57 03:57:00 03:57:00

(Reporter clarification.) 03:57:00

THE WITNESS: Sarbanes-Oxley certifications. 03:57:08

BY MR. RICHARDSON: 03:57:10

Q. So in 2020, when this particular opinion was issued, did Mr. Marc Swanson have any other titles besides what you have just described for SeaWorld Entertainment, Inc.? 03:57:10 03:57:14 03:57:19 03:57:22

A. Well, the litigation was for its class period that was in, like, 2014. So in 2020 -- you know, again, I'm not designated for SeaWorld Entertainment Inc. I would have to go back and look and see what position Marc may have held in 2020. I know Jim Heaney was not, and neither was -- well, let's see. In 2020, neither was Blackstone. Blackstone was no longer a shareholder. 03:57:23 03:57:28 03:57:39 03:57:41 03:57:44 03:57:49 03:57:51

Q. Okay. 03:57:56

A. Again, this is the public company. 03:58:01

(Deposition Exhibit No. 25 was marked for identification.) 03:58:21 03:58:22

BY MR. RICHARDSON: 03:58:23

Q. So, Mr. Taylor, I'm now showing you what's been marked as Deposition Exhibit No. 25. It is a copy of the opinion in the Herman, H-e-r-m-a-n v. SeaWorld Parks & Entertainment, Inc. matter, dated 2017. 03:58:23 03:58:32 03:58:35 03:58:42

I just ask, first of all, are you familiar with this case? 03:58:45 03:58:50

A. I am. It's like a walk down memory lane. 03:58:51

Q. Did you play any role in this case? 03:58:55

A. Yes, I played some role in it as the general counsel. 03:58:58 03:59:02

Q. And you were the general counsel of SeaWorld Parks & Entertainment, Inc. at the time? 03:59:03 03:59:06

A. Of all the entities, all the time. 03:59:07

Q. Right. If I can refer you to Page 12 where the actual order is begun. This is by Judge Mary Scriven, S-c-r-i-v-e-n. 03:59:09 03:59:19 03:59:32

Do you see under the "Cause" paragraph where it lists SeaWorld Park & Entertainment Inc, and then it has in parenthesis SeaWorld. 03:59:35 03:59:39 03:59:43

Do you see that? 03:59:44

A. I do. 03:59:45

Q. So for purposes of this opinion, would any reference to SeaWorld be a reference to SeaWorld Parks & Entertainment Inc.? 03:59:47 03:59:50 03:59:54

MR. SIMPSON: Object to the form. 03:59:55

THE WITNESS: Yeah, I think so. That certainly looks to be what Judge Scriven was saying by defining the term SeaWorld as SeaWorld Parks & Entertainment, Inc, but it is misspelled. 03:59:56 03:59:59 04:00:02 04:00:06

BY MR. RICHARDSON: 04:00:07

Q. What is misspelled? 04:00:07

A. Both the name and the -- well, I guess you can't -- I guess you can't misspell a defined term, but 04:00:10 04:00:12

SeaWorld Parks & Entertainment should be an ampersand. 04:00:16

Q. Right. 04:00:19

All right. If you go to Page 13 on the factual background, the first paragraph says, "SeaWorld operates theme parks located throughout Florida, Texas, California, and Virginia," and then it has Footnote 3. 04:00:21 04:00:23 04:00:36 04:00:39

If you go to Footnote 3 under the Footnotes on Page 31, it says "These theme parks include" and then at the end of that, there's a sentence that reads "SeaWorld also operates a theme park called Sesame Place in Pennsylvania." And then it says, "However, that park does not offer one-year easy pass -- easy pay passes, and therefore it's not implicated in this class action." 04:00:43 04:00:48 04:01:04 04:01:07 04:01:11 04:01:14 04:01:19

Did I read that correctly? 04:01:21

A. You did. 04:01:22

Q. So is this another representation, or at least some type of documentation that SeaWorld Parks & Entertainment, Inc. operated the Sesame Place theme park. 04:01:23 04:01:25 04:01:31

MR. SIMPSON: Object to the form. 04:01:40

THE WITNESS: Yeah. Well, again, this is not, like, one of our documents. This is an opinion written by Judge Scriven, right? So that's -- that is her -- that's her conclusion. 04:01:41 04:01:42 04:01:46 04:01:49

BY MR. RICHARDSON: 04:01:50

Q. And at the end of Footnote 3, it says, "See 04:01:50

DKT." 04:01:54

Would that be docket? 04:01:55

A. You would have to ask Judge Scriven that 04:02:02

question. I don't know. 04:02:05

Q. It says, "See DKT 93-1 at P15: 3 through 20." 04:02:06

Do you see that? 04:02:14

A. I do. 04:02:14

Q. And you do not know what that particular 04:02:15

document might be as we sit here today? 04:02:18

A. No. I didn't write this. This is an opinion 04:02:20

of Judge Scriven, so I don't know what Judge Scriven -- 04:02:22

to which she was referring. 04:02:25

Q. Okay. But you -- so my question is, were you 04:02:27

familiar enough with the case to know the documents that 04:02:29

were filed in the case? 04:02:32

A. No. 04:02:33

Q. Okay. 04:02:33

(Deposition Exhibit No. 26 was 04:03:01

marked for identification.) 04:03:01

BY MR. RICHARDSON: 04:03:22

Q. Ms. Taylor, I'm now showing you what's been 04:03:22

marked as Deposition Exhibit No. 26. It is a copy of the 04:03:25

license agreement between Sesame Workshop and 04:03:28

SeaWorld Parks & Entertainment, Inc. dated 04:03:32

May 16th, 2017. 04:03:35

Have you seen this document before? 04:03:36

A. Yes, although not this document. This looks like it was printed off the Securities and Exchange Commissions website. 04:03:37 04:03:43 04:03:47

Q. But you're familiar with a license agreement between Sesame Workshop and SeaWorld Parks & Entertainment, Inc.? 04:03:48 04:03:50 04:03:54

A. I am. 04:03:55

Q. There is actually a page reference at the bottom of each page. If I could refer you to Page 109/136. 04:03:55 04:04:02 04:04:07

A. Okay. 04:04:16

Q. Do you see where it is has "Accepted and agreed"? It has a Jeffery Dunn for Sesame Workshop, President and CEO. 04:04:16 04:04:22 04:04:27

Do you see that? 04:04:28

A. I see. 04:04:30

Q. Do you also see, "Accepted and agreed for purposes of Section 1-02 for SeaWorld Parks & Entertainment, LLC, Joe Manby, M-a-n-b-y, President and Chief Executive Officer." 04:04:30 04:04:32 04:04:36 04:04:36

Do you see that? 04:04:42

A. Yes. 04:04:43

Q. Do you also see for SeaWorld Parks & Entertainment Inc., Mr. Joe Manby, again, President and 04:04:43 04:04:49

Chief Executive Officer." 04:04:51

Do you see that? 04:04:52

A. Of SeaWorld Parks & Entertainment, Inc., yes. 04:04:53

Q. Okay. Do you know who Mr. Manby is? 04:04:57

A. I do. 04:04:59

Q. And at the time of this agreement in 2017, was he president and chief executive officer of both SeaWorld Parks & Entertainment, LLC, as well as SeaWorld Parks & Entertainment, Inc.? 04:05:00 04:05:03 04:05:06 04:05:10

A. Right. Just like I testified earlier today, they have the same slate of officers. Both those companies do. 04:05:12 04:05:14 04:05:17

Q. Okay. I must have missed that. I apologize. 04:05:18

So if I understand your testimony correctly, the exact same people who was officers of the LLC, are also the officers of the Inc.? 04:05:26 04:05:28 04:05:32

A. No, I guess they're not. They're -- most them are -- in some entities they are identical. They're nearly identical. You've got Marc Swanson and myself are both, Jim Forrester is both. Jeff Schwartz and Laurie Beechner are both. Shekufeh Boyle may be both. 04:05:35 04:05:37 04:05:41 04:05:46 04:05:53

Q. And when we say "both," we're talking about the LLC, and the Inc.? 04:05:58 04:06:00

A. Correct. 04:06:01

Q. Okay. 04:06:02

A. This is like, a perfect example of why because you have -- it's like I said earlier, it's for signing things, and so here Joel was able to sign both. Like, this is -- this is the quintessential example of it. 04:06:03 04:06:08 04:06:11 04:06:15

Q. So to the extent that the executive officers of the LLC became aware of allegations of racial discrimination at Sesame Place Philadelphia, those would happen to be the same individuals who are the corporate officers of the Inc.? 04:06:19 04:06:23 04:06:26 04:06:31 04:06:34

A. Yeah, and that's exactly what I answered in my previous long answer that we then abbreviated. So they have the -- SeaWorld Parks & Entertainment, Inc. has no employees. It has officers and directors because it's required to under Delaware law. 04:06:35 04:06:37 04:06:40 04:06:45 04:06:48

To the extent that any of those people are made aware of anything that happens, not just at Sesame Place, but in any of the parks. It is not in their capacity as being officers or directors of SeaWorld Parks & Entertainment, Inc. It would be in other capacities in which they also sit. 04:06:50 04:06:52 04:06:56 04:06:59 04:07:04 04:07:06

Q. I understand that, but I guess my question is slightly different. I'm not so much interested in the capacities they would have been acting in when they became aware. If we're talking about the same people who were both officers and directors of both LLC and the 04:07:09 04:07:11 04:07:15 04:07:18 04:07:22

Inc., to the extent that they -- those individuals became aware of allegations of racial discrimination because of their capacity of the LLC. 04:07:24 04:07:28 04:07:30

Would that, therefore, be knowledged by the same people -- held by the same people who happen to also be executive officers of the Inc.? 04:07:32 04:07:35 04:07:38

A. If that's how they came into contact with the information, but they -- they may not have come into contact with the information as being officers of the LLC either. 04:07:42 04:07:44 04:07:47 04:07:50

Q. Okay. 04:07:50

A. Most probably it was because of the -- of them being associated with SWBG Orlando Corporate Operations Group, LLC, which is our corporate -- which is the corporate folks. So that's how they would become aware of things, including me. 04:07:51 04:07:55 04:08:02 04:08:04 04:08:08

Q. Including Ms. Beechner? 04:08:09

A. Yes. 04:08:17

MR. SIMPSON: He's got to change tapes, so let's go off the record for a short period of time. 04:08:35 04:08:36

THE VIDEOGRAPHER: We're going off the record. The time is 4:09 p.m. 04:08:38 04:08:40

(A recess was taken.) 04:08:42

THE VIDEOGRAPHER: We are back on the record. The time is 4:13 p.m. 04:12:29 04:12:30

BY MR. RICHARDSON:

Q. Okay. Mr. Taylor, if we can look at Page 11 of 136 on Exhibit No. 26.

A. Okay.

Q. Under the section "Background," and then it has "Prior Agreements."

Do you see that section?

A. Yes, but this document is missing the section numbers. I just noticed that.

Q. I noticed too because the signature page talks about a 1.02. If you go to 1, it doesn't have 1 and 2. It just lists them, but I -- but for purposes of discussion for this deposition, I'd like to consider prior agreements as 1.02.

But do you see that section in the agreement?

A. I do.

Q. All right. So it says SW, which we understand to be SeaWorld, and SEA --

MR. SIMPSON: Object to form.

THE WITNESS: No, no.

BY MR. RICHARDSON:

Q. I mean, I'm sorry. Sesame Workshop. I apologize.

A. Sesame Workshop.

Q. I apologize. SW Sesame Workshop.

And SEA, am I correct, is SeaWorld Parks & Entertainment, Inc.? 04:13:31 04:13:36

A. Well -- 04:13:38

Q. As you can see in the first paragraph? 04:13:40

A. Yeah. I have to look at Page -- 04:13:42

Q. Right on top of "Background." I'm sorry. I'm sorry, on Page 11 of 136. 04:13:48 04:13:51

Do you see under the first paragraph the license agreement? 04:13:53 04:13:56

A. Yes, so it's a defined term. SEA, yes. 04:13:57

Q. So SW is Sesame Workshop. SEA is SeaWorld Parks & Entertainment, Inc., and then it says "SEA's affiliate, SeaWorld Parks & Entertainment, LLC," and then it has "SPE." 04:14:00 04:14:06 04:14:06 04:14:13

Do you see that? 04:14:14

A. Uh-huh. 04:14:15

Q. Okay. "Are parties to our license agreement dated August 24th of 2006, as amended regarding the use of the Sesame Street elements in Sesame Land, such agreements and amendments are referred to collectively as the 2006 agreement." 04:14:16 04:14:17 04:14:22 04:14:28 04:14:29

And a license agreement dated April 1st, 1983, as amended regarding the use of the Sesame Street element, respecting the Langhorne standalone park, (such agreement and amendments are referred to collectively as 04:14:31 04:14:34 04:14:38 04:14:42

the "1983 agreement") the 2006 amendment and 1983 amendment are referred to collectively as "the prior agreements. 04:14:45 04:14:51 04:14:54

And it says "SW and SEA," and that's Sesame Workshop and SeaWorld Parks & Entertainment, Inc., "agree that upon full execution of this agreement, the prior agreement shall be terminated, and SEA, SeaWorld Parks & Entertainment, Inc., shall cause SeaWorld Parks & Entertainment, LLC to execute this agreement as indicated below to acknowledge such termination. And notwithstanding anything to the contrary in the prior agreements, SeaWorld Parks & Entertainment, LLC, SPE, shall not have any rights, i.e., sell off rights upon termination. And all of SW, Sesame Workshops and SPE, SeaWorld Parks & Entertainment, LLC, obligations, responsibilities, and liabilities with respect their acts and omissions under the prior agreements shall be governed by the terms of this agreement." 04:14:57 04:15:00 04:15:03 04:15:06 04:15:12 04:15:14 04:15:18 04:15:23 04:15:25 04:15:30 04:15:35 04:15:46 04:15:46 04:15:49 04:15:51

Did I read that correctly? 04:15:53

A. You read it correctly. 04:15:54

Q. On Page 74 of 136 under Paragraph 14.02, relating to SeaWorld Parks & Entertainment, Inc. 04:16:19 04:16:40

A. All right. 74. 04:16:43

Q. Under paragraph -- Subparagraph J, it says, "Consistent with SEA's long-term partnership with 04:17:05 04:17:19

SW -- and, again, just for the record, we're talking about SeaWorld Parks & Entertainment, Inc., and their long-term partnership with Sesame Workshop. 04:17:21 04:17:24 04:17:28

SeaWorld Parks & Entertainment, Inc. will continue to use good-faith efforts throughout the term to -- to design and maintain standard operating procedures for child protection, for the health, safety, and well-being of children who come into contact with Sesame elements at the standalone parks or Sesame Lands." 04:17:31 04:17:33 04:17:36 04:17:41 04:17:46 04:17:49

It goes on to say, "SeaWorld Parks & Entertainment, Inc, SEA, will materially comply with the principles of SW's, Sesame Workshop's, child protection policy as set." 04:17:57 04:18:01 04:18:03 04:18:08

It just says, "Set forth in Exhibit 1 (but SeaWorld Parks & Entertainment, Inc. will determine in good faith the specific methods, procedures, and implementation, as well as the right to determine in good faith, which employees and contractors to train). 04:18:10 04:18:14 04:18:18 04:18:21 04:18:24

And it applies to SeaWorld Parks & Entertainment's employees and contractors who principally interact with children at the standalone parks and Sesame Lands in connection with SEA's, SeaWorld Parks & Entertainment Inc.'s, activities related to the SEA theme parks, SeaWorld Parks & Entertainment, Inc. theme parks during the time in the territory." 04:18:28 04:18:32 04:18:34 04:18:38 04:18:42 04:18:45 04:18:50

Did I read that correctly? 04:18:51

A. You read it correctly. 04:18:54

Q. Am I correct, sir, that particular language talks about the SeaWorld Parks & Entertainment, Inc.'s responsibilities under this licensing agreement? 04:18:58 04:19:00 04:19:03

A. Yeah. It's a -- it's a little more difficult question than that. So you've got to go back to what we were talking about before. So you have the two agreements. One was for just the Sesame standalone park in Langhorne, Pennsylvania that existed from -- well, even before the Anheuser-Busch days, so maybe even as early as the 60s, and it's licensing agreement, which was ultimately inherited by the various entities that became Busch Entertainment, LLC, SeaWorld Parks & Entertainment LLC. 04:19:08 04:19:11 04:19:14 04:19:15 04:19:17 04:19:21 04:19:24 04:19:28 04:19:33 04:19:36

The SeaWorld -- during that whole transaction that we talked about earlier today, what you have now is you've got the -- what would be considered the lowest common parent is SeaWorld Parks & Entertainment, Inc. 04:19:37 04:19:41 04:19:46 04:19:51

So it -- therefore, by voting, right, just by Delaware law, it controls those various subsidiaries, which also includes the SeaWorld parks and the Busch Garden parks and Sesame, and so that's why you've got this. 04:19:56 04:20:00 04:20:04 04:20:06 04:20:10

So then the way those policies -- and this, 04:20:10

again, comes back to this thing with corporate, is that's been contracted with -- through the corporate services agreement with SWBG Orlando Corporate Operations Group, LLC, would be the one providing those services for all of the subsidiaries. 04:20:13 04:20:15 04:20:19 04:20:23 04:20:28

Q. But the SWBG Group is not mentioned in this document, is it? 04:20:29 04:20:35

A. Correct, but they're able -- they even talk -- I think they even talk about contractors in here. So I mean, what this has to do -- they've contracted with their -- with a -- with a first-tier subsidiary in order to provide those services for all of subsidiaries. 04:20:36 04:20:39 04:20:41 04:20:45 04:20:51

Q. Okay. And it refers to SeaWorld Parks & Entertainment, Inc. employees and contractors. 04:20:54 04:20:58

Do you see that? 04:21:00

A. Correct. 04:21:01

Q. But you are telling me there are no employees? 04:21:01

A. There aren't any, no. 04:21:03

Q. Okay. And are you familiar with the Sesame Workshop's child protection policy? 04:21:06 04:21:08

A. I am not. I mean, I'm certainly aware of it, and I see it's an exhibit to this, but I am not familiar with it enough to testify about it. 04:21:10 04:21:13 04:21:16

Q. Okay. 04:21:18

A. I mean -- 04:21:19

Q. That's okay.

And this language also seems to refer to SeaWorld Parks & Entertainment theme parks, but we've talked -- from what you're telling me, the Inc. does not own or operate the theme parks?

A. It doesn't. I mean, I think the way it could have -- you know, again, we are dealing here with a partner that we've been partners with for, you know, whatever this time, 40 years, 50 years, something like that, so the corporate structure is not the -- is not the issue.

And so I guess what it could have said is that SeaWorld Parks & Entertainment, Inc. owns and operates through its subsidiaries. You can put those -- but those words are certainly implied.

Q. So did SeaWorld Parks & Entertainment Inc. do anything to educate or train SeaWorld Parks & Entertainment, LLC to be compliant with the terms of the licensing agreement?

A. So what -- again, this comes back to what -- the same answer as before. So it would have contracted -- actually, it didn't contract. Its parent SeaWorld Entertainment Inc. contracted with a second-tier subsidiary, SWBG Orlando Corporate Operations Group, LLC, to provide all of those corporate services, which would

include training.
Q. And --
A. So it's being carried out by a first-tier subsidiary.
Q. Pursuant to an agreement between SeaWorld Parks & Entertainment or to just SeaWorld Entertainment --
A. Pursuant -- pursuant to an agreement between its parent and one of its subsidiaries.
Q. So what role, if any, did SeaWorld Parks & Entertainment Inc. play in making sure that the terms of this agreement was indeed carried out?
A. Well, they signed the agreement, and then because they have -- because this agreement between their parent and their first two subsidiaries, then that's how those duties are carried out.
Q. And is SeaWorld Parks & Entertainment, Inc. bound by any violations of this agreement?
A. SeaWorld Parks & Entertainment, Inc.?
Q. Yes.
A. Yes, they are the signatory to the agreement.
Q. Okay. So to the extent that the child protection policy might have been violated at the Sesame Place Philadelphia park, would SeaWorld Parks & Entertainment Inc., signatory to this agreement, be held responsible?

A. Well, I guess you would have to ask the -- so the person -- the people that would be bringing such a suit would be Sesame Workshop, right, and that would be their counter party in the contract. So it would only make sense that that's who they would bring the action against. 04:24:10 04:24:12 04:24:14 04:24:17 04:24:21 04:24:22

Q. And should an action such as that be brought, could SeaWorld Parks & Entertainment, Inc. be found liable for a violation of the child protection policy set forth in this agreement? 04:24:22 04:24:25 04:24:28 04:24:32

A. Sure. Well, there wouldn't be an action brought. There is a -- if you've read the agreement, there's a dispute resolution process, so I'm not -- I'm not sure there would be an action, but ultimately, yes. 04:24:33 04:24:37 04:24:38 04:24:41

Q. Okay. 04:24:45

(Deposition Exhibit No. 27 was marked for identification.) 04:25:56 04:25:56

BY MR. RICHARDSON: 04:25:57

Q. So Mr. Taylor, I'm now showing you what I marked as Deposition Exhibit No. 27. It's an e-mail with an attached Twitter post. The e-mail is dated July 26th, 2020. It is authored by Cathy Valeriano, and it's to Patrick Kuhlen, K-u-h-l-e-n. It is Bates numbered SW0002511 through SWO002512. 04:25:57 04:26:03 04:26:06 04:26:12 04:26:19 04:26:25

I just ask that you take a moment and look at 04:26:32

those. 04:26:35

A. Okay. 04:26:40

Q. And I'm correct, Mr. Taylor, you have not scene this document before? 04:26:41 04:26:56

A. No. 04:26:56

Q. This is an e-mail from Ms. Valeriano. It says, "Can we reach out to ask her to contact us?" Signed Cathy. It's in response to an e-mail from Patrick Kuhlen. 04:26:57 04:27:07 04:27:10 04:27:10

Do you know Mr. Kuhlen? 04:27:18

A. I don't. 04:27:20

Q. Okay. So you don't know whether or not he has anything to do with marketing at Sesame Place Philadelphia? 04:27:21 04:27:23 04:27:25

A. I don't. 04:27:26

Q. And he writes in his July 26th, 2020 e-mail, "Hey, guys. I wanted to share with you a comment we saw on Twitter this evening. If possible, can you please provide some context so if/when we respond on Twitter, we have an account of the incident from the GR perspective?" 04:27:27 04:27:31 04:27:34 04:27:39 04:27:43

Did I read that correctly? 04:27:47

A. You did. 04:27:48

Q. Do you know what GR perspective is? 04:27:48

A. In this -- this context, it probably means guest relations, but other times it means governmental 04:27:50 04:27:53

relations, but it's got to be guest -- guest relations. 04:27:56

Q. He talks about a comment that says, "We saw on Twitter." 04:27:59 04:28:02

Is it your understanding that SeaWorld Parks & Entertainment, LLC, monitored social media accounts? 04:28:04 04:28:09

A. It looks like it from this. You've got Patrick Kuhlen, who has a Sesame Place e-mail, who appears to have found something on Twitter, and is asking -- making sure Cathy is aware of it and asking for context in order to reply. 04:28:13 04:28:16 04:28:21 04:28:24 04:28:28

Q. Do you know who Kimberly Solis is? S-o-l-i-s. 04:28:29

A. I don't. 04:28:35

Q. Okay. Did SeaWorld Parks & Entertainment, Inc. play any role in monitoring social media accounts? 04:28:41 04:28:44

A. So with regard to this question, if it's okay, I'll adopt the answer that I have given with regard to all of the other e-mails we've looked at, similar in nature, including -- I guess we'll pick a number, maybe 14. 04:28:49 04:28:52 04:28:55 04:28:57 04:29:03

Q. There was a number -- 04:29:03

A. 19. 04:29:04

Q. That's fine. 04:29:05

So if you look at the second page, the actual Twitter comment, it has Kaylin, K-a-y-l-i-n, Amanda, and it reads as follows: "This was my worst experience at 04:29:06 04:29:09 04:29:17

Sesame Place, and I was a season pass holder last year. I can actually say that I felt discriminated against, expected more. After everything that is going on currently, I would think that Sesame Place would make sure everyone was treated equally." 04:29:20 04:29:24 04:29:27 04:29:30 04:29:33

Did I read that correctly? 04:29:35

A. You did. 04:29:36

Q. And were you general counsel of SeaWorld Parks & Entertainment, LLC in 2020? 04:29:38 04:30:02

A. Yes. I have been -- yes. 04:30:04

Q. So between 2018, and 2020, does it concern you, Mr. Taylor, that as general counsel of SeaWorld Parks & Entertainment, LLC, these many complaints were coming in alleging racial discrimination at the Sesame Place Philadelphia theme park? 04:30:09 04:30:13 04:30:18 04:30:21 04:30:25

A. Absolutely, it concerns me, but not just as general counsel of SeaWorld Parks & Entertainment, LLC, and not just as general counsel of every subsidiary, and not just General Counsel of SWBG Orlando Corporate Operations Group, LLC, which is where the legal department sits. You know, any allegations of discrimination, no matter what the basis, are also concerning to me, always. 04:30:25 04:30:30 04:30:34 04:30:37 04:30:44 04:30:47 04:30:51 04:30:54

Q. And do you know -- 04:30:56

A. We don't like to have any of our guests, you 04:30:57

know, have a -- any less than, you know, a great experience when they're at any of our parks. 04:30:59 04:31:02

Q. Do you know why you were not made aware of the any of the complaints we've gone over today, the alleged racial discrimination at Sesame Place Philadelphia theme park? 04:31:05 04:31:07 04:31:11 04:31:15

A. Well, I've certainly made aware, you know, in the aggregate that there are those types of allegations that are being made, but, you know, I have people who work for me and people who work around me who handle those things. I manage the department. 04:31:15 04:31:19 04:31:23 04:31:25 04:31:27

Q. No, I understand, but I guess my question is, I believe you told me you were not made aware of all these complaints we've gone through today? 04:31:31 04:31:34 04:31:37

A. Right. I think each and every one of them is the first time I had seen the particular e-mail. 04:31:38 04:31:40

Q. And do you -- do you -- well, I think you have answered that part, too, so -- all right. 04:31:43 04:31:46

(Deposition Exhibit No. 28 was marked for identification.) 04:31:50 04:31:50

BY MR. RICHARDSON: 04:31:50

Q. So, Mr. Taylor, I'm now showing you what we marked as Deposition Exhibit No. 28. It is an e-mail chain with the Bates numbers SW0002904 through SW0002905. 04:32:16 04:32:18 04:32:20 04:32:25

A. Okay. 04:32:31

Q. Just take a moment and look at that document, 04:32:33

please. 04:32:36

A. Okay. 04:33:18

Q. So if we go to -- 04:33:19

A. Wait. I'm sorry. I apologize. I didn't see 04:33:25

that there was a last page. 04:33:29

Q. Oh, okay. 04:33:31

A. Sorry. Okay, I got. So this is -- I'm about 04:33:53

to show my age here. 04:34:01

Doesn't this -- is that Instagram? Is that 04:34:02

what this is? 04:34:05

Q. I'm going to show my age, too, and tell you I 04:34:06

don't know. 04:34:06

Q. I'm sorry. I jumped one. It should be -- 04:41:19

right under that, there is an e-mail from Lisa Cradit 04:41:21

dated July 3rd, 2022, 6:09 p.m., to Scott Ross, 04:41:27

Marc Swanson, Cathy Valeriano. [redacted] 04:41:32

[redacted] 04:41:35

[redacted] 04:41:39

[redacted] 04:41:41

[redacted] 04:41:45

Do you see that? 04:41:47

A. Yes, I do. So Lisa is in charge of 04:41:49

communications. Like I said, she's our corporate 04:41:53

employee, so she works for SWBG Orlando Corporate Operations Group, LLC that provides those services for [redacted]

Q. And what channel is she talking about?

A. It would have to be, well, certainly this channel that neither of us know what it is. And then social media channels would be, you know, kind of that laundry list, whether it was, you know, Twitter at the time or, I guess, it's X now. There's Threads, there's Instagram, there's TikTok, there's Facebook. I'm sure I'm missing a whole bunch of them that my children would be really entertaining to watch my deposition here, but -- so it's really like to cross all the channels because, you know, our consumers come from -- you know, from every walk of life.

Q. Okay. And I guess the reason why I'm asking the question is it says [redacted]

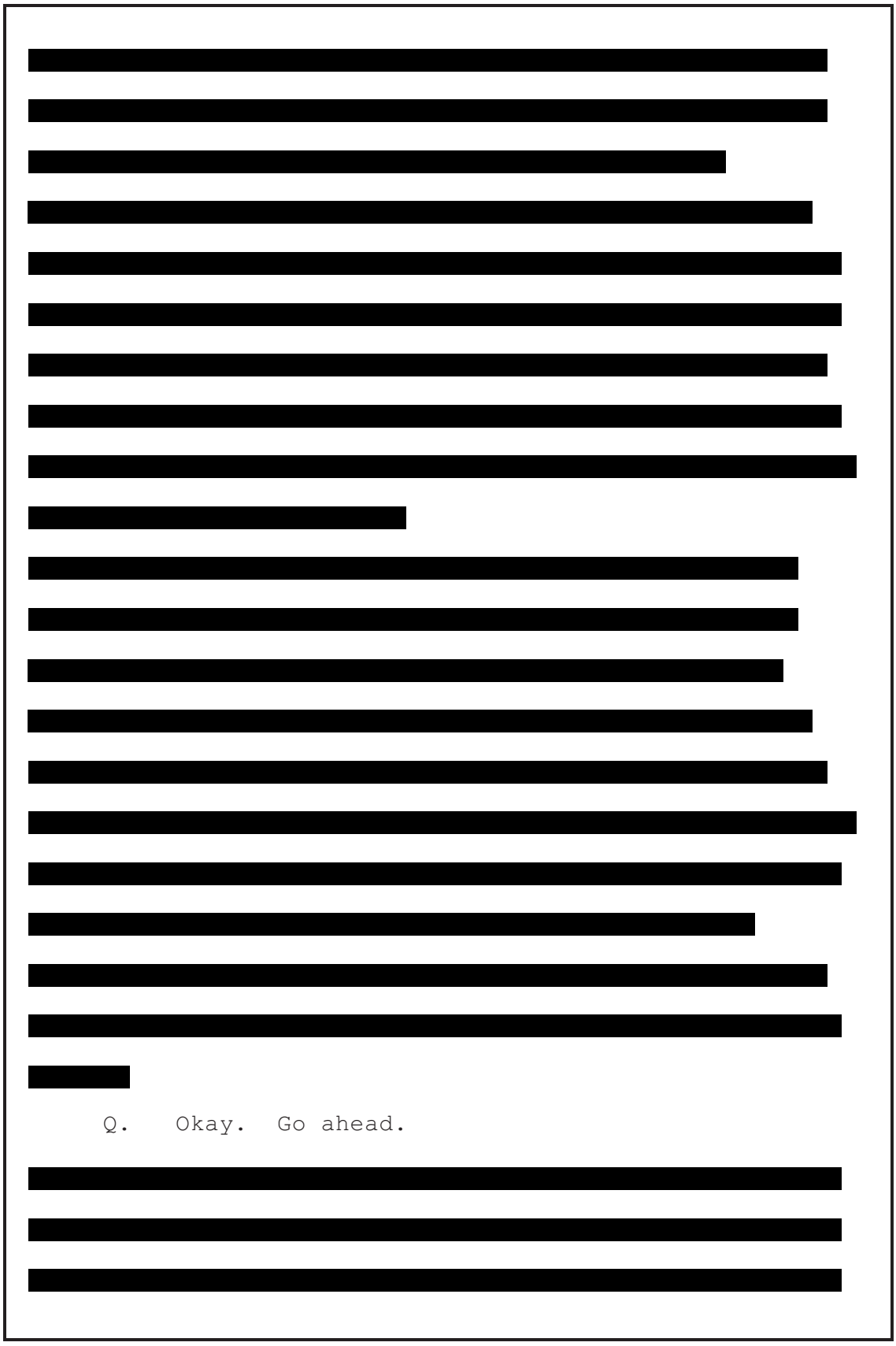
And I was trying to find out if there was any channels unique to Sesame, to SeaWorld Parks, SeaWorld Entertainment Group, or anybody that are designated as their channels? 04:43:15 04:43:17 04:43:24 04:43:27

A. Yeah, so those channels -- I mean, those channels would be particular to the -- to the park. So, you know -- because SeaWorld Parks & Entertainment, LLC, as we've said before, you know, it owns and operates Sesame Place, but it also owns and operates Busch Gardens Williamsburg, Water Country USA, Busch Gardens Tampa, and Adventure Island. 04:43:28 04:43:30 04:43:34 04:43:38 04:43:44 04:43:48 04:43:50

[redacted] I think she's clearly talking about Sesame. There would be no reason to, like, post a response. So whatever channel -- again, we don't know what channel this is; but if we just were to assume this is a Sesame channel, then it's certainly this channel, and then it would be any other channels that might pick it up. But it wouldn't make sense to have a response to something that didn't appear in other channels. So it would be specific to the park. 04:43:52 04:43:56 04:44:00 04:44:03 04:44:06 04:44:09 04:44:12 04:44:15 04:44:19

Q. And according to the Lisa Cradit e-mail, would it be fair to say that Marc Swanson was involved in the process of working on a statement responding to the post that we just talked about? 04:44:21 04:44:25 04:44:28 04:44:32

[redacted] 04:44:33



1	[redacted]	04:44:38
2	[redacted]	04:44:42
3	[redacted]	04:44:44
4	[redacted]	04:44:51
5	[redacted]	04:44:55
6	[redacted]	04:45:00
7	[redacted]	04:45:03
8	[redacted]	04:45:07
9	[redacted]	04:45:10
10	[redacted]	04:45:13
11	[redacted]	04:45:14
12	[redacted]	04:45:15
13	[redacted]	04:45:20
14	[redacted]	04:45:24
15	[redacted]	04:45:27
16	[redacted]	04:45:31
17	[redacted]	04:45:34
18	[redacted]	04:45:39
19	[redacted]	04:45:43
20	[redacted]	04:45:46
21	[redacted]	04:45:50
22	Q. Okay. Go ahead.	04:45:52
23	[redacted]	04:45:53
24	[redacted]	04:46:00
25	[redacted]	04:46:03

[redacted] 04:46:06

[redacted] 04:46:11

[redacted] 04:46:13

[redacted] 04:46:16

Q. And this is the e-mail that's -- that I was referencing earlier, the July 3rd, 2022, e-mail, time at 6:12 and 46 seconds p.m.? 04:46:17 04:46:19 04:46:24

A. Yes. Yes, that's the one I was just talking about. Sorry I skipped. 04:46:27 04:46:29

Q. That's all right. 04:46:30

And, again, his e-mail was addressed to Lisa Cradit, Scott Ross, and Cathy Valeriano, correct? 04:46:31 04:46:34

A. Correct. It looks like it's the same -- the same e-mail chain that started it all. 04:46:37 04:46:39

Q. And right above that is a response from Lisa Cradit, again, at the same date, July 3rd, 2022. This time it's 6:15 p.m. to Mr. Swanson, to Mr. Ross, and Ms. Valeriano. 04:46:41 04:46:44 04:46:49 04:46:54

Do you see that? 04:46:55

A. Correct. 04:46:57

Q. And it says, [redacted] 04:46:57

[redacted] 04:47:01

[redacted] 04:47:05

[redacted] 04:47:08

[redacted] 04:47:12

by." 04:47:14

Did I read that correctly? 04:47:15

[redacted] 04:47:16

[redacted] 04:47:20

[redacted] 04:47:24

[redacted] 04:47:27

[redacted] 04:47:29

[redacted] 04:47:33

[redacted] 04:47:36

[redacted] 04:47:39

[redacted] 04:47:44

[redacted] 04:47:46

[redacted] 04:47:50

[redacted]. 04:47:53

Q. Mr. Taylor, were you ever made aware of an incident of alleged racial discrimination that occurred at the Sesame Place Philadelphia Amusement Park in which it was alleged by a black family that a white man stepped on a black child, and the black family was escorted from park, but the white man was not? 04:47:56 04:48:00 04:48:02 04:48:07 04:48:09 04:48:13

A. I think I was. I think that was -- yeah, I think I am aware of that one. 04:48:14 04:48:20

Q. And how did you become aware? 04:48:22

A. Well, again, we provide our corporate services through SWBG Orlando Corporate Operations Group, LLC. 04:48:24 04:48:26

So to the extent that there's any claims, potential lawsuits, whatever, the -- I shouldn't say "any claims," claims that are either litigated claims or highly-probable litigated claim, and the legal department is usually involved in those earlier rather than later, but not all claims. 04:48:30 04:48:34 04:48:39 04:48:43 04:48:45 04:48:49

So I think I was aware of that incident. I think it had to do with a -- had to do with a playground and that -- or something. 04:48:50 04:48:55 04:49:00

Q. Was there any investigation conducted with respect to that particular incident? 04:49:02 04:49:05

MR. SIMPSON: Answer yes or no. 04:49:08

THE WITNESS: Yes. 04:49:09

BY MR. RICHARDSON: 04:49:12

Q. And outside of counsel, was there any actions taken by SeaWorld Parks & Entertainment, Inc. in connection with this incident? 04:49:12 04:49:18 04:49:23

A. There may very well have been. I mean, any time we look at anything, we're looking at what could have caused that accident and can we prevent it from happening again. 04:49:24 04:49:27 04:49:29 04:49:32

Q. Okay. Cathy Valeriano, at the very top further responds -- well, actually, Marc Swanson at 6:25 p.m. sends an e-mail -- it doesn't say to whom. It just says "10-4." 04:49:33 04:49:38 04:49:43 04:49:47

Do you see that? 04:49:47

A. I do. Yes. 04:49:49

Q. And then Cathy Valeriano sends an e-mail the same day, 6:27 p.m., to Mr. Swanson only. It says, [redacted] 04:49:50 04:49:53 04:50:03 04:50:05 04:50:10

Did I read that correctly? 04:50:12

A. You did. 04:50:13

Q. Are you aware of any -- what is the Ready Ops database? 04:50:14 04:50:18

A. So that's a database -- we have more than one, like, similar database where there can be, you know, whether it's security incidents, which that sounds like that's what she is probably referring to here, but it could also -- it could potentially be something dealing with the attraction itself. 04:50:19 04:50:23 04:50:27 04:50:30 04:50:34 04:50:37

Q. Were you ever made aware of any reports sent by Cathy Valeriano relating to this particular incident? 04:50:40 04:50:45

A. Yes. 04:50:49

Q. And are you at liberty to discuss those reports? 04:50:50 04:50:55

A. Not without -- no, not without revealing privileged information. 04:50:55 04:50:58

Q. Okay. 04:50:59

A. There's an injury that happened here, an alleged injury that happened here. 04:51:01 04:51:03

Q. I understand. 04:51:03

Was there a police report generated? Do you know? 04:51:05 04:51:05

A. I do not know. 04:51:08

Q. Did you see the video? 04:51:11

A. I don't recall seeing the video. I don't think I did. 04:51:14 04:51:17

Q. And is the video in the possession of SeaWorld Parks & Entertainment, Inc.? 04:51:18 04:51:21

A. I don't know. 04:51:23

Q. Was there a -- was there any further response to this incident other than what's set forth in this e-mail chain? 04:51:34 04:51:40 04:51:42

A. I don't -- I don't recall what -- I really don't. I don't remember what happened after that. 04:51:44 04:51:47

(Reporter requested a recess.) 04:51:55

THE VIDEOGRAPHER: Going off the record. The time is 4:52 p.m. 04:51:55 04:51:57

(A recess was taken.) 05:11:11

THE VIDEOGRAPHER: We are back on the record. The time is 5:12 p.m. 05:11:18 05:11:19

(Deposition Exhibit No. 29 was marked for identification.) 05:12:50 05:12:50

BY MR. RICHARDSON: 05:12:52

Q. Mr. Taylor, I'm showing you what's been marked as Deposition Exhibit No. 29. I just ask that you look that over for a second. 05:12:52 05:14:06 05:14:10

A. Okay. All right. I've read it. 05:14:11

Q. This -- this document is -- actually, that's part of the exhibit. 05:14:18 05:14:38

A. Okay. The page before or page after? 05:14:38

Q. Page after. 05:14:41

A. But they're -- 05:14:42

Q. Relating to the same matter. 05:14:43

MR. SIMPSON: They're both now part of Exhibit 29? This is the same document. 05:14:58 05:14:58

MR. SIMPSON: They're the same. 05:14:59

MR. SIMPSON: Okay. 05:15:01

BY MR. RICHARDSON: 05:15:36

Q. So Mr. Willie, if you look at the first -- Mr. Taylor, if you look at the bottom of the first page of Exhibit No. 29, you may see in very small, red print "Willie-msg to Sesame regarding Rosita." 05:15:36 05:15:41 05:15:44 05:15:48

Do you see that with a number beside it? 05:15:54

A. Oh, yeah. On this other page? 05:15:57

Q. On both pages. 05:15:59

A. They're not labeled that on both pages. They're two different. 05:16:01 05:16:04

Q. Well, one says "Willie, message to Sesame regarding Rosita." The other one says, "Willie voice mail from Sesame Place." 05:16:08 05:16:11 05:16:15

Do you see that? 05:16:15

A. Yeah. That's what I mean. They're not the same. You said they were. 05:16:19 05:16:19

Q. I will represent to you that the Willie family is one of the named plaintiffs in this lawsuit. 05:16:20 05:16:22

First of all, have you seen this document before or these documents? 05:16:26 05:16:28

A. I have not. 05:16:29

Q. The first page is dated July 18th, 2022 at 1:15 p.m. It says, "By now I'm sure you've seen some of the backlash about the Rosita character. We had a similar experience when we visited on July 10th." 05:16:30 05:16:36 05:16:39 05:16:42

And then the next post at 1:17 p.m. says, "Initially" -- and I'm not quite sure if this is a post. This may be an e-mail, but it doesn't -- I can't tell. "Initially, we suspected it was inadvertently done, but now with four separate videos being shared of the character actor ignoring children of color, along with our own, it no longer seems like coincidence/accident." 05:16:46 05:16:50 05:16:53 05:16:57 05:17:01 05:17:03 05:17:07

Did I read that correctly? 05:17:12

A. Yes. 05:17:13

Q. The second page has at the top voicemail, 05:17:16

"Sesame Place Escalation Team." 05:17:22

Do you know what the Sesame Place Escalation Team is? 05:17:25 05:17:28

A. It looks -- it must be the team at Sesame Place that they escalate guest relation issues to would be my guess. 05:17:29 05:17:33 05:17:38

Q. It says, transcription, "Hey, Lauren, Good morning. This is the" -- blank -- "the supervisor you were on speaker from" -- it says, "Stephanie Place Philadelphia," but I believe it's supposed to be Sesame Place Philadelphia. "I want you to give me a call... didn't get your e-mail where (sic) we were on the call. So if you call me back, request to speak with me and provide me with your e-mail address so I can send -- so I can have a -- or if you send me specific information is right. Thank you very much. Give us a call back any time. Thank you. Bye, bye." 05:17:39 05:17:42 05:17:45 05:17:49 05:17:53 05:17:55 05:17:58 05:18:01 05:18:08 05:18:12 05:18:15

Did I read that correctly? 05:18:17

A. You read that correctly. 05:18:18

Q. Was Sesame Place -- I'm sorry. Was SeaWorld Parks & Entertainment, Inc. ever made aware of this particular allegation of race discrimination at Sesame Place Philadelphia? 05:18:24 05:18:27 05:18:31 05:18:34

A. So which particular -- these look like screen shots from somebody's telephone, right? Is that what I'm 05:18:35 05:18:40

looking at? 05:18:43

Q. I believe that's correct. 05:18:44

A. Okay. So he says a similar experience -- okay. So, right. I see that they're talking about "a similar experience when we visited on 07/10." 05:18:45 05:18:50 05:18:55

Q. Right. 05:18:57

A. And the -- so it must be talking about on July 18th. This was the same day that the -- the Brown family -- family's video. 05:18:57 05:19:01 05:19:05

Q. No. This is the Willie family who is talking about their visit on July 10th. 05:19:07 05:19:09

And my question is, were you ever made aware of an allegation by the Willie family? 05:19:12 05:19:14

A. In order for me to get there, I have to then -- you have to read the whole thing, right? That's what I'm trying to point out. It says, "You've seen the backlash about the Rosita character." This was on July 18th. So that has to be talking about the video that the Browns were -- 05:19:17 05:19:19 05:19:22 05:19:25 05:19:28 05:19:28

Q. Yes. 05:19:28

A. -- posted. And then "we had a similar experience when we visited out 07/10." So he's relating that back. 05:19:33 05:19:35 05:19:37

Q. That's correct. 05:19:38

A. So the incident you're talking about is a 05:19:39

similar experience -- 05:19:40

Q. That's correct. 05:19:40

A. -- to the Brown family experience on -- that was experienced by Mr. Willie on 07/10. I guess I shouldn't say Mr. Willie. I think you said Mr. Willie. 05:19:43 05:19:47 05:19:50

Q. I think it's Lauren Willie, but -- 05:19:52

A. Yeah, so I don't -- 05:19:52

Q. So that's Mrs. Willie. 05:19:54

A. So whoever the Willie is. 05:19:56

Q. But my question is, was SeaWorld Parks & Entertainment, Inc. ever made aware of an allegation of racial discrimination by the Willie family? 05:19:56 05:20:00 05:20:03

A. No. Again, kind of -- well, not kind of. The same answer. So SeaWorld Parks & Entertainment, Inc. does not have any employees. It does have officers and directors as required under Delaware law. 05:20:07 05:20:11 05:20:14 05:20:17

So to the extent that it's made aware of something, there are no employees for it to be made aware. The people that sit as officers and directors may or not be aware because most, if not all, of them are actually employees of the SWBG Orlando Corporate Operations Group, which provides the corporate services to all of the subsidiaries. 05:20:21 05:20:25 05:20:29 05:20:31 05:20:37 05:20:42 05:20:44

I was not aware of this one. Is this a message he sent to Sesame Place Philadelphia? Is that what -- 05:20:48 05:21:18

Q. I believe so. 05:21:21
A. Okay. Got it. 05:21:21
Q. And with respect to the Rosita incident that relates to the Brown family, were you ever made aware of that? 05:21:28 05:21:30 05:21:33
A. Yes. 05:21:33
Q. And was SeaWorld Parks & Entertainment, Inc. made aware of that incident? 05:21:35 05:21:40
A. No. Again, SeaWorld Parks & Entertainment, Inc. doesn't have any employees. It does have officers and directors as required under Delaware law. To the extent that those officers and directors may have other positions, any one of them could be aware of anything that happens at any of the parks. 05:21:41 05:21:44 05:21:47 05:21:51 05:21:54 05:21:57
The way I was made aware of it as general counsel at SeaWorld -- SWBG Orlando Corporate Operations Group, LLC, which employs me. And so we -- you know, as the lawyers for the company, I was certainly made aware of that incident when it occurred. 05:21:59 05:22:05 05:22:11 05:22:16 05:22:19
Q. Was any of the officers of SeaWorld Parks & Entertainment, Inc. made aware of the Rosita and Brown incident? 05:22:22 05:22:27 05:22:30
A. Not in their capacity as officers of SeaWorld Parks & Entertainment, Inc. 05:22:31 05:22:35
Q. Were they ever made aware? 05:22:36

A. The humans, were they made aware? 05:22:37
Q. Yes. 05:22:40
A. They could have been as employees of SWBG Orlando Corporate Operations Group, LLC. 05:22:41 05:22:44
Q. And do you have any knowledge one way or another that they were, in fact, in any capacity made aware of the Rosita and Brown incident? 05:22:48 05:22:50 05:22:52
A. I mean, I guess I'd have to look at the entire slate of officers and directors, but certainly some of them of were aware. 05:22:56 05:22:58 05:23:02
Q. And who? 05:23:03
A. Marc Swanson was aware, Jim Forrester would not have been aware. He was not -- he was not in that position at the time. Laurie Beechner as an assistant secretary would have been made aware, again, not in her capacity as an officer of that company, but in her capacity as the deputy general counsel of and being employed by SWBG Orlando Corporate Operations Group, LLC. 05:23:04 05:23:11 05:23:14 05:23:24 05:23:26 05:23:29 05:23:33
(Deposition Exhibit No. 30 was marked for identification.) 05:24:02 05:24:02
BY MR. RICHARDSON: 05:24:02
Q. Mr. Taylor, I'm now showing you what's been marked as Deposition Exhibit No. 30. The first page is an e-mail with Bates number SW0002401. It is an e-mail from Leon Gantt, G-a-n-t-t, dated July 19th, 2022, to 05:24:18 05:24:20 05:24:29 05:24:36

Cathy Valeriano. The subject is "Daily Call Breakdown for Alleged Incident," and there's an attachment, the Guest Call Tracker, 07/19/2022. And then attached to it is a chart that has the date, ambassador name, name of the guest, phone number, bar code, reason for the call. 05:24:44 05:24:48 05:24:52 05:25:07 05:25:16

First of all, have you seen either of these two documents before? 05:25:21 05:25:24

A. I have not. 05:25:24

Q. Are you aware of something called the guest call tracker? 05:25:25 05:25:28

A. I'm not -- I'm not aware of it, but I can certainly explain what it is. 05:25:31 05:25:35

Q. And what is it? 05:25:37

A. So Leon runs our call center. So the call center is run by SWBG Orlando Corporate Operations Group, LLC as part of the corporate services provided under the corporate services agreement. 05:25:38 05:25:44 05:25:49 05:25:55

Leon's team runs the call center for all of the parks, for all of the subsidiaries. So this is a report that he's sending to Cathy as the park president of Sesame since these are -- this would be the reports that are relevant to her park. 05:25:57 05:26:00 05:26:04 05:26:08 05:26:11

Q. And I know you told me this, Mr. Taylor, so I apologize, but the agreement -- the service agreement is between which two entities? 05:26:17 05:26:21 05:26:22

A. It's between SeaWorld Entertainment, Inc., which is the ultimate parent company, and SWBG Orlando Corporate Operations Group, LLC. 05:26:23 05:26:26 05:26:33

Q. Okay. And I know you told me about the officers with respect to the LLC and the officers with respect to the Inc. 05:26:35 05:26:39 05:26:42

Are any of those individuals also officers of SeaWorld Entertainment, Inc.? 05:26:43 05:26:46

A. Yes. 05:26:47

Q. Which ones? 05:26:50

A. Well, so the officers between LLC and Inc. are not identical. The officers between Inc. -- well, I need to say all the names, right? So the officers between SeaWorld Parks & Entertainment, LLC are not identical to the officers of SeaWorld Parks & Entertainment, Inc., but the officers of SeaWorld Parks & Entertainment, Inc. are identical to the officers of SeaWorld Entertainment, Inc. 05:26:51 05:26:56 05:27:01 05:27:03 05:27:06 05:27:12 05:27:16

Q. Thank you. And you've already identified the extent to which the same people are officers of the LLC and the Inc.? 05:27:20 05:27:22 05:27:26

A. Yes. 05:27:27

Q. And now it's your testimony that the officers of the Inc. are also the same officers of SeaWorld Entertainment, Inc.? 05:27:27 05:27:30 05:27:34

A. SeaWorld Entertainment, Inc. has the same 05:27:35

officer slate as SeaWorld Parks & Entertainment, Inc., yes. 05:27:38 05:27:43

Q. Okay. So if we refer to Exhibit No. 30, it says it's from Leon Gantt. Do you know who he is? 05:27:43 05:27:49

A. Yeah. I just said he's the -- he runs our call center. I'm not sure. I don't remember Leon's exact title, but he is the -- he runs the call center, so he's probably like, you know, VP level. 05:27:53 05:27:58 05:28:02 05:28:05

Q. And does this call center receive complaints through the phone? 05:28:09 05:28:14

A. Yeah. It's a call center, so we -- he runs some of it on his own, and then he outsources, you know, to third-party vendors to also help with the call center, and they receive -- I mean, it's anything. So it's -- complaints are probably a very small part of what they receive. Most of it is they're selling tickets or there's somebody calling because they're trying to make a reservation for something or they're trying to change a reservation, so -- but complaints -- you know, clearly whoever is on the other end of the call, they're going to -- they're going to talk to them with whatever -- whatever the inquiry might be. They're not going to tell them, "Sorry, this isn't the place to call." 05:28:17 05:28:19 05:28:23 05:28:26 05:28:30 05:28:33 05:28:36 05:28:38 05:28:41 05:28:46 05:28:48 05:28:51 05:28:54

Q. And in preparation for this deposition, did you make an attempt to review the call center data to 05:28:56 05:28:59

determine the extent to which calls came in between 2018 and 2022 alleging racial discrimination at Sesame Place Philadelphia? 05:29:05 05:29:08 05:29:13

A. No, because, again, the call center is run by SeaWorld SWBG Orlando Corporate Operations Group, LLC. I was not designated as a rep of them. They're not a party to this litigation, so -- 05:29:14 05:29:17 05:29:22 05:29:26

Q. I understand. I understand -- I understand that, but one of the topics I believe you're going to be talking about is complaints and the Inc.'s role, if any, with respect to those complaints. 05:29:31 05:29:32 05:29:34 05:29:38

So my question is whether or not any effort was made for you to determine the extent to which complaints about racial discrimination at Sesame Place Philadelphia came into the call center so that you would be prepared to ask -- answer questions about the extent to which the Inc. may have been involved in responding to any of those complaints? 05:29:40 05:29:42 05:29:45 05:29:48 05:29:50 05:29:54 05:29:57

A. So Inc. wouldn't be involved, as I've mentioned. So SeaWorld Parks & Entertainment, Inc. doesn't have any employees. It does have officers and directors as required by Delaware law. To the extent that those officers and directors may have any role in responding to any guest relations type issues, it would be in their other capacities and not as Inc. Inc. would 05:29:57 05:30:00 05:30:03 05:30:07 05:30:10 05:30:13 05:30:17

have no role in that. 05:30:23

Q. So you did not review any data from the call center in preparation for this deposition; is that correct? 05:30:24 05:30:26 05:30:29

A. I did not. 05:30:29

Q. Okay. So it says here from Mr. Gantt, [redacted] 05:30:31

[redacted] 05:30:36 05:30:41 05:30:44 05:30:49 05:30:54 05:30:59 05:31:03 05:31:04 05:31:07

A. Yes. 05:31:10

Q. And then if we go to the second page, if you go to the second entry dated July 19th, 2022, the ambassador's name is Angel Lopez. The name of the guest is Evangelynn Murphy, and that's E-v-a-n-g-e-l-y-n-n Murphy. It gives her phone number, bar code is not applicable. Then under the reason for the call, it says, 05:31:10 05:31:22 05:31:28 05:31:33 05:31:41 05:31:45

[redacted] 05:31:48 05:31:52 05:31:57

[redacted]

[redacted]

Did I read that correctly?

A. In the top right box, yes.

Q. All right. And I understand what your response is going to be, but did SeaWorld Parks & Entertainment, Inc., were they ever made aware of Ms. Murphy's complaint of racial discrimination at the Sesame Place Philadelphia park?

A. So the way these type of -- you know, any incident, anything that requires, you know, assistance or support is always going to be the SWBG Orlando Corporate Operations Group. So the way this would be then looked into, which it looks like it was, this is Leon sending it on to Cathy. Leon probably would have then -- also at some point in time been passing these on, giving people information on how to file a claim if they needed to file a claim. And these -- like these ambassadors are probably the people that took the calls would be my guess. And then the name of the guest would be the person that's actually making the call. Like the first one, "Guest is a reporter who has questions," so that -- that person would have been forwarded on to maybe Lisa Cradit. All this is being handled at -- at the corporate operations.

Q. And when you say corporate, you're talking about the group? 05:33:26 05:33:29

A. Yeah. That's where corporate is. It's SWBG Orlando Corporate Operations Group, LLC is corporate. That's corporate. They've been contracted to provide those -- all the list of services to all of the subsidiaries. 05:33:30 05:33:34 05:33:38 05:33:42 05:33:44

Q. And I believe you testified earlier that the corporate headquarters for the Inc. is also in Orlando? 05:33:45 05:33:54 05:33:57

A. Yeah. So all the -- like, again, it's -- it's -- that probably would be considered its corporate headquarters. It doesn't have any -- you know, it doesn't have anybody. It has officers and directors, but it would be its headquarters, I guess. I mean, that's where you would mail something to it. 05:33:58 05:34:04 05:34:06 05:34:08 05:34:11 05:34:16

Q. And the corporate headquarters of the LLC is also in Orlando? 05:34:17 05:34:20

A. Yes, same thing. That's where the corporate secretary resides, for instance. So that's -- you know, that would be the official address of the company, according to the State of Delaware, and really kind of any state filings. 05:34:22 05:34:24 05:34:26 05:34:28 05:34:31

Q. And for purposes of having a corporate address, is the address exactly the same for the group, as well as 05:34:31 05:34:33

the Inc. and the LLC? 05:34:39

MR. SIMPSON: Object to the form. 05:34:42

THE WITNESS: Yeah, just -- yes, it's -- it's -- it's all in the same place, all of it is SeaWorld Orlando. 05:34:42 05:34:46 05:34:50

BY MR. RICHARDSON: 05:34:50

Q. Okay. And on the second page, on July 19th of 2022, there was another guest by the name of Kontessia Atkins, K-o-n t-e-s-s-i-a, Atkins, and under the reason for the call, it says, [redacted] 05:34:50 05:34:54 05:34:59 05:35:06

[redacted] 05:35:09

[redacted] 05:35:12

Did I read the column under reason for the call correctly? 05:35:16 05:35:19

A. Yes. That's the fourth, right? So we didn't do the first one, we did the second one, we didn't do the third one, but we are doing -- it's the fourth one, yes. 05:35:19 05:35:22 05:35:24

Q. Yes. 05:35:27

A. Got you. 05:35:29

Q. And you can look at the other ones, but I don't believe any of the other ones actually talk about a particular incident of alleged racial discrimination by that particular guest. 05:35:29 05:35:31 05:35:34 05:35:38

A. Okay. 05:35:39

Q. I'll be happy to talk about it -- 05:35:40

signatory to any such contract? 05:54:17

A. Yes. And, again, as I testified, that's a lot 05:54:19

of what Inc. does. It signs things. 05:54:22

Q. Have you reviewed any document in connection 05:54:37

with this case in which any of the named plaintiffs have 05:54:42

signed any contract that binds them to any terms and 05:54:43

conditions? 05:54:48

A. I have reviewed any easy pay contracts since 05:54:48

I -- I'm not even sure who the named plaintiffs are. I 05:54:52

can't say that I've reviewed any easy pay contracts 05:54:56

signed by the plaintiffs. There's certain other 05:54:57

designees that I'm sure can answer that question for you 05:55:10

that deal in that, so... 05:55:12

Q. Do you know of anyone who would be better 05:55:14

qualified than you to talk about the contractual 05:55:17

relationship between the park and its park patrons? 05:55:18

A. No. I'm certainly the one for contractual 05:55:21

relationship, but if you're asking, like, about 05:55:23

specific -- specific passes. 05:55:25

Q. All right. Does the purchaser of a ticket, 05:55:31

admission ticket entitle that purchaser admission to the 05:55:34

Sesame Place Philadelphia Amusement Park? 05:55:38

A. It entitles them to admission, I would say, 05:55:41

with the only qualifiers being the park is open or the 05:55:45

front -- or the gates are open, and that they're 05:55:50

following our, you know, rules and regulations for the park. 05:55:55 05:55:58

Q. All right. And am I correct that there are certain activities of the park that requires an additional fee at Sesame Place Philadelphia? 05:55:59 05:56:03 05:56:06

A. Yes. 05:56:10

Q. Like Dine with Elmo requires an additional fee? 05:56:10

A. Correct. 05:56:14

Q. And there may be other activities that requires additional fees. So I'm not focusing on those activities that require an additional fee. 05:56:14 05:56:16 05:56:19

A. Okay. 05:56:21

Q. But would the purchaser of an admission ticket be entitled to participate in all other non-special activities at the park, at the Sesame Place Philadelphia park? 05:56:21 05:56:24 05:56:29 05:56:33

A. Well, again, it's -- if the gates are open, and if they're -- so the park is open, and if they're following the rules and regulations of the park. But, certainly, we've got numerous safety protocols, security protocols, all kinds of things that does not somehow give you free access to go just sort of do anything you want anywhere in the park. 05:56:33 05:56:37 05:56:40 05:56:42 05:56:45 05:56:49 05:56:53

Q. And I'm not -- I understand that, but my question is a little bit more focused on that. 05:56:54 05:56:56

MR. SIMPSON: I don't know if there's any follow-up. 06:04:01
MR. SIMPSON: Just a couple. 06:04:03
MS. BEECHNER: I do. 06:04:06
MR. SIMPSON: Let's take a break. 06:04:07
THE VIDEOGRAPHER: We're going off the record. The time 6:04 p.m. 06:04:10 06:04:11
(A recess was taken,) 06:06:37
THE VIDEOGRAPHER: Back on the record. The time is 6:08 p.m. 06:07:15 06:07:18
CROSS-EXAMINATION 06:07:18
BY MR. SIMPSON: 06:07:23
Q. Mr. Taylor, you were asked a series of questions by Mr. Richardson about the amenities at Sesame Place that a purchaser of a ticket could expect to receive upon entry into the park. 06:07:23 06:07:26 06:07:32 06:07:36
Do you remember those questions? 06:07:38
A. I do. 06:07:39
Q. All right. Focusing on the activity at Sesame Place called the parade, are you familiar with the parade? 06:07:40 06:07:44 06:07:46
A. I am. 06:07:46
Q. All right. With respect to any form of ticket that a customer comes in the gate with, is there any ticket that to gain entrance to Sesame Place Philadelphia that guarantees that that customer will get a Sesame 06:07:47 06:07:49 06:07:53 06:07:59

street character interaction during the parade? 06:08:04

A. No. There's really not even a guarantee that 06:08:06

they'll get a parade. There could any number of reasons 06:08:10

why the parade would not run. 06:08:13

Q. Are you familiar with the format of customer 06:08:15

interaction at Sesame Place called the meet and greet? 06:08:18

A. I am. 06:08:21

Q. Where a Sesame Street character is stationary 06:08:22

and people get in line to get their photographs taken. 06:08:24

Are you familiar with that process? 06:08:27

A. I am familiar with that. 06:08:28

Q. With respect to any ticket that a customer 06:08:29

enters Sesame Place with, does that ticket guarantee that 06:08:34

customer a meet and greet opportunity if the line is 06:08:38

terminated on account of timeliness for the character to 06:08:42

have photograph opportunities? 06:08:45

A. No. It's the same, like, whether it's because 06:08:47

of time or whether -- or whatever it might be. It can -- 06:08:50

almost like an attraction, any reason that we need to 06:08:55

shut down an attraction. 06:08:58

Q. What is your understanding about why there's a 06:08:59

limit on how long a character can be out in a meet and 06:09:02

greet activity? 06:09:06

A. Well, I mean, there's any number of reasons. I 06:09:07

mean, we have -- there's -- there's just wage and hour 06:09:09

loss. I mean, there's also the idea that these costumes, you know, are -- have a certain weight to them, and they're not the most comfortable things to wear would be my understanding, so they need breaks. That would be -- that would be the reason. 06:09:13 06:09:16 06:09:20 06:09:23 06:09:27

Q. Mr. Richardson asked you a series of questions about the license agreement with Sesame workshop. 06:09:27 06:09:30

Do you remember those questions? 06:09:34

A. I do. I think we had a few of them -- yes. 06:09:36

Q. Why is it that SeaWorld Parks & Entertainment, Inc. is the signatory to that agreement as opposed to the individual subsidiaries where the intellectual property is actually used? 06:09:40 06:09:44 06:09:50 06:09:53

MR. SIMPSON: Objection. 06:09:54

THE WITNESS: Yeah, so the previous agreements in that section that we were looking at that recited sort of the history, those agreements were with -- you know, at the time dating back to Busch Entertainment Corporation and even the predecessor Busch Entertainment Corporation, I think, in some respects, and that was, like, the park agreement. And then the multi-park agreement, which was entered into in 2006 was also with Busch Entertainment Corporation. 06:09:55 06:09:58 06:10:03 06:10:07 06:10:09 06:10:13 06:10:18 06:10:22 06:10:29

The first one was with Busch Entertainment Corporation because it owned the park. The second was 06:10:31 06:10:33

CERTIFICATE OF OATH

STATE OF FLORIDA:

COUNTY OF ORANGE:

I, ANEESHA WILLIAMS, Notary Public, State of Florida, do hereby certify that GEORGE ANTHONY TAYLOR, personally appeared before me on November 14, 2023 and was duly sworn and produced a driver's license as identification.

Signed this 21st day of November, 2023.

Aneesha Williams
Notary Public, State of Florida
My Commission No. HH321786
Expires: 08/29/2026

CERTIFICATE OF REPORTER

STATE OF FLORIDA:

COUNTY OF ORANGE:

I, ANEESHA WILLIAMS, Notary Public, State of Florida, certify that I was authorized to and did stenographically report the deposition of GEORGE ANTHONY TAYLOR; that a review of the transcript was requested; and that the foregoing transcript is a true and accurate record of my stenographic notes.

I further certify that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 21st day of November, 2023.

Aneesha Williams,
Registered Professional Reporter

Transcript of Kimberly Hall

Date: November 15, 2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.

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www.planetdepos.com

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA DIVISION

QUINTON BURNS, et al.,

Plaintiffs,

vs. : Case No. 22-CV-02941

SEA WORLD PARKS & ENTERTAINMENT, INC., et al.:

Defendants.

VIDEOTAPED DEPOSITION OF KIMBERLY HALL

Orlando, Florida

Wednesday, November 15, 2023

10:05 AM

Job No.: 515282

Pages: 1 - 45

Recorded By: Mike Martinez

Deposition of Kimberly Hall,
held at the offices of:

HILL, RUGH, KELLER & MAIN, P.L.
390 North Orange Avenue, Suite 1610
Orlando, Florida 32801

Pursuant to Notice, before
Mike Martinez, Notary Public in and for the
State of Florida.

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FOR SEA WORLD PARKS & ENTERTAINMENT

JOSE GONZALEZ - VIDEOGRAPHER

C O N T E N T S

EXAMINATION OF KIMBERLY HALL PAGE
By Mr. Richardson 6
By Mr. Simpson 38

E X H I B I T S

(Attached to transcript.)

DEPOSITION EXHIBIT PAGE
Exhibit 1 Notice of Deposition 11

P R O C E E D I N G S

THE VIDEOGRAPHER: Here begins -- excuse me. Media number 1 in the videotaped deposition of Kim Hall in the matter of Burns, et al. v. SeaWorld Parks and Entertainment, Inc., et al. in the Court of the United -- of -- in the United States District Court for the Eastern District of Pennsylvania, Philadelphia, case number 22-CV-02941. Today is November 15, 2023. The time on the video monitor is 10:06. The Videographer today is Jose Gonzalez representing Planet Depos. The -- this video deposition is taking place at 390 North Orange Avenue, Orlando, Florida, 32801. Would Counsel please identify themselves and state whom they represent?

MR. RICHARDSON: Good morning. My name is Ron Richardson and I'm one of the plaintiffs' attorneys in this case.

MR. SIMPSON: John Simpson representing the defendants and the witness, Ms. Hall.

THE VIDEOGRAPHER: The court reporter today is Mike Martinez representing Planet Depos. The witness will now be sworn.

Whereupon,

KIMBERLY HALL,

educational history for me.

A Sure. I received my bachelor's degree from the University of Central Florida, marketing and public relations degree.

Q And can you please summarize your employment history?

A Sure. I've worked with SeaWorld for 23 years and I'm currently the director of strategic pricing in our revenue management team.

Q And you said that you work for SeaWorld?

A I do.

Q And I just want to make sure I understand which entity we're talking about. Could you be more specific as to what entity it is --

A Sure.

Q -- that you work for?

A The name on my paycheck is SWBD Orlando Corporate Operations Group, LLC.

Q Okay. And do you work out of that -- the Group's office buildings here in Orlando?

A I do as well as remote. Remote.

Q Rainbow?

A Work from -- remote, work from home.

Q Oh, remote. I'm sorry.

A Not off the top -- Katie Vasquez is a name that is top of mind, but I don't remember any of the other ones.

THE REPORTER: What was the name again?

THE WITNESS: Katie Vasquez.

THE REPORTER: Katie?

THE WITNESS: Katie.

MR. RICHARDSON: Valdez.

THE REPORTER: Oh, Katie.

THE WITNESS: Valdez. Thank you.

BY MR. RICHARDSON:

Q Did you look at any documents to prepare yourself for this deposition today?

A I looked at the -- what are they called? The -- provided by Brittney Kenny from Sesame Place, the tickets and the annual pass documents from the plaintiffs.

Q Okay. Other than looking at the documents related to the admission tickets of the named plaintiffs, did you look at any other documents to prepare yourself to testify today on behalf of SeaWorld Parks and Entertainment, LLC?

A I don't believe so.

Q Did you conduct a search to find any documents within the files of SeaWorld Parks and

Entertainment, LLC to assist you in preparing for the deposition today?

A I -- yes. I -- Valdez, Katie Valdez, I looked up her EasyPay contract in our -- within our -- our systems, to make sure I had the most current -- well, the EasyPay contract that was associated with her.

Q And other than the Katie Valdez contract, did you look at any other files in the possession of Sea -- SeaWorld Parks and Entertainment, LLC to prepare for the deposition today?

A No.

Q Okay. And do you understand, Ms. Hall, that the answers you give today will represent all of the information available to SeaWorld Parks and Entertainment, LLC?

A Yes.

Q And do you also understand that the answers you give today will be binding on SeaWorld Parks and Entertainment, LLC?

A Yes.

Q How many hours have you spent preparing for this deposition?

A Three.

Q Okay. Did you review any of the documents produced by the plaintiffs -- other than their admission ticket documents, did you review anything else produced by the plaintiffs, any other documents produced by the plaintiffs in this case?

A I don't believe so.

Q Did you review any documents produced by the defendants in this case to prepare for this deposition?

A Clarifying question. I -- the documents I reviewed were provided by Brittney Kenny, representing the admission products of the plaintiffs.

Q Right. So other than the documents provided by Ms. Kenny, did you review any other documents that were produced in this case by the defendants, to prepare for the deposition today?

A I don't believe so.

Q Okay. Did you review defendant SeaWorld Parks and Entertainment, LLC's Answers to Plaintiff's Interrogatories to prepare for the deposition?

A I'm sorry, can you repeat the question?

Q Did you review -- there's something

called interrogatories --

A Thank you.

Q -- written questions. And each side answers those written questions --

A Okay.

Q -- and the defendant, SeaWorld Parks and Entertainment, LLC did the same. So my question is, did you review SeaWorld Parks -- SeaWorld Parks and Entertainment, LLC's Answers to Plaintiff's Interrogatories?

A No.

Q Did you review Defendant LLC's Responses to Plaintiff's Request for Production of Documents, in preparation for this deposition today?

A Is that what Brittney Kenny's --

Q No. That -- those are documents that she showed you.

A Okay.

Q This is some written requests, itemized requests to produce documents. And it's a document that's ultimately executed and submitted to us. And my question is, did you review that particular document?

A I don't believe so.

Q Okay. Where is the corporate headquarters of SeaWorld Parks and Entertainment, LLC?
A 6240 Sea Harbor Drive, Orlando.
Q Okay. And in what state is the LLC incorporated?
A I don't know.
Q Okay. All right, so let's talk about the topics.
A Okay.
Q A couple of general questions. Between 2018 and 2022, does Sesame Place Philadelphia, and I'm going to refer to the park by that name --
A Okay.
Q -- sell admission tickets to the public?
A Yes.
Q Did they sell single day tickets to the public during that time frame?
A Yes.
Q And did they sell multiple day tickets to the public during that time frame?
A Yes.
Q And did they sell season passes to the public during that time frame?
A Yes.

yes.

Q And I'm only asking about purchasing.

A Okay.

Q So if any of the named Plaintiffs purchased admission tickets to the Sesame Place Philadelphia amusement park between 2018 and 2022, would that have been in exchange for money?

A Yes.

Q Okay.

A If that's how you're defining purchase, yes.

Q If one of the named Plaintiffs purchased season passes, would they be -- in order to purchase the season pass, would they be required to go to the Sesame Place website to do that?

A No.

Q And on those occasions when the named Plaintiffs did not go to the Sesame Place website to purchase at a season pass, were they required to sign any type of terms and conditions to purchase that season pass?

A Can you clarify which season pass?

Q Well, I only know of a season pass that entitles the bearer or the name on the season pass

for admission to the park for like a certain period of time and it expires at a certain point. So my question is, could they have purchased such a season pass without having to execute or agree to any terms or conditions?

A They could have purchased a full paid pass.

Q And what's a full paid pass?

A So we have two types of season passes at Sesame Place Philadelphia. We have a -- a -- a payment method. Sorry. We have four different types of passes. We have a payment method that allows you to pay the entire amount on the day you want to purchase the pass. We also have an easy pay payment method that allows you to break your full payment amount into monthly installments.

Q Okay.

A If you choose monthly installments, you would agree to the terms and conditions that you were referring to.

Q And could any of the named Plaintiffs have purchased a season pass with the easy pay monthly payments --

A Yeah.

Q -- but never go to the website where

the terms and conditions are located?

A Yes. They could purchase through the front gate and they're provided terms and conditions by the front gate team.

Q Okay. And if they were not provided any terms and conditions by the front gate team, would they still be admitted having paid the money for the season pass?

A If they paid for a full paid season pass, yes.

Q Ms. Hall, did any of the named Plaintiffs purchase a single day ticket to Sesame Place Philadelphia's amusement park?

A Yes, I believe so.

Q And can you tell me which ones?

A Not off the top of my head.

Q Okay. But you do know that one or more of them did?

A Yes.

Q Do you have any knowledge as to whether or not any of the named Plaintiffs purchased multi-day admission tickets to the Sesame Place Philadelphia amusement park?

A I believe I saw two day tickets in the documents are reviewed, yes.

Q Okay. And again, you don't know which of the particular named Plaintiffs that were?
A I do not --
Q Okay.
A -- off the top of my head.
Q And did any of the named Plaintiff's purchase season passes to the Sesame Place Philadelphia Amusement Park?
A Yes.
Q But again, you don't know their names?
A Valquez.
Q Valdez?
A Valdez. Thank you.
Q That's one of them?
A That is one of them.
Q Okay. And did the purchase of a single day admission ticket by a named Plaintiff entitle that named Plaintiff to admission to the Sesame Place Philadelphia Amusement Park?
A Yes. Based -- pending capacity and weather constraints.
Q And did the purchase of a single day admission ticket by a named plaintiff entitle the purchaser of that ticket to participate in all the activities of the park with the exception of those

that may require a special ticket for?

MR. SIMPSON: Object to the form. But you can answer.

THE WITNESS: If they meet height requirements or other physical requirements of the activities in the park, I believe so.

BY MR. RICHARDSON:

Q Okay. And am I correct that there are certain activities in the park, like Dine with Elmo and others where you may have to make a special purchase for to be able to participate in that activity?

A You are correct. Yes.

Q Okay. And the same questions with respect to the purchasers, those named plaintiffs who purchased multi-day tickets, did the did the purchaser of the multi-day ticket by named Plaintiff entitle that Plaintiff -- that name Plaintiff to be able to participate in all of the -- well, first of all, allow that named Plaintiff to be admitted to the amusement park?

A Yes. Pending capacity and weather constraints, yes.

Q All right. And the same question pending any other restrictions that may or may not

apply, but assuming that they don't apply, with the purchase of a multi-day -- a multi-day ticket by a named plaintiff entitled that Plaintiff to be able to participate in all of the activities that are available at the Sesame Place Philadelphia amusement park?

MR. SIMPSON: Object to the form. But you may answer.

THE WITNESS: Yes. Other than the paid experiences that you mentioned.

BY MR. RICHARDSON:

Q Yes.

A Yes.

Q And would the purchase of a season pass by a named Plaintiff entitled that purchaser to be able to participate in all of the activities of the Sesame Place Philadelphia amusement park?

MR. SIMPSON: Object to the form. You can answer.

THE WITNESS: Excluding height restrictions and free -- or the paid experiences that we mentioned, yes.

BY MR. RICHARDSON:

Q Okay. You would agree with me, would you not, Ms. Hall, that the denial of admission to

management?

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

THE WITNESS: Yes.

MR. RICHARDSON: I don't have any further questions.

THE WITNESS: Fantastic.

MR. SIMPSON: Let's take a short break.

THE VIDEOGRAPHER: Okay. We are going off the record at 10:39 a.m. We are back on the record. The time is 10:44 a.m.

EXAMINATION BY COUNSEL FOR THE DEFENDANTS

BY MR. SIMPSON:

Q I just have one question, Ms. Hall. With respect to the annual -- the Sesame Place annual pass that you mentioned in your deposition testimony, excuse me, yes, your deposition testimony that was purchased by Katie Valdez, just focusing on that transaction, based on your knowledge of how tickets and passes are sold by Sesame Place Langhorne, was it possible for Ms. Valdez to purchase that season pass without agreeing to the EZ Pay terms and conditions?

A No.

Q And why do you say that?

A The two methods we sell EZ Pay season passes at Sesame Place include an acceptance of terms and conditions. I'm sorry, three locations you can purchase. We include terms and conditions before the process -- payment is processed and the passes is issued.

MR. SIMPSON: No further questions.

REDIRECT EXAMINATION

BY MR. RICHARDSON:

Q Follow up, Ms. Hall.

A Sure.

Q So how does Sea World know that the terms and conditions are accepted by a individual and named plaintiff such as Ms. Valdez who purchased a EZ Pay season pass?

A Sure. I'll -- do you mind if I focus on each of our sales channels?

Q Any way you want to answer the question.

A Sure. Through our website, you accept terms and conditions before your payment is processed. So we will not process the payment unless the Accept Terms and Conditions check box has been checked by the named plaintiff in this case.

Q Before you go on to the other ways, did

-- is there any documentation to show that Ms. Valdez checked the terms and condition box before her season pass was issued to her?

A There is an electronic signature stored on the contract before it is -- the payment is processed.

Q And is there any documentation to your knowledge that shows that Ms. Valdez checked that box? Have you seen it?

A I have seen the contract that says electronic signature, but I have not -- I did not replay her specific transaction and watch her check the box. But the transaction would not be processed without the box checked.

Q I heard that answer --

A Yes.

Q -- but my question is, is there a document that evidences the fact that Ms. Valdez has checked that box? Have you seen that document?

A I guess I'm unclear on the question. There is a EZ Pay contract that says electronic signature.

Q Have you seen the --

A I have seen that.

Q -- the contract related to Ms. Valdez

that says -- that either shows her electronic signature or some other way whereby she agreed to those terms and conditions.

A I have seen the document from our sale -- from our files that shows that she accepted terms and conditions electronically.

Q And do you have any knowledge as to whether or not that document was produced in this case?

A I do not. I do not --

Q Okay. And what are the other ways that you can --

A -- swear. So you can also call our call center and the call center agent will read you a script about the terms and conditions prior to processing payment. You are also sent an e-mail with the terms and conditions and you were required to accept the terms and conditions prior to the pasts being issued to you. So you receive one e-mail with the terms and conditions. You press Accept, and then the next e-mail you receive will be your processed payment, your receipt and your -- your season pass with the live barcode.

Q And did any of the named plaintiffs purchase a season pass through the call center?

A I don't know.
Q Okay. And what's the other way?
A The last way is at our front gate. So in the face-to-face sales channel at the front gate, so not the kiosk, not, I guess, guest relations technically, but the -- it's primarily that ticket window transaction, you can purchase an EZ Pay season pass through that sales channel as well. And you will physically sign a paper receipt provided to you by the -- the ticket ambassador.
Q And did any of the named plaintiffs purchase a season pass through the front gate?
A I don't know.
Q All right. So other than Ms. Valdez, did any other named plaintiff purchase a season pass through the website?
A I don't know.
MR. RICHARDSON: Okay. No further questions.
MR. SIMPSON: No further questions. And the witness will read and sign her deposition.
MR. RICHARDSON: Thank you very much, Ms. Hall.
THE WITNESS: Thank you.

THE VIDEOGRAPHER: Okay. This --

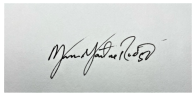
MR. RICHARDSON: Oh, I'm sorry.

THE VIDEOGRAPHER: This marks the end of the deposition of Kim Hall. We are going off the record at 10:48 a.m.

(OFF THE RECORD AT 10:48 AM)

CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, MIKE MARTINEZ, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings were fully sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; 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



_____

MIKE MARTINEZ

NOTARY PUBLIC FOR THE STATE OF FLORIDA

CERTIFICATION OF TRANSCRIPT

I, Maliq Smith, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding; that said proceedings were reduced to typewriting under my supervision; that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; and that I am neither counsel for, related to, nor employed by any of the parties to the case and have no interest, financial or otherwise, in its outcome.

_____

Maliq Smith

Planet Depos, LLC

November 21, 2023

No. 515282

Re: Deposition of **Kimberly Hall**
Date: 11/15/2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.
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Page	Line	Correction/Change and Reason
10	18	Change SWBD to SWBG -
20	4+6	Change Easy Pay to EZpay
30	14+15	Chang Easy Pay to EZpay
42	19	Changes pasts to passes

11/28/23
(Date)

(Signature)

No. 515282

Re: Deposition of **Kimberly Hall**
Date: 11/15/2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.
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ACKNOWLEDGMENT OF DEPONENT

I, Kimberly Hall, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

11/28/23 _____
(Date)

_____
(Signature)

Transcript of Dennis Michael Brislin

Date: September 12, 2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA DIVISION

----------x

QUINTON BURNS, et al., :

Plaintiffs, :

vs. : Case No.

SEAWORLD PARKS & : 2:22-cv-02941

ENTERTAINMENT, INC., et al., :

Defendants. :

----------x

DEPOSITION OF DENNIS MICHAEL BRISLIN

taken at

COURTYARD BY MARRIOTT PHILADELPHIA LANGHORNE

5 Cabot Boulevard E

Langhorne, Pennsylvania 19047

September 12, 2023

9:15 a.m.

Job Number: 506241

Pages: 1 - 109

Reported By: Jennifer D'Angelo, RPR, CCR-NJ

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I N D E X

WITNESS		PAGE
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- - -

E X H I B I T S

(Retained.)

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P R O C E E D I N G S

THE REPORTER: Could you raise your right hand, please?

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

DENNIS MICHAEL BRISLIN, having been duly sworn, was examined and testified as follows:

THE REPORTER: Thank you.

You can go ahead, sir.

EXAMINATION

BY MR. RICHARDSON:

Q First of all, good morning.

A Good morning.

Q I apologize for being a little late.

A It's okay.

Q Thank you for coming. My name is Ron Richardson and I'm one of the attorneys representing the plaintiffs in the class action lawsuit that has been filed against the owners of Sesame Place Philadelphia. Do you know that?

A Yes. Yes.

Q Do you know that you're here to testify in connection with that case?

supervisor?

A I don't remember.

Q Was it more than a year?

A That I don't remember because of Covid messed me up when we shut down.

Q So did your job title change in any way after becoming an assistant supervisor?

A Yes.

Q And what did it become?

A Supervisor.

Q Okay. And do you recall what year it was that you became a supervisor?

A I do not.

Q Are you a supervisor today?

A I take on the supervisor roles, but I'm in a different title now.

Q And what is your title now?

A Entertainment specialist.

Q And when did you become an entertainment specialist?

A This past March.

Q That would be March of 2023?

A I believe so, yes.

Q And what does an entertainment specialist do?

A Too much. No, I'm kidding.

They do all the responsibilities of a supervisor, of an assistant supervisor, of a character performer, of a dancer. So they are cleared to cover all of that. In addition, we just help run the more management level. So my other entertainment specialist does -- focuses on scheduling and running rehearsals. I focus on the new character training program as well as helping my manager, PJ, with events and productions.

Q PJ is Mr. Schweizer?

A Yes.

Q Is he your immediate supervisor?

A My immediate manager, yes.

Q Immediate manager?

A Yes.

(A discussion was held off the record.)

BY MR. RICHARDSON:

Q Were you ever told during your orientation that there were certain laws that you had to abide by as an employee of Sesame Place Philadelphia?

A Yes.

Q Were you actually told the specific laws that you were required to comply with as an employee of Sesame Place Philadelphia?

components of the upgraded training program and I just wanted to make sure whether there were any other components you wanted to tell me about of the upgraded training program?

A Not that I remember. I think we covered a bunch.

Q Okay. Let's show you a video. I want to make sure I'm showing you the right one, so hold on one second. I'm going to show you a video that is [redacted] of the amended complaint.

Wait a minute. Let me just stop it.

MR. SIMPSON: Are you going to mark this as an exhibit?

MR. RICHARDSON: It'll be Exhibit-1.

(Exhibit-1 was marked for identification and was retained by Counsel.)

(Video being played.)

BY MR. RICHARDSON:

Q So I think it's actually playing it over again, but it's okay. Let me play it for you.

Did you have a chance to see it?

A Yes.

Q Have you seen this video before?

A I have.

Q All right. How recently have you seen

this video?

A I -- I mean now, technically now.

Q Other than now, when was the last time that you've seen it?

A I think I saw it a couple days ago. There was a compilation of it. Yesterday, maybe.

Q Okay. Did you -- strike that.

[redacted]

(Video being played.)

Q Okay. I'm going to wait until it starts back over again. Okay, here is the beginning of it. As you're walking over to interact, right there, and I'm going to -- I apologize, it's going to be kind of hard to do this. But you saw that the [redacted] character interacted with the person next to the little girl with the braids?

A Yes.

Q Okay. And am I correct that the [redacted] did not interact with the little girl with the

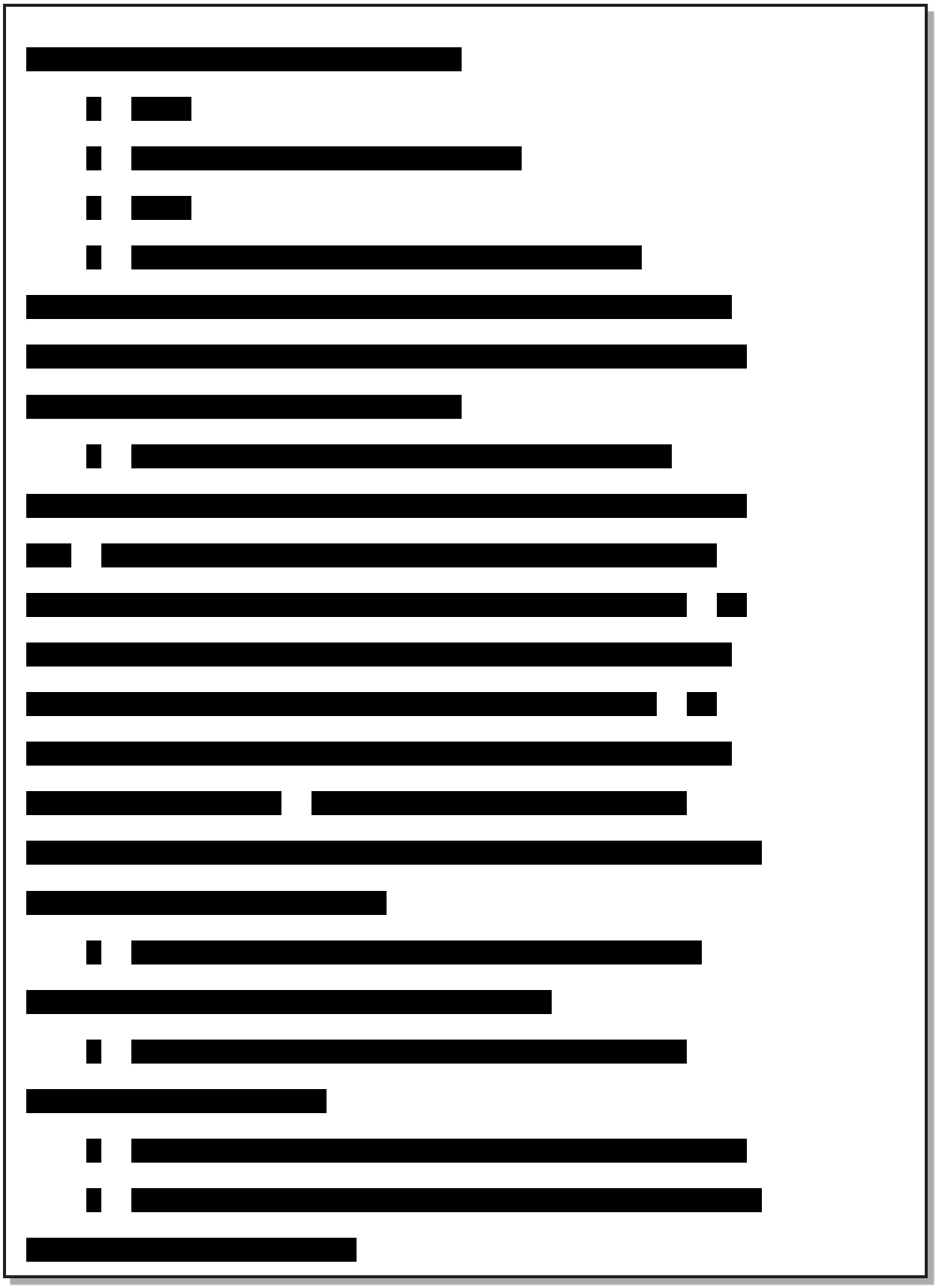
A Yes, that is correct.
Q What was -- what is his job title at Sesame Place?
A He is a puppeteer captain, but he also is a character trainer with me.
Q And how long has he worked at Sesame Place?
A That I do not know. About, like, a year or two. Couple years, I believe.
Q How does Mr. -- is it a female or female?
A He identifies as a male.
Q And how does KJ Williams identify racially?
A As black.
Q I'm going to show you the video that Mr. Richardson showed you. It's the same one, it's footnote [redacted] of the first amended complaint.
Okay. Before I run it, it's teed up at the start. It's counter 00, and it shows a still shot of [redacted] Do you see that?
A I do.
Q All right. Now, describe for us what part of the costume that the employee inside the costume sees out of?
A [redacted]

[redacted]

MR. RICHARDSON: Objection.

THE WITNESS: [redacted]

[redacted]



[redacted]

Q Let's play the video.

(Video being played.)

Q Okay. Mr. Brislin, did you see the girl in the braids as you walked past?

A No.

Q Did you see the child next to the girl in the braids that you extended the [redacted] hand to?

A Maybe when I was passing -- like when I

was facing her and I just guessed that there was a stroller over here because I could see the stroller, but when I physically was interacting with that child I didn't see them at all. [redacted]

[redacted]

Q Did you notice -- based on this video, do you see any difference in skin tone between the two children?

A Not that I could tell from the video.

Q Mr. Brislin, were your actions in this video in any way motivated by the race of the girl in the braids?

A No.

Q Were they -- were those actions in any way motivated by the skin color of the girl in the braids?

A No.

Q Were your actions in any way motivated by what the girl in the braids looked like?

A No.

Q What kind of a parade was this? Was it a mini parade or a regular parade?

A I don't recall personally from the exact day because it's in the middle of a travel loop. It may be a regular parade, it may be a mini

parade, but I can't tell.

Q You mentioned the word travel loop. What is a travel loop?

A A travel loop is when floats are moving to and from a location.

Q In a regular parade with travel loops, is it possible for the character actors in costume to interact physically with every guest along the line?

MR. RICHARDSON: Objection. You can answer.

THE WITNESS: No.

Q Why is that not possible?

A Because with guests on either side of the street and the floats are continuously moving, it is impossible to hit every single kid on both sides of the street at any given moment, and I challenge anyone who wants to to try it themselves.

Q What drives that issue? Is it -- first of all, how long do these parades typically last?

A They're only about, like, 22 minutes.

Q And how much free time does a costume character have in a mini parade -- not a mini parade, a regular parade to interact with the

guests outside of the choreography they're doing?

A Very minimal time. Like half a second, if that. Really maybe an eight count. Nothing much.

Q With respect to -- what's the basic difference between a regular parade and a mini parade?

A A mini parade, the floats continuously move and don't stop. And a regular parade, they move but they stop at different points and they get off and dance.

Q Okay. At the point during a timeframe in which costume characters interact -- well, do costume characters -- let me back up.

Before the Rosita video of July of 2022, did costume characters interact with customers during mini parades?

A Yes.

Q Okay. At that point in that context, was it possible for costume characters to interact with all the customers in a mini parade?

A No.

Q Why is that?

A Because the floats are continuously moving and they don't even have that moment to stop to be able to attempt to even go to both sides of the

street. The floats are continuously moving and we have a policy that characters -- floats should not pass characters.

Q Why does that policy exist?

A So characters don't get run over.

Q Do you have experience driving the float?

A I do.

Q And just as a general proposition, describe the field of vision that a float driver has?

A Every float is a bit different, but most of them -- I mean, actually all of them are very limited in their vision. Even though it's a large float, you only can really see directly in front of you and maybe a tiny bit to your left or right, but there are blind spots.

Q So when you're driving a float and a costume character passes out of your vision, what is a float driver supposed to do?

A Stop.

Q And does stopping the float in terms of the flow of the parade present a problem?

A Yes.

Q And why is that?

A Because it ruins -- it backs up the

parade, ruins the illusion and the show quality of the performance.

Q And how heavy is a typical float?

A It's over a ton, it's over two tons. It's heavy.

Q You mentioned, I think, that there was -- in the context of the format known as meet and greets that there's a time limit on the meet and greet? Do you remember that testimony?

A I do.

Q And what's the rationale for the time limit?

A The reason there's a time limit is because people in the costume, it's hot and sweaty. They only can be in the costume for a limited amount of time before they might pass out. We need to give them adequate breaks so when they're in costume they can perform effectively.

Q During your tenure at Sesame Place since 2018, have you had a chance to observe the racial relations among the employees in the entertainment department generally --

A Yes, yes.

Q How would you describe it?

A I would describe it from a racially

A Yes.
Q And what was their reaction?
A I don't know their reaction.
Q Were you there when that happened?
A I was not.
Q During your tenure at Sesame Place, have you ever observed a costume character acting in a racially offensive way toward a minority customer?
A Never.
Q As the record indicates, the Exhibit-1 video is in [redacted]
A [redacted]
Q And how does it feel to you to be falsely accused of racism?
A Honestly, a lot of things. I'm -- it was -- I kind of took it very personally. I was offended, I was hurt, I was sad. Yeah, really just offended. All the work we do as entertainers to bring joy to everybody at the park, and for someone to think that just because I may have

C E R T I F I C A T I O N

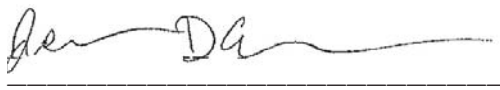
I, JENNIFER D'ANGELO, Registered Professional Reporter, do hereby certify:

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: September 28, 2023

Jennifer D'Angelo, RPR, CCR-NJ

Transcript of Michael Chrebet

Date: September 12, 2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA DIVISION

QUINTON BURNS, et al., Plaintiffs,	:	
vs.	:	Case No.
SEAWORLD PARKS & ENTERTAINMENT, INC., et al., Defendants.	:	2:22-cv-02941

DEPOSITION OF MICHAEL CHREBET

taken at

COURTYARD BY MARRIOTT PHILADELPHIA LANGHORNE

5 Cabot Boulevard E

Langhorne, Pennsylvania 19047

September 12, 2023

1:39 p.m.

Job Number: 506241

Pages: 1 - 77

Reported by: Jennifer D'Angelo, RPR, CCR-NJ

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I N D E X

WITNESS		PAGE
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E X H I B I T S

NUMBER	DESCRIPTION	PAGE
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Chrebet-2	Video (retained)	56

P R O C E E D I N G S

THE REPORTER: Could you raise your right hand, please?

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

MICHAEL CHREBET, having been duly sworn, was examined and testified as follows:

THE REPORTER: Thank you.

You can go ahead, sir.

EXAMINATION

BY MR. RICHARDSON:

Q Good afternoon.

A Good afternoon.

Q Is it Chrebet?

A Chrebet.

Q Chrebet?

A Yes.

Q My name is Ron Richardson, and I'm one of the lawyers representing the plaintiffs in the class action lawsuit that has been filed against the owners of Sesame Place Philadelphia. Were you aware of that lawsuit?

A Yes.

A No.
Q So this was the one and only work permit that you had to submit?
A Yes.
Q Did you know of any of your coworkers at the Sesame Place Philadelphia entertainment department who lived in New Jersey and obtained work permits out of high schools in Pennsylvania in order to work as a teenager at Sesame Place Philadelphia?
A I do not, no.
Q As far as you know, you're the only one that had to get a work permit from a Pennsylvania high school?
A I do not know.
Q Okay. I don't know is a good answer, I don't want you to guess.
When you first came on board at Sesame Place Philadelphia, what was your job title?
A Entertainer one, character performer.
Q Okay. I've heard the responsibilities for that particular job title before, but can you explain to me what you understand to be your job responsibilities as an entertainer one?
A Yeah. So we were required to be in

costume and out of costume, whether it be when you're in costume you would be in costume for the dines, character meet and greets, and even like a mini parade at the time we had since there was no parades due to Covid. And then if there were hosts, you would host either our character street float walks or host one of our character meet and greets inside the theaters.

Q And how long were you an entertainer one?

A For about four months.

Q And did your job title change in any way after four months?

A Yes.

Q And what did it become?

A Dancer.

Q And your job as a dancer, were you still required to do all the job responsibilities of an entertainer one --

A Yes.

Q -- but you just added dancing to it?

A Yes. We were able to be in the shows.

Q Did that pay more?

A Yes.

Q Okay. How long were you a dancer/entertainer one?

A Like a dancer now?
Q If it's up to the present, that's fine.
A Present, yeah.
Q Okay. Did there come a point in time when your job title has changed from a dancer?
A No.
Q Okay. And explain to me what the job responsibilities of a dancer is.
A We are required to -- there's a cast list every, like, season that we were casted as a specific character and a specific show and we're required to meet -- to be cleared by the show by attending all the rehearsals necessary in order to perform in that character. And same, like, job responsibilities as a character one, but we were allowed to be in shows.
Q And is a dancer in costume or out of costume?
A Both. We're in costume for the shows and then out of costume for the parade.
Q Okay. And as a dancer, was there any opportunity for you to interact with park guests?
A Yes.
Q Physically interact?
A Yes.

were, like, complaining about not getting a particular costume character performer or not getting promoted or was terminated for what they believed was the wrong reason? Anything like that?

A Yes, I've seen that before.

Q Okay. And have you ever seen anything like that that was put out there by a minority employee?

A No.

Q Okay. Did there come a time after August of 2022 that changes were implemented by Sesame Place Philadelphia?

A Yes.

Q What types of changes?

A We were not allowed to physically interact with guests during our parades and shows anymore.

Q Okay. So the parades and shows, there was no longer any physical interaction with park guests?

A No. And all of our works on the street had been -- were removed and we only had one, like, let's just say free, included with your ticket meet and greet at Elmo & Friends.

Q All right. And then you said the meet and

was videos happening and the people would talk -- tell stories and everything. It was almost a year ago now.

Q Okay. Is there any requirement for Sesame Place Philadelphia's employees to undergo bias training annually or was it a one-time occurrence?

A I'm not 100 percent sure.

Q With respect to you, have you participated in any other bias training sessions other than that one 2-hour session?

A No.

Q And just so that I'm clear, you do not have a recollection of anything specific about bias that was taught to you during that two hours?

A I do not.

Q Okay. Just give me a moment, I'm going to pull up a video and we can talk about that.

A Okay.

(Exhibit Chrebet-2 was marked for identification and was retained by counsel.)

MR. RICHARDSON: I'm going to mark this video as Exhibit Chrebet-2.

Q So, Mr. Chrebet, I'm just going to play this video all the way through. It's not long.

(Video being played.)

Q So have you seen that video before?
A Yes.
Q Where have you seen it?
A On Instagram and YouTube.
Q Okay. First of all, do you recognize yourself as the one performing the costume character [redacted] in this video?
A Yes.
Q Can you tell from this video whether or not you are interacting with a particular park guest?
A Yes.
Q And are you able to tell from what you can see in this video -- and I'll be happy to play a little bit more of it -- whether or not the person that you interacted with was a white person?
A I'm not a hundred percent sure.
Q Can you see the young lady with the ponytails?
A Yes.
Q Can you tell from when she turned around what race she is?
A Yes.
Q What race is she?
A African American.

[redacted]

Q At this point, the girl with the pigtails head comes into view?

A Yes.

Q Based on that body angle of what we just saw, do you think you saw her or not saw her?

A No.

Q Let me rephrase it. Do you think you saw her or you didn't see her?

MR. RICHARDSON: Objection.

THE WITNESS: I didn't see her.

Q Why do you say that?

A [redacted]

Q Mr. Chrebet, were your actions on this videotape in terms of the child you interacted

with based on that child's race?
A No.
Q Were your actions in terms of the child you interacted with based on that child's skin color?
A No.
Q Or based on the way that child looked?
A No.
Q In terms of the girl with the pigtails and the white braids, unless -- assume for purposes of the question that you did not interact with her, is your failure to interact -- was your failure to interact with her in any way based on her race?
A No.
Q Was your failure to interact with her in any way based on her skin color?
A No.
Q Was your failure to interact with her in any way based on what she looked like?
A No.
Q Could you just describe for the record the basic difference -- you said this was a regular parade with show stops?
A Yes.
Q In a regular parade with show stops, is it

possible, in your experience, for the costume characters to interact with every child along the line who's got her hand out and wants some kind of interaction?

A Throughout the whole parade?

Q Yeah. As you go through the parade, is it possible for a costume character to interact with every single child who's got their hand out seeking an interaction?

A No, it's not possible.

Q And why is that?

A Just based on each character has a different blocking procedure, we all have to get to specific spots in time. Some of us are walking, some of us are riding floats, and it all depends on where in the music we are or what's next.

Q So in this film of Exhibit-2, were your physical actions in any way tied to the music?

A Yes.

Q And in what way were they tied to the music?

A They were tied to the music by I was starting to make my way back to the Elmo float due to the show stop was almost done.

Q So as I understand it, there's some point in the music where that gives you a cue where you have to leave your current spot and go back to the Elmo float?

A Yes.

Q So if someone has a hand out for an interaction and that point in the music comes, what are you supposed to do?

A We're supposed to wave and -- we try not to -- we're supposed to wave to them.

Q And what happens if you decide to just ignore the cue and don't go back to the Elmo float when you're supposed to? What's the consequence of that?

A We may get in trouble for not following the parade walking that's preset for the parade.

Q Does it cause some kind of disruption to the parade?

A Yeah. If -- there's been instances before that I've seen performers take their time, like not purposely walk with, like, a passion back to the float, and that causes the floats to not move on time, cause delay and everything.

Q And you've worked at Sesame Place in the entertainment department since 2021; correct?

A Yes.
Q During that time -- during that -- and to the present, to the present day?
A Yes.
Q So during that timeframe, how would you characterize the racial atmosphere among the employees in that entertainment department?
A Like a ratio?
Q Let me rephrase it. How would you describe the racial relations among the employees in the entertainment department?
MR. RICHARDSON: Objection. Vague, but go ahead.
THE WITNESS: We all get along.
Q And are you aware of any situations in which black employees in the entertainment department have claimed that they were discriminated against because of their race?
A Like purposely, like -- can you clarify? Sorry.
Q Well, were you aware of any situation where a black employee claimed that they were treated differently in their employment because of their race?
A Not sure.

Q [redacted]

A No.

Q Have you ever -- in that same vein, putting aside this case, have you ever been accused of doing anything that was racist?

A No.

Q Have you ever been accused of saying anything that was characterized as racist?

A No.

Q Have you ever been in any job that you've held, including Sesame Place, ever been counseled or disciplined for doing something that was racist?

A No.

Q Or for saying something that was racist?

A No.

Q Have you ever lost a job because you did or said something that was characterized as racist?

A No.

Q [redacted]

[redacted]

[redacted]

In your view, is that true or false?

A False.

Q And why do you say it's false?

A It's false because clearly in that point in time, just the way I was looking, she was not in my peripheral vision at all and I could not see her. Even if I did I'm sure I would hold my hand out, but also during that time I had to keep moving so I couldn't interact with everyone.

Q How does it feel to be accused falsely of racial discrimination?

A I think it feels pretty bad because they don't know how many guests pre -- earlier that day or even shift before that, how many different kids I've hugged no matter what race, what they look like, how they act or anything. I think it just feels pretty awful because that day I could have hugged so many different kids of race, gender, anything.

MR. SIMPSON: No further questions.

MR. RICHARDSON: Just a couple.

EXAMINATION

BY MR. RICHARDSON:

C E R T I F I C A T I O N

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: September 28, 2023

Jennifer D'Angelo, RPR, CCR-NJ

Transcript of Dominic Gerard DiFrancesco

Date: September 10, 2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.

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

QUINTON BURNS, et al.,	:	
Plaintiffs,	:	
v.	:	Case No.
SEAWORLD PARKS &	:	2:22-cv-02941
ENTERTAINMENT, INC.,	:	
et al.,	:	
Defendants.	:	

Deposition of DOMINIC GERARD DiFRANCESCO
Conducted Virtually
Sunday, September 10, 2023
3:34 p.m. EST

Job No.: 506238
Pages: 1 - 127
Reported by: Marney Alena Mederos, RPR, CRR

Deposition of DOMINIC GERARD DiFRANCESCO, conducted virtually.

Pursuant to notice, before Marney Alena Mederos, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public in and for the State of Maryland.

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C O N T E N T S

EXAMINATION OF DOMINIC GERARD DiFRANCESCO: PAGE

By Mr. Richardson 5

By Ms. Pardo 101

By Mr. Richardson 120

E X H I B I T S

(Attached to transcript)

DiFRANCESCO DEPOSITION EXHIBIT PAGE

Exhibit 1 Personnel file 22

Exhibit 2 Handbook 29

Exhibit 3 Video 97

P R O C E E D I N G S

Whereupon,

DOMINIC GERARD DiFRANCESCO

being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR PLAINTIFFS

BY MR. RICHARDSON:

Q Good afternoon, Mr. DiFrancesco. How are you doing?

A I'm well. How are you?

Q So it may be on my end, but I -- you are speaking softly, and it's hard for me to hear you, so if you can either turn your volume up or speak a little louder, that would help me. I appreciate that.

A Sure. I'm going to elevate my computer just a bit there. Hopefully that makes it better.

Can you hear me better?

Q Can you please state your full name and your address?

A Yes. Dominic Gerard DiFrancesco.

[redacted].

Currently at [redacted]

[redacted]

did you do anything else to prepare for this deposition?

A No.

Q You are no longer working at Sesame Place Philadelphia; is that correct?

A Yes.

Q Are you still in contact with any of your former co-workers at Sesame Place Philadelphia?

A Yes.

Q Have you had any conversations with any of your former co-workers prior to your deposition today?

A No.

Q Okay. And have you read any transcripts, deposition transcripts of anyone who has been deposed in this case to date?

A I have not, no.

Q How long have you lived at your current home address?

A Home address? Since -- I lived there my whole life, so since 2003.

Q I'm sorry, I didn't get the year.

A 2003.

Q Okay. And what is your date of birth?

internship that pays.

Q I fully understand.

So I think you said you also worked at Sesame Place during 2023?

A Yes.

Q And -- and what were the months again?

A For Sesame, it was June to August this year.

Q And what was your job title during that two- to three-month period?

A Performer II - Actor/Vocalist.

Q During the time that you first worked at Sesame Place in 2021 as a Performer I, what were your duties and responsibilities?

A They were to host various shows or meet-and-greets.

It's also -- the duties also included performing in the parades either as an in-costume performer or an out-of-costume dancer. Sometimes I was in meet-and-greets as an in-costume character.

Finally, there were dine -- dine experiences that I participated in as well. At this time, it would have been as an in-costume performer, and then in July, once I was promoted

to an actor/vocalist, it would have included dine hosting as well.

I think that's about it.

Q Okay. When you went back in -- strike that.

You also worked at Sesame Place in 2022?

A Yes.

Q From approximately May to August?

A Yes.

Q And what was your job title at that time?

A Performer II - Actor/Vocalist.

Q Okay. And what's the difference between a Performer II and a Performer I?

A So all the duties that a Performer I has can be applicable to a Performer II.

A Performer II has the added responsibility of learning some of our staged shows, so -- such as the dance party.

I did a show called Our Street is Sesame Street, and there's Performer II - Dancer and Performer II - Actor/Vocalist. The dancers learn the in-costume roles for the shows, and the actor/vocalists are the people that are in the

shows.

Q So did you do both? As a Performer II, did you -- did you work as a costumed character performer as well as a vocalist/actor?

A So when I was an actor/vocalist, I still did costumed performing not at the Performer II level, just in a parade like I would if I was a Performer I. I -- I -- excuse me. I did the shows, though. I did sing and act in those.

Q So when you came back to Sesame Place in 2023, were you still doing all of the things that you did in 2022?

A Yes. It was the same position.

Q Was there anything new that you were asked to do in 2023 that you did not do in 2022?

A I -- no, I don't think so.

Q You mentioned a First Impression?

A Yes.

Q What is that?

A So for anybody newly hired or rehired to the company, they attend a presentation called First Impressions training, which is done by the HR Department at Sesame Place, and it consists of policies from SeaWorld Parks & Entertainment as a

Q Is there more than one per day?

A It depends on the operational day. On summer -- some -- sorry. On some summer days, we do a 3:00 parade and a 7:00 parade.

On other days, depending on park hours or staffing, we'll just do a 3:00 p.m. parade.

Q And have you ever participated in the parades --

A Yes.

Q -- as a costumed character performer?

A Yes.

Q More than once?

A Many.

Q Okay. And have you done both the 3:00 and the 7:00 parades?

A Yes.

Q And are you able to tell us the different types of characters you have performed during the parades at Sesame Place Philadelphia?

A Sure. So in the full-length parade, the Sesame Street or neighborhood street party parade, I have done Ernie most often, and then I have also done Grover, and I've done Rosita.

Now, we also had -- during 2022, when we had very low staffing, we did our -- what we

called mini parades, and during those, I also did -- they had characters that weren't in the regular parade, such as Baby Bear, which I did do, as well as Honker, Dinger once or twice, because there's no real height requirements for those. And I think that's it for parade characters.

Q Are there opportunities -- prior to 2022 or August of 2022 -- let me limit it that way --

A Yeah.

Q -- were there opportunities during the full parades for guest interaction by the costumed character performers?

A Yes.

Q And prior to August of 2022, was there opportunities during the mini parades for guest interaction with the costumed character performers?

A Yes.

Q Has that changed in any way since August of 2022?

A Yes.

Q And let me just focus on the full parades for now.

A Yeah.

Q What, if any, changes took place to how the full parades were conducted as it relates to guest interaction?

A So the change -- the big change that was made between August 2022 and anytime past was that there was no physical interaction, like a high five or a hug or anything like that, given to any guests or people watching the parade.

That was the biggest change. Everything else about the show remained the same, yeah.

Q All right. Now, were -- were you ever told by your supervisors as to why that change was being made?

A Yes.

Q And what was the reason given to you by your supervisors?

A So given the, you know, videos that -- that went, I guess you could say, viral, some just we became aware of, we were becoming aware of an issue that while we thought that these extra interactions with the guests during the parade were positive, they were resulting in others who were not receiving these interactions feeling either left out or neglected by the costumed

characters.

And so in an effort to ensure that everyone got an equal experience at the parade, it was deemed that everyone would watch it the same without there being these extra interactions from the costumed characters.

Q So were you ever made aware by your supervisors prior to August of 2022 that they knew that during these opportunities for guest interaction at parades that there were going to be guests at the park who were just not going to be interacted with?

MS. PARDO: Objection to the form.

You can answer.

THE WITNESS: Can you repeat the question?

BY MR. RICHARDSON:

Q Yes.

So you just testified that the change of -- of physical interaction was made after these videos went viral in 2022 so that now in the full parades there were no longer any guest -- physical guest interaction.

My question is: Was that something -- the fact that there were guests, park guests who

were not getting interacted with during the full parades, was that something that was known by the staff at Sesame Place Philadelphia prior to August of 2022?

MS. PARDO: Objection to the form.

You can answer.

THE WITNESS: It was known in the sense that we understood that it was physically impossible to give an extra physical interaction to every single person or child that was viewing the parade.

We understood that -- yeah, I mean, it was impossible to make extra physical interactions happen with everyone along the parade route while also performing choreography and being where you had to be in a parade at a given time.

So in that way, we understood that not everyone was getting an extra interaction during the parade, but we weren't seeing it as the issue in the same sense that we understand it to be now.

BY MR. RICHARDSON:

Q Okay. So with respect to the mini parades after August of 2022, were there any changes as it relates to guest interaction -- physical guest interaction that was instituted by

Sesame Place Philadelphia?

A I don't think we do mini parades anymore.

Q You don't think what?

A After -- after that time, I -- we didn't do mini parades all year this year.

I think the only change that was made in 2022 when mini parades were still around was that characters stayed on the floats, like they didn't even get down because the parade made no stops, whereas before then, the characters all kind of walked along.

So in terms of changes, I don't think we do mini parades anymore.

Q And just so that I'm clear --

A Yes.

Q -- was there any opportunity for physical guest interactions during the mini parades after August of 2022?

A After August of 2022, no.

Q Okay. So you mentioned earlier, Mr. DiFrancesco, that you underwent some type of diversity, equity, and inclusion training after August of 2022?

A Yes.

A The same as I've previously testified.
Q Okay. So you remember seeing comments expressing outrage at these videos?
A Yes.
Q Okay. Let me just show you this video that is the subject of our class action as relates to you.
A Sure.
Q Hold on one second.
THE REPORTER: Are we marking this?
MR. RICHARDSON: Yes.
(DiFrancesco Exhibit 3 was marked for identification and is attached to the transcript.)
MS. PARDO: Is this going to be identified as 3, Exhibit 3?
THE REPORTER: Yes.
MR. RICHARDSON: I believe it is.
BY MR. RICHARDSON:
Q Can you see the screen, by the way?
A I can see the screen.
Q And I may have the same problem that I apparently had before where you may not be able to hear it. I -- so I don't know if that's the case or not.
I'm going to play it and then at least

let you watch it. If you can't hear the volume, just let me know, but at the very least, I just want you to see it, please.

A Sure.

Q Can you hear it?

A I cannot hear it.

Q Okay.

MS. PARDO: And I'm just going to object for the record that it's not being played with the sound.

BY MR. RICHARDSON:

Q Okay. Did you have an opportunity to see that?

A I did.

Q All right. So am I correct, Mr. DiFrancesco, there were at least two characters, one is Rover and the other one is Baby Bear, that appear to interact with park guests during this video?

A Yes.

Q [redacted]

[redacted]

[redacted]

[redacted]

[redacted] --

[redacted]

Q And in this video, do you see the young lady in braids?

A I do.

Q If you want, I can play it back, but do you recall watching this video where the [redacted] character interacted with a particular woman beside this little girl but walked by the little girl?

A Yes.

Q All right. Would this be classified as an instance where one of the park guests seeking interaction was missed by the costumed character?

A Can you repeat the latter half of your question, please?

Q Yes.

So would the instance in this video where the [redacted] character interacted with one park guest and not the little girl beside her, would that be an instance where a park guest was missed during the course of guest interaction

during a parade?

A Yes.

Q Okay. During your training to become a costumed character performer, did you ever receive any supervision about the impact upon a young park guest being missed in a -- in a situation where interaction is occurring?

MS. PARDO: Objection to the form.

You can answer.

THE WITNESS: Can you restate that question?

BY MR. RICHARDSON:

Q Yeah. I'd be happy to.

What I'm trying to find out is whether or not during your training to become a costumed character performer, whether or not your supervisors expressed to you what the impact would be upon a child who was missed during guest interactions with a costumed character.

MS. PARDO: Objection to the form.

You can answer.

THE WITNESS: No.

BY MR. RICHARDSON:

Q Okay. Do you have any training in child psychology?

A I do not.

Q Okay. Do you happen to know who was portraying Grover in this video?

A I do not.

Q Would you agree with me that the person -- and we can play it back -- that the person you interacted with as [redacted] was a Caucasian individual?

A Yes.

Q And would you agree with me that the little child in the braids is a member of an African-American race?

A Yes.

MR. RICHARDSON: I have no further questions.

MS. PARDO: Okay.

EXAMINATION BY COUNSEL FOR DEFENDANTS

BY MS. PARDO:

Q Mr. DiFrancesco, I'm going to ask you a few questions. I'm hoping to be very efficient with your time.

I'm going to return to the video that Mr. Richardson had shown you. This is the video number 7 that is linked to the Amended Complaint.

Can you see the -- the -- my screen

right now, Mr. DiFrancesco?

A Yes, I can.

Q Okay. I'm going to play a bit, and then I may stop and ask you some questions.

A Sure.

Q Okay. Do you see the little girl that's waving in this still shot, Mr. DiFrancesco?

A I do.

Q Okay. And I want you to comment on her positioning in the parade route and whether, in your experience, there's any significance to where she's standing.

A Okay. I can see from this -- this still that she is maybe a couple steps back from the yellow line. Also, just, you know, given her height, she's, you know, quite short and far below maybe the eye level of us, especially as, if we're not directly looking down in these costumes, we can't really see.

Q Okay.

A So yeah.

Q Okay. I'm going to play a little bit more.

A All right.

Q Okay. So I just played a little bit of

the [redacted] sequence.

Can you explain, having watched this video, Mr. DiFrancesco -- well, first of all, let me back up.

Do you actually remember that moment in this parade from that day?

A No, not at all.

Q Okay. So having had a chance to identify your -- [redacted] and view this clip, can you tell me what you think was going on here?

A Yeah, absolutely.

MR. RICHARDSON: Objection. Vague.

You can answer.

THE WITNESS: Okay. From what I can see first, the -- the biggest -- the biggest factor in terms of what I'm seeing here is my own visibility.

So if we take away even the costume element to begin, I mean, given the shadows and the number of people that seem to be watching the parade and my three years of experience, the best -- my best guess is that this is a 7:00 p.m. parade. I have no way to justify that, but that's what I -- that's my belief.

Every time I've done a 7:00 parade --

this is the street (indicating), right? If we're looking at it like this (indicating), this is the street, right -- I've always had issues with visibility seeing guests on the street, right, because of the glare that comes from the sun at this time of day, and this is -- again, this is for the 7:00 p.m. parade, not the 3:00 p.m. parade. I couldn't say that for the 3:00 p.m. parade.

[redacted]

So back in context of this video, what I'm seeing occur is that I first say hi -- in the context of this video -- again, I have no recollection of what happened before or after this, but I know that in this video, I say hello to a person that's standing up and is generally on my eye level, and then I see someone with -- sticking their hand up, kind of forward and up at me as the character there, and so I give them recognition.

Then what I see occur is that I switch

sides of the street. I go from her, and I kind of switch sides of the street. You'll see that, if we were to continue playing the video, Telly is going to come to street right, and I'm going to go to street left, which was very routine for these types of mini parades where we had to consistently switch sides of the street at various points.

Those points were not predetermined, and I often, as a performer, would say, I'll just look out for when you would -- you choose to go to the Telly performer if I was [redacted] and I'll follow, I'll follow you.

You can see here I look up after giving the woman with the teal backpack a high five, and you can see the way that my head is kind of facing there.

[redacted]

[redacted]

So when I look up and I see that the Telly performer is switching sides of the street, I decide to go.

That was a long-winded explanation, but that's to the best of my ability what I think -- what I think happened here.

Q Okay. And then where I froze the video at the 45-second mark of the 1:32 video, do you see in relationship to the woman with the teal backpack where the little girl with braids is standing?

A Yeah. A couple feet behind her.

Q Okay. Would -- in your experience, working as a costumed character in the parades, would you ever cross the yellow line to come out to interact with a child?

A No. That was strictly prohibited.

Q Why would that be?

A So it was a safety concern for us as --

as performers just to not cause a scene, but also, you know, it's a strict rule for guests of the park to remain behind the yellow line for their safety, since there are moving floats, and, of course, that presents the danger if you're in front of one, and you're not consistently moving like we were.

But also, I mean, again -- I mean, in a very light-hearted sense, I have seen a character -- or, I'm sorry, a child be almost nudged or kicked by a character because -- specifically Big Bird -- their eyes are up here, and they can't see anything below them.

So if they were to try to walk past the line, they're not sure what exactly they're even stepping into. So...

Q Okay. So in this frame where we're frozen at the 45-second mark, you had indicated the position of your head?

A Uh-huh.

Q [redacted]

[redacted]

[redacted]

Q Okay. And when you were explaining

about how you have to cross the street to go to the other side, is that something that -- you said it wasn't necessarily scripted, but if Telly was coming to your side of the street, was there a requirement for you to cross, or were you allowed to remain?

A I had to cross.

So given these types of parades where it would be kind of two characters lined up behind a float with a dancer behind them, at all times, we had to have one character on one side of the street and the other on the other side of the street, and then they would -- they would cross.

So as soon as one crossed, again, I -- like I said, I often left it up to the performer I was with, because I -- I -- I didn't like deciding when, and so we just kind of had an agreement where they would go, and then I would look up every once in a while, and if they were going, then I would proceed to cross the street.

Q When you were in costume in the parade, was -- did you have the responsibility of knowing where the floats were or paying attention to the floats?

A Yes. So we had to ensure that we were

keeping a proper distance in front of the floats behind us. This was both for our own safety, so we wouldn't, you know, get too close to the float and accidentally get hit by something if we were stalling too much in one position, and this was also to ensure that the parade kept moving at the speed that they desired it to go.

So if we stopped, then the floats would all have to stop, and so we had to keep moving.

Q Okay. Now, it's been alleged in this case that race is the reason why certain children didn't get an interaction from Sesame Place.

Are you aware of that allegation?

A Yes.

Q [redacted]

[redacted]

[redacted]

Q Did race play a role in you deciding to interact with anyone on the parade route at any time?

A No.

Q [redacted]

[redacted]

[redacted]

[redacted]

Q Thinking about interactions between costumed characters and guests, are there any factors that make an interaction more or less likely to occur?

A So in the times that we were permitted to have interactions during parades, the factors that I know would make me more likely to have an interaction, I guess there's three main I can think of.

One is if we were -- if it was a -- it was a typical parade and there was a show stop and I was feeling exhausted and didn't want to, like, do full-out choreography, at that point in time we were permitted to meet-and-greet with the audience of the parade instead of doing the choreography full out. So that would be one factor.

And then given that, a big factor was just proximity. So if there was someone right in front of me, I might go up to them. I might say hi to the people around me, but then if there was

a part of the choreography where I knew I needed to return, I would have to turn back around. I generally tried to do like a big wave to, like, the scope of everyone, but sometimes it would just be based on proximity.

And then if I was -- for example, this was most common with a character like Ernie where someone had -- just, like, this little girl has an Abby Cadabby doll, someone had an Ernie doll or they were wearing an Ernie shirt, I would come over and give -- and if I saw it, try to give them a special recognition as the character that they were holding merchandise of.

If -- if -- if a family was giving me -- like, hyping up the character a lot, like cheering a lot, I maybe -- and I paid notice to it, I would -- I would -- I would go, but there were factors that influenced them, but they were relatively random. I didn't think too much about who -- who was there. It was just if it -- if it worked out in that -- in that instance.

Q Okay. Are there any things you would look for to assess whether a child may not want an interaction from you?

A Yes. So if a -- a lot of times during

either meet-and-greets or even interactions in parade, I would -- I would confidently as the character go up to a kid, and if they -- if their face turned sour or if they took a step back in any way, especially if they were, like, back -- backing away, I would just end it with like a wave or something like that just as a neutral interaction.

Never as a character would I push an interaction or insist on having a physical interaction with a child if I sensed in any way that they were uncomfortable.

Q [redacted]

[redacted]

Q Okay. In the parade format, is it possible to have a personal interaction with every child on the parade route?

MR. RICHARDSON: Objection.

You can answer.

THE WITNESS: Definitely not, given the number of people often watching the parade, as well as the responsibilities that we have in the parade to hit certain marks.

The performance comes, like, first in that sense, and we -- and -- and interactions are seen as -- I don't want to use the word bonus, but, like, they're, like, extra if we -- if we are able to have an interaction in the parade.

Given a mini parade setting, you know, kind of our being there and, like -- and, like,

interacting as the show, physical interactions are -- are -- were encouraged by leadership, but not to sacrifice keeping it going and, again, things like switching sides of the street.

BY MS. PARDO:

Q Okay. Earlier in your testimony, you were describing the meet-and-greets or walks.

Do you recall talking about those activities?

A Yes, I do.

Q And I believe you had testified that those were generally 30 minutes' long; is that right?

A Yes, a walk is generally 30 minutes' long.

Q Okay. Now, if you had wanted to, were you allowed to just stay out indefinitely in the park instead of limiting it to the 30 minutes?

A No. This was a hard cut-off.

Q Okay. And why were the walks limited to the 30-minute time frame?

A They were limited because of the -- you know, the wellness of the performer.

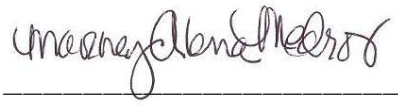
So especially in the settings that I would work at Sesame Place, which were the summer

CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

I, Marney Alena Mederos, 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 stenographically 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 18th day of September 2023.

My commission expires November 23, 2024



NOTARY PUBLIC IN AND FOR
THE STATE OF MARYLAND

No. 506238

Re: Deposition of **Dominic Gerard DiFrancesco**
Date: 9/10/2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.
Return to: transcripts@planetdepos.com

ACKNOWLEDGMENT OF DEPONENT

I, Dominic Gerard DiFrancesco, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

10/25/2023 Dominic DiFrancesco

(Date) (Signature)

No. 506238

Re: Deposition of **Dominic Gerard DiFrancesco**
Date: 9/10/2023
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Page	Line	Correction / Change and Reason
49	14	"these" should be "at least"
98	17	"Rover" should be "Grover" as in the Sesame Street character

10/25/2023
(Date)

Dominic DiFrancesco
(Signature)

Transcript of Regan Keeley

Date: September 7, 2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA DIVISION

- - - - - - - - - - - - - - - x

QUINTON BURNS, et al., :

Plaintiffs, : Case No.:

v. : 2:22-cv-02941

:

SEAWORLD PARKS & :

ENTERTAINMENT, INC., et al., :

Defendants. :

- - - - - - - - - - - - - - - x

Deposition of REGAN KEELEY

Langhorne, Pennsylvania

Thursday, September 7, 2023

4:59 p.m.

Job No.: 506224B

Pages: 1 - 93

Transcribed By: Catherine Galati

Deposition of REGAN KEELEY, held at the offices of:

SHERATON LANGHORNE
400 Oxford Valley Road
Langhorne, Pennsylvania 19047

Pursuant to notice, before Emil White, Notary Public in and for the State of Pennsylvania.

A P P E A R A N C E S

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C O N T E N T S

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(Attached to the transcript.)

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P R O C E E D I N G S

Whereupon,

REGAN KEELEY,

being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE PLAINTIFFS,
QUINTON BURNS, et al.

BY MR. RUFF:

Q All right, Ms. Keeley. My name is Malcolm Ruff. I'm an attorney for the plaintiffs in this case, and I'm going to be taking your deposition.

Could you please state your name and your address for the record?

A My name is Regan Keeley. My address is [redacted]

Q Do you mind just spelling your first and last name?

A R-E-G-A-N.

Q Do you speak -- oh, your last name?

A My last name, K-E-E-L-E-Y.

Q Do you speak any other languages besides English?

A No.

Q Have you had any alcohol in the past 48

A Yes.
Q Okay. Would that be in your employee file?
A I'm not sure.
Q Okay. What is your title now at Sesame Place?
A P II.
Q Okay. Performer II?
A Yes.
Q And when you were hired, it was as a Performer I, right?
A Yeah.
Q Okay. As a Performer I, what were your duties?
A Walks, dine with Elmo and friends, and dance party.
Q You said dance party?
A Yes.
Q What do you mean by walks? Can you describe what you mean by walks?
A You -- whichever character you are, you go out onto the street or wherever your walk location is, and you're out there for 30 minutes with a walk host, taking pictures with people.
Q Okay. And that's different than

meet-and-greets, correct?

A It's the same thing.

Q Okay. So meet-and-greets. And as a Performer I, did you participate in the parade?

A Yes.

Q Or parades?

A Yes.

Q Okay. What kind of training did you receive as a Performer I regarding the parade?

A We had to go to parade rehearsal to learn the parade.

Q Okay. What did you -- so how did parade rehearsal instruct you on how you should operate during the parade?

A We have also -- I forgot this. Sorry. There's -- I forget what it stands for. It's called SOP. It's a, like, four-page document where they just go over, like, rules and regulations and safety for the guests and us and everything like that.

Q Okay. Would that be the standard operating procedures?

A Yes.

Q It's okay. Do you remember if anywhere in those standard operating procedures there was any

spoken to anyone but Serenity and Tayshon about this video?

A No one directly that I can remember.

Q Okay. Did you ever have a conversation with Shavonne Strange about what was going on with [redacted]?

A No.

Q Okay. Can you tell us the characters that you have portrayed as an employee at Sesame Place?

A Bert, Cookie Monster, Murray, Rosita, Grover. I think that's it.

Q Okay. What is your understanding -- well, excuse me. Strike that.

Are you aware of any situations where you have been accused of acting in a racist manner towards a customer at Sesame Place?

A Am I aware of it?

Q Yes.

A Yes.

Q What's your understanding?

A [redacted]

A I'm not sure of the exact date, but it was around there.

Q Okay. [redacted]

[redacted]

A Again, I'm not sure of the exact date.

Q Okay. Well, do you know if it's -- if that's around the time frame?

A Yeah. Yes.

Q Okay. Have you seen those videos?

A Yes.

Q When did you see them?

A In winter, when they showed me them, my lawyers.

Q How did it -- and this is the same meeting that Shavonne Strange instructed you to go to?

A Yes.

Q Okay. Does that ring any recollection as to why Ms. Strange asked you to go to this meeting?

A No.

Q Okay.

MS. PARDO: Doing okay? Need a break?

MR. RUFF: Yeah. Do you want to take a sec?

THE WITNESS: I'm good.

MR. RUFF: You good? You want to keep going?

MS. PARDO: It's all up to you.

MR. RUFF: Yeah. Completely up to you. Keep going? All right.

So let's take a look at those videos.

I'm on 3?

THE REPORTER: I believe so.

MS. PARDO: What's that exhibit number?

MR. RUFF: Exhibit 3.

MS. PARDO: I think you're up to 4.

MR. RUFF: Yeah. I mean I'm going to 4 now.

MS. PARDO: Oh, okay.

MR. RUFF: Yeah. Got it. Okay. I'm going to just come over to you. I want to show you what's being marked as Exhibit 4.

(Exhibit 4 was marked for identification and is attached to the transcript.)

BY MR. RUFF:

Q Do you recognize this still shot?

A Yes.

Q Is this the first video of you in the [redacted] suit that you remember that we were just referencing?

A Yes.
Q Okay. I'm going to press play.
(Whereupon, the video was played.)
Q Okay. Was that you in that [redacted] suit?
A Yes.
Q Okay. And were you able to -- were you able to, I guess, determine the race of the children that you had personal interactions with in this video? I'm trying to see if I can -- okay. Let's start with this young boy in black. Do you know his race?
A He looks white.
Q Okay. And then there's a little girl that hugs you. Were you able to determine her race?
A Am I able to determine her race right now or when it happened?
Q I'm asking you right now.
A Okay. She's Caucasian.
Q Okay. And then the little girl that you passed by, can you tell her race?
A She --
Q I'm trying to pause it.
A She looks Mexican, I would assume.
Q During that interaction -- or during this incident, you would agree that you chose to

interact with the two white children, correct?

A Chose is a very loose term. But I mean, if you're asking it that way, yes.

Q Okay. And you also chose not to interact with the young Latin girl? Or I guess you referred to her as Mexican?

A Well, yeah, I guess so.

Q Okay. You were able to see them out of your suit, correct?

A Not very clearly.

Q Okay. Is it your testimony that -- well, strike that.

You can see that the children that -- well, you can see the children well enough to engage with them in personal interaction, correct?

MS. PARDO: Objection to the form.

You can answer.

A Yes.

Q You could tell what their race was?

A If I'm looking quick, no.

Q So in this instance, you could not tell the race of those children that you hugged?

A No.

Q Okay. And is it also your testimony that you couldn't tell the race of the young lady that

you went past?

A No.

Q Okay. And so is it your testimony that race played no role in your decision to have personal interaction with the two white children?

A No.

Q Okay. And it's your testimony that race had nothing to do with your not personally interacting with the Mexican girl?

A Ask it one more time. Sorry.

Q Are you saying that race -- is it your testimony today that race did not play any part in you deciding to not engage in personal interaction with the Mexican girl?

A No, it did not.

Q Okay. I'm going to show you another video, and that will be Exhibit 5.

(Exhibit 5 was marked for identification and is attached to the transcript.)

Q Do you recognize this still shot?

A Yes.

Q And is that you in that [redacted] costume?

A Yes.

Q Okay. I'm going to press play.

(Whereupon, the video was played.)

Q You saw this video in the winter of last year?
A Yes.
Q Okay. Did you hear the last statement that was made on the video?
A Yes.
Q Okay. What was your thought -- what was your -- what did you think about that statement when you heard it the first time?
MS. PARDO: Objection to the form.
Q You can answer.
A That it was upsetting.
Q Okay. Why?
A Because I don't consider myself a racist person.
Q Okay. I'm going to play it back and pause it. Oh, that isn't it. All right.
Now, I'm pausing -- let me see if I can figure it out -- at 16 -- that's not right.
This is a 17-second video, so I'm pausing about one second into the video.
At this point in the video, do you remember seeing the little girl in front of you?
A No.
Q Okay. Is it your testimony that you never

saw her?

A Yes.

Q Okay. Do you know who your -- I guess it was a handler that was standing next to you. Do you know her name?

A Yeah. [redacted]

Q How often did you all work together, like as a costume character and a handler?

A That was the first time and only time.

Q First and only time ever?

A Mm-hmm.

Q Okay. Did you ever talk to your parents about this?

A My mom --

MS. PARDO: I'm going to just object to the form.

Q Did you ever talk to your parents about these videos?

A My mom, yes.

Q Okay. What did you discuss with your mom?

A Just the nature of the videos and stuff like that. Just how upsetting it was.

Q Okay. What did you -- what did you say to your mom specifically about the videos?

A That it was upsetting and it affects all

meet.

Q Let's look at the first video that you were shown by Mr. Ruff. And I believe that is Exhibit --

MR. RUFF: 4.

Q -- 4. This is the [redacted] video. And --

MR. RUFF: I can just pull it up.

MS. PARDO: You don't mind?

MR. RUFF: Yeah, yeah.

MS. PARDO: Okay. I can get it too.

All right we're going to look at [redacted] All right. I'll just play it straight through and then I'll ask you a question.

MR. RUFF: You ready?

MS. PARDO: Yes.

(Whereupon, the video was played.)

BY MS. PARDO:

Q Okay. Ms. Keeley, I just showed you Exhibit 4, the [redacted] video. And thinking about the little boy that we see in the black shirt, can you tell me what was going on in that video?

A The little boy in that video stepped out into the street, and he was in the middle of the street.

Q And what did you do in response to him

stepping out into the street?

A I went over to hug him to try, like, gently pushing him back.

Q Okay. Is it a problem if a guest comes into the street?

A Yes.

Q Why is that so?

A Because for their safety, we don't want them to be run over by a thousand-pound float.

Q Okay. So when Mr. Ruff asked you whether you chose to interact with that little boy, I recall you saying that choose is a loose term?

A Yes.

Q What did you mean by that?

A Well, when you choose something, it's like you're purposely doing it, like it's your choice.

Q So is it your testimony that hugging that boy wasn't your choice in that video?

A It was my choice, but it was my choice for his safety.

Q Okay. And thinking about the second child that you interacted with on that video. I believe it was a girl; is that right?

A Yes.

Q So explain to me what led to that

interaction.

A So the little boy stepped out into the street, and I was gently putting him back onto the curb, because that's where they have to be. And the little girl stepped out too, so I did the same thing with her.

Q I see. Okay. Now, Mr. Ruff had asked you questions about the little girl who did not get an interaction in that video. Do you remember that testimony?

A Yes.

Q Okay. I think you identified her as possibly being Mexican; is that right?

A Yes.

Q Okay. So thinking about that little girl, do you recall whether -- hold on. Let me ask it a different way.

You didn't have an interaction with her personally in that video clip, did you?

A No.

Q Okay. And why was that?

A Because the parade -- the Sesame parade that that was, that's a mini parade, so you have to keep moving. And one of our rules is that we can't let a float pass us, so -- for our safety

too. So you have to keep moving at all times.

Q So when you say you can't let a float pass you, what exactly do you mean by that?

A When you're in a parade, you're normally in front of a float. So when the float is coming, if you're stopped at a kid and it passes you, that's, like -- that's dangerous for you because the float driver can't see where you are at all times.

Q So is the rule that you said, you can't let a float pass you, is that a safety concern?

A Yes.

Q Okay. And that's something that you're trained about in your job?

A Yes.

Q Okay. So is it your testimony that you interacted with the little boy and girl because they came out into the street?

A Yes.

Q Okay. Are there other times during the parade where you have to be at a certain place at a particular time?

A In a normal parade, there's show stops. And we have certain blocking for the show stops, so the blocking tells you where you need to be.

Q Okay. So blocking is -- can you just explain what that term means?

A So blocking is a sheet of paper for every part of the parade. Or, like, if it's a mini parade, it's just where you are the entire time. If it's a normal parade, each dancer, each show stop, each travel loops is where you need to be.

Q Okay. So there are certain parts about the parade that are scripted; is that right?

A Yes.

Q Okay. Thinking back to the [redacted] video that we just looked at, Exhibit 4. Did you interact with that little boy in the black shirt because he appears Caucasian?

A No.

Q Okay. Did you interact with the little girl in that video because she appeared to be Caucasian?

A No.

Q Okay. Did you not interact with the girl at the end of the video clip that you had identified that you thought to be Mexican because she was Mexican?

A No.

Q Or because she appeared to be a race other

than Caucasian?

A No.

Q Okay. In that clip, were any of the interactions motivated by race?

A No.

Q Okay. The little girl that didn't get the interaction, did you decide not to interact with her because of her race?

A No.

Q [redacted]

you hear the sounds more than anything and also everyone screaming, so --

Q What portion of the parade has music playing?

A All of it.

Q Okay. And you said that there's screaming oftentimes?

A Well, the guests are, like, yelling, and, like, they're excited.

Q Okay. Let's go to the next video that Mr. Ruff showed you. And I believe that's Exhibit 5, and that's a [redacted] video.

MR. RUFF: Oh, sorry.

MS. PARDO: Oh, do you mind? I'm sorry.

MR. RUFF: I pulled it up. I forgot I was your lackey today.

MS. PARDO: Yes. Come on. Get with it.

MR. RUFF: I cannot get this thing to work. Come on now.

MS. PARDO: That does make it rather easy, I have to say.

MR. RUFF: Yeah.

MS. PARDO: All right. So we'll watch this straight through, and then I'll ask you a question.

MR. RUFF: I turned the volume down.

(Whereupon, the video was played.)

BY MS. PARDO:

Q Okay. So I want to start with the part where you ran over to that wall.

A Mm-hmm.

Q Can you tell me what you were doing in that portion of the video?

A I was running over to take a picture with a little girl -- I think it's a girl -- and she was standing there for her picture.

Q Okay. So it looked like there was some sort of drawing on the wall or something?

A Mm-hmm.

Q Can you explain what that is?

A [redacted]

A I do that frequently. Or used to.

Q Okay. So where in the -- let me ask it this way: [redacted]

[redacted]

A No.

Q Okay. I want you to think over to the little girl that ran up to you in that, in the walk that we saw there. Do you recall whether you saw that child or not?

A I did not.

Q Okay. Thinking about where your head was positioned in that video, can you describe for us whether a child of that height would have been someone you would have seen?

MR. RUFF: Objection to form.

You can answer.

A A child of that height, I would have not seen, especially because I was looking up. And [redacted]

A That was a mini parade.

Q A mini parade, okay. Was the mini parade something that was in existence the entire time you worked at the park?

A When I first started, we did cavalcades, which was -- because of COVID, every character was on a float and you just had dancers in between the floats. And then mini parades, characters were on the ground. And that was, like, after COVID faded out. So I would say 2021, it was all mini parades too.

Q Okay. Was a mini parade a concept that was developed during COVID?

A I'm not sure.

Q Okay. In a regular parade -- let's take that for starters -- is it possible to have a personal interaction with every child on the parade route?

A No.

Q Why is that?

A There's so many of them that it would take time out of your performance, and you just wouldn't be able to get to all of them.

Q Okay. What about in a mini parade? Is it possible to touch every child along the route in a

mini parade?

A No. You're more likely of having a chance of getting an interaction in a full parade than a mini parade.

Q And why is that?

A Mini parades, you have to keep moving. Mini parades are probably 10 minutes shorter than actual parades.

Q Okay. Thinking back to the walk through the park that you do as a costume character. Are you allowed to make a walk last as long as you want?

A No. A walk is set at 30 minutes, or if, I think, the RealFeel is 100, it's 20 minutes.

Q What is a RealFeel?

A Like, what the temperature actually feels like.

Q Okay. And do you understand why they have such a rule?

A Yes.

Q Why?

A So we don't overheat and pass out.

Q Is that -- you've been inside that suit. Is that a real concern?

A Yes.

CERTIFICATE OF NOTARY PUBLIC

I, Emil White, Notary Public in and for the State of Pennsylvania, do hereby certify that on September 7, 2023, the witness, REGAN KEELEY, was sworn before me at the aforementioned location, 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.

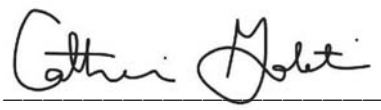
IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of September 2023.

_____

NOTARY PUBLIC IN AND
FOR THE STATE OF PENNSYLVANIA

CERTIFICATE OF TRANSCRIBER

I, Catherine Galati, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; 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.



CATHERINE GALATI

Transcript of Nicholas Manna

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

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA DIVISION

QUINTON BURNS, et al.,	:	
Plaintiffs,	:	
vs.	:	Case No. 2:22-cv-02941
SEAWORLD PARKS & ENTERTAINMENT, INC., et al.,	:	
Defendant.	:	
----------	:	

VIDEOTAPED DEPOSITION OF NICHOLAS MANNA

taken at

SALTZ, MONGELUZZI & BENDESKY, P.C.

One Liberty Place

1650 Market Street, 51st Floor

Philadelphia, Pennsylvania 19103

May 19, 2023

9:04 a.m.

REPORTED BY:

JENNIFER D'ANGELO, RPR, CCR-NJ

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VIDEOGRAPHER: Here begins Media No. 1 in the videotaped deposition of Nicholas Manna in the matter of Burns, et al., versus SeaWorld Parks and Entertainment, Inc., et al., in the United States District Court for the Eastern District of Pennsylvania, Philadelphia division. The case number is 22CV-02941. 09:04:12 09:04:14 09:04:18 09:04:22 09:04:25 09:04:27 09:04:30

Today's date is 5/19/2023. The time on the video monitor is 9:04 a.m. Eastern standard time. 09:04:37 09:04:42 09:04:46

The remote -- the videographer today is Emil White representing Planet Depos. This video deposition is taking place at Saltz, Mongeluzzi & Bendesky in Philadelphia. 09:04:47 09:04:51 09:04:54 09:05:00

Will counsel please voice identify themselves and state whom they represent? 09:05:01 09:05:02

MR. RICHARDSON: Yes, good morning. Ron Richardson on behalf of the plaintiffs. 09:05:04 09:05:06

MR. SIMPSON: John Simpson on behalf of the defendants and the deponent, Mr. Nick Manna. 09:05:07 09:05:10

VIDEOGRAPHER: The court reporter today is Jennifer D'Angelo, also representing Planet Depos. The witness will now be sworn. 09:05:14 09:05:15 09:05:19

THE REPORTER: Could you raise your right hand, please?

Who are the ambassadors in the entertainment department at Sesame Place Philadelphia? 09:47:15 09:47:17 09:47:18

A Our ambassadors in the entertainment department are our frontline performers and technicians. 09:47:19 09:47:24 09:47:27

Q Would that be in costume and out of costume? 09:47:28 09:47:34

A Yes. 09:47:34

Q And when you came on board in 2021, were -- was the title ambassador used by Sesame Place Philadelphia? 09:47:34 09:47:39 09:47:45

A Yes. 09:47:45

Q Do you know if there was any title for these types of employees prior to the use of the term ambassador? 09:47:46 09:47:47 09:47:51

A Yes. 09:47:51

Q What was that title? 09:47:52

A It was team members. 09:47:53

Q Okay. 09:47:58

(Exhibit Manna-1 was marked for identification and is attached to the transcript.) 09:47:58 09:47:58

Q Mr. Manna, I've shown you a document that has been marked as Manna Deposition Exhibit-1. If you would just take a moment and review it. Then 09:49:26 09:49:28 09:49:32

Philadelphia? 10:09:59

A I'm a salaried employee. 10:09:59

Q Okay. You came on as a director of entertainment. Are you still in that position today? 10:10:00 10:10:09 10:10:11

A There has been a title change. Now I am the vice president of entertainment. 10:10:11 10:10:15

Q How is that different than director of entertainment? 10:10:16 10:10:21

A It was a parallel move, title change only. 10:10:21

Q Okay. So when you say vice president of entertainment, there is a president of entertainment? 10:10:26 10:10:29 10:10:31

A No. 10:10:32

Q Okay. So it was indeed a lateral move because the director of entertainment just became the assistant VP of entertainment? 10:10:33 10:10:37 10:10:40

MR. SIMPSON: Objection. There's no question. 10:10:42 10:10:43

Q Is that true? 10:10:44

A One more time? 10:10:44

Q Yes. I'm just trying to understand. 10:10:46

The director of entertainment, were you in charge of the entertainment department at that time as director? 10:10:49 10:10:51 10:10:53

with these high schools so that they could enforce the connection so that this could be a constant source of employment for them? 11:21:54 11:21:59 11:22:02

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. 11:22:03 11:22:07 11:22:14 11:22:18 11:22:21

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. 11:22:24 11:22:26 11:22:30 11:22:34 11:22:39 11:22:43 11:22:46 11:22:50

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? 11:22:50 11:22:55 11:22:57 11:23:01 11:23:09 11:23:11

A Yes. 11:23:11

Q All right. But obviously COVID took place, a lot of that got halted or greatly 11:23:11 11:23:15

C E R T I F I C A T I O N

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

Transcript of Cassidy Monaghan

Date: September 8, 2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.

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

QUINTON BURNS, et al., Plaintiffs, v. SEAWORLD PARKS & ENTERTAINMENT, INC., et al., Defendants.	Case No.: 2:22-cv-02941

Mobile Videoconference Deposition of

CASSIDY MONAGHAN

Conducted Virtually

Friday, September 8, 2023

4:06 p.m.

Job No.: 506233

Pages: 1 through 101

Reported by: Peggy L. Dingle

Mobile videoconference deposition of CASSIDY MONAGHAN, conducted virtually:

Pursuant to agreement, before Peggy L. Dingle, E-Notary Public of the State of Maryland.

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P R O C E E D I N G S:
CASSIDY MONAGHAN,
having been remotely duly sworn, testified as follows:

EXAMINATION BY COUNSEL FOR PLAINTIFFS

BY MR. RICHARDSON:

Q Good afternoon, Miss Monaghan. Can you hear me?

A Yes.

Q Okay. So my name is Ron Richardson and I am one of the lawyers representing the plaintiffs in a class action lawsuit that has been filed against Sesame Place. Are you aware of that lawsuit?

A Yes, I am.

Q And is it your understanding that you are here today to testify as a witness in connection with that lawsuit?

A Yeah.

Q Okay. Please state your full name and your address.

A Cassidy Ann Monaghan, [redacted]

Q Have you ever given a deposition before like this?

A No.

A Twice altogether.
Q And how long did the first meeting last?
A About an hour and a half.
Q Was it in person or via Zoom?
A Via Zoom.
Q And what about the second meeting? How long did that last?
A About five minutes.
Q And in person?
A Via phone call.
Q Via phone call. Did you have an opportunity to notify -- first of all, are you still working at Sesame Place?
A No. I resigned to go to school.
Q Okay. Are you still in touch with any of your former coworkers at Sesame Place Philadelphia?
A A few, yeah.
Q Okay. We will talk about that also a little bit later?
A Okay.
Q Did you know a gentleman by the name of Nicholas Manor?
A Yes.

Q And did you go to Penn State right out of high school?
A Yes.
Q Have you experienced any other form of educational training?
A No.
Q And what was your first job?
A Sesame Place.
Q Was that while you were in high school?
A Yes.
Q Were you 15 at the time?
A Sixteen.
Q Sixteen. And at the age of 16 did you have to get a school permit?
A Yeah.
Q A work permit?
A A work permit, yes.
Q Did you start working part-time?
A Yes.
Q Did there ever come a time when you were working full-time at Sesame Place?
A No.
Q What type of work did you do at Sesame Place when you first came on board at age 16?

A Entertainment.
Q And what particular area of entertainment?
A Most people in entertainment do everything. So I did performer one, which was called entertainer one at the time. So meet and greets in the costumes or outside of the costumes, hosting shows. Things like that.
Q How did you find out about the job opportunity at Sesame Place?
A My mom worked there in entertainment when she was my age at the time and her boss was still the current head of entertainment. So she reached out to her, Diane, and that's how I started.
Q And you said your mother worked at Sesame Place Philadelphia when she was around your age?
A Yes.
Q Your age when you started there?
A Yeah. So about 16, 17.
Q Okay. Did your mother work in the Entertainment Department?
A Yeah.
Q And who was her boss at the time?

Q [redacted]

A Uhm-hum, yes.

Q Okay. Was Mr. [redacted] put on any type of probation as a result of that incident?

A I think he took some time off but it was his choice, not our management's, as far as I am aware.

Q I see. And do you know how -- is Mr. [redacted] still there today?

A Yes.

Q All right. Do you know how much time Mr. [redacted] took off after the incident?

A I don't know exactly.

Q Miss Monaghan, I am going to share the screen with you.

A Okay.

MR. RICHARDSON: I am going to show you what I am marking as Monaghan Number 2. It's the video.

(Monaghan Deposition Exhibit 2 was marked for identification and attached to the transcript.)

BY MR. RICHARDSON:

Q See if I can pull it up for you. First of all, can you see that video screen?

A Yes.

MS. PARDO: Ron, can you play the sound, please.

MR. RICHARDSON: Well, I am techno -- technologically disadvantaged. I can hear it perfectly but apparently you are not able to hear it.

MS. PARDO: We don't hear sound on this end.

THE WITNESS: Yeah.

BY MR. RICHARDSON:

Q Yeah, I am going to have to apologize for that because I do not know how to allow you to hear it. You can hear me talking, I can hear it's sound, but you can't hear the sound that I can hear?

A No.

Q Okay. Well, I don't know, Miss Monaghan. I can't help you on the sound.

MS. PARDO: Okay --

BY MR. RICHARDSON:

Q It's a very short 26-second video. Have you seen it before?

MS. PARDO: Hold on. I am lodging an --

THE WITNESS: I have.

MS. PARDO: Hold on. I am lodging an objection. I am going to object that this is being shown to the witness in an altered way and she should have the benefit of looking at the video as it was produced as there may be sound that is relevant to her testimony.

MR. RICHARDSON: Fair enough.

BY MR. RICHARDSON:

Q With that objection on the record, Miss Monaghan, do you recognize the video?

A I do recognize it, yes.

Q And have you seen it before?

A Yes.

Q And the video depicts a costumed character. Can you identify who that is?

A [redacted]

Q Have you ever worked as a costumed character/performer in the character [redacted]

[redacted]

A Yes.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Q Do you remember any of the parades occurring at night?

A Yes.

Q I wish I did have the audio for you. I apologize. I don't know if your counsel, when it's her turn, will show the video with the volume but if she does I will have some follow-up questions about that because there were comments made by the parent about the fact that the kids were not interacted with by the [redacted] character. So I will wait until then and save my questions should your counsel decide to do that.

A Okay.

Q When -- when you as -- as a costumed character performer interacting with guests during a parade is it up to you as to which guest you interact with?

A Yes. It's on a situation-by-situation basis.

Q Okay. And when you decide to interact with the park guests and you see kids reaching out for interaction do you make an effort to interact with every child who reaches out for

Q Was there anything about the additional video clip that you saw that gave context to what -- that gave context to what you were doing when you turned from the curb to walk away?

I am not sure if I said that right. Let me know if you need me to break that down.

A Yeah.

Q Okay. Was there anything -- go ahead.

A This video shows that I saw multiple children, first of all, just that I didn't just see one -- choose one specific child and then walk away because that is definitely not what happened.

It also shows that I made a point to travel down the road and see as many kids as I could. And in this video you actually see the two kids in question in the lawsuit being farther behind and then walking up to try and secure a spot to interact with me. And I, unfortunately, didn't see them walk up to that point because I was already on my way past that point.

Q It has been alleged in this case that you ignored the children on this video due to their race. Do you agree with that statement?

A I disagree with that statement completely. You can see -- I only see out of [redacted] mouth, which is very small, but you see that that mouth does not point towards these children pretty much at any point.

Q Miss Monaghan, in this video was -- was race a factor in who you chose to interact with that day?

A Not at all.

Q How well could you see the race of the children, if you can recall?

A Well, not really at all. I don't think I ever think about that when I am interacting with the kids. But as you can see, I barely -- I don't think I saw these kids at all let alone enough to tell what their race or ethnicity would have been.

Q Do you ever choose which children to interact with on the parade route based on race?

A No.

Q You started to tell us a little bit about the features of the [redacted] costume. Can you describe for us a little more your field of vision that you experience when you have the [redacted] headpiece on?

A [redacted]

Q And just happened to miss the two children that were the subject of the class action lawsuit?

MS. PARDO: Objection to form.

THE WITNESS: Yes. I don't know how to say that it's a coincidence other than that it's a coincidence. As you can see, I was walking in that straight line and they joined, I would -- I would call it, the line of children. They joined the line of children after I had already passed the point that they ended up standing, so...

BY MR. RICHARDSON:

Q Do you recall if you -- you recall in the longer video that your counsel showed you when you interacted with the last little child down there in the line --

A Uhm-hum.

Q -- you actually had to walk past the two children? Do you remember --

A At -- yes, I --

MS. PARDO: Hold on one second. I just want to lodge --

THE WITNESS: Yes --

MS. PARDO: Well, before you -- before

you continue, Miss Monaghan, I just want to lodge an objection to the form. Go ahead.

THE WITNESS: I do remember seeing that but I want to clarify that the reason that I was walking away -- and, again, you see my head facing towards where I was walking, not towards the line of children because I was not, in fact, looking at them because that might have been my mistake for thinking I had seen all the children.

[redacted]

BY MR. RICHARDSON:

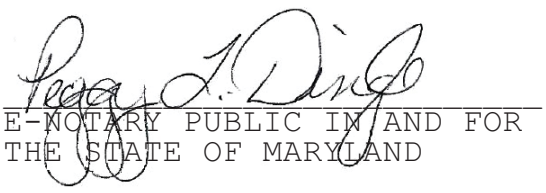
Q [redacted]

CERTIFICATE OF SHORTHAND REPORTER/E-NOTARY PUBLIC

I, PEGGY L. DINGLE, the officer before whom the foregoing proceedings were taken, do hereby certify the foregoing transcript is a true and correct record of the proceedings; that said proceedings were recorded 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 in the foregoing proceeding and caption named and have no interest, financial or otherwise, in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 20th day of September, 2023.

My commission expires:
August 1, 2026



E-NOTARY PUBLIC IN AND FOR
THE STATE OF MARYLAND

Transcript of Daniel Pena

Date: September 7, 2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA DIVISION

- - - - - - - - - - - - - - - x

QUINTON BURNS, et al., :

Plaintiffs, : Case No.:

v. : 2:22-cv-02941

:

SEAWORLD PARKS & :

ENTERTAINMENT, INC., et al., :

Defendants. :

- - - - - - - - - - - - - - - x

Deposition of DANIEL PENA

Langhorne, Pennsylvania

Thursday, September 7, 2023

1:16 p.m.

Job No.: 506224A

Pages: 1 - 155

Transcribed By: Catherine Galati

Deposition of DANIEL PENA, held at the offices of:

SHERATON LANGHORNE
400 Oxford Valley Road
Langhorne, Pennsylvania 19047

Pursuant to notice, before Emil White, Notary Public in and for the State of Pennsylvania.

A P P E A R A N C E S

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ALSO PRESENT:

Laurie Beechner, Esquire

C O N T E N T S

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E X H I B I T S

(Attached to the transcript.)

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P R O C E E D I N G S

Whereupon,

DANIEL PENA,

being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE PLAINTIFFS,

QUINTON BURNS, et al.

BY MR. RUFF:

Q Good afternoon, Mr. Pena.

A How's it going?

Q I'm doing fine.

My name is Malcolm Ruff. I'm one of the lawyers on the plaintiffs' side in this case, and I'm going to conduct your deposition.

Could you please state and spell your name?

A My name is Daniel Joseph Pena. That's D-A-N-I-E-L, J-O-S-E-P-H, P-E-N-A.

Q And could you state your address?

A [redacted] is the ZIP code.

Q Other than English, do you speak any other languages?

A I speak Spanish.

know that I can -- I can represent these characters because I grew up with the characters. I grew up loving Grover and Rosita and Elmo. And so we had all those characters, so I know that if I could portray it and they could see that I could portray it, then I can do it.

Q Do you remember who conducted your audition?

A Nick. Nicholas Manna, Julia Hall, Shavonne Strange, and PJ Schweizer.

Q So all four of them attended your audition?

A Yes.

Q Okay. When were you first hired to work at Sesame Place?

A I would say August of that year. August 2021.

Q Just give me one second.

(Exhibit 2 was marked for identification and is attached to the transcript.)

Q All right. I'm going to show you what's been marked as Exhibit 2 --

A Okay.

Q -- of your deposition.

Do you recognize this document?

A Yes.
Q Okay. Does it refresh your recollection as to when you were hired by Sesame Place?
A Yes.
Q What is this document?
A This is a document they give you that you sign off on what you're going to be paid for -- how you're going to be paid for hourly.
Q Would you refer to it as a hire letter?
A Yes.
Q Okay. Does this accurately depict essentially the rate of pay that you would receive when you started working?
A When I started working there, yes.
Q And it also shows the title of your employment being Entertainer I?
A Mm-hmm.
Q Okay. What were you told were the duties or exactly the responsibilities of being an Entertainer I at Sesame Place when you were hired in 2021?
A Mainly, the duties were character, being a character in a parade, character in a meet-and-greet, character in the dines, as well as walk hosting and as well as hosting the shows off

on the side where you're, like, the kind of happy security, making sure no kids get on the stage.

THE REPORTER: I'm sorry. You said walk hosting?

THE WITNESS: Walk hosting, which is now called character greeter, as well as show hosting, where you're off on the side, and you're just, like, making sure none of the kids get on stage, and you clap along, like, with the characters when they're dancing.

Q Okay. And the date on this document is July 6, 2021; is that correct?

A Yes.

Q Is that when you started working for Sesame Place?

A No.

Q Okay. When did you start working for Sesame Place?

A In August 2021.

Q Okay. You see at the bottom of the document where it says, I accept this offer of employment as described in this letter?

A Yes.

Q Is that your signature?

A Yes.

me to Penn Station. Then from Penn Station, I would take the New Jersey Transit train, and that New Jersey Transit train would take me directly to Trenton, New Jersey. So at Trenton, New Jersey, I have an option of taking the 127 bus, or I have an option of taking an Uber, which is just 12 minutes from the park.

Q Okay. How long would that commute take you?

A Three hours. Four hours, sometimes.

Q And that's one way?

A Four hours, yeah. One way.

Q So you spent eight hours a day commuting to Sesame Place?

A Yes.

Q Is that still your commute today?

A Not anymore. Just right now -- so if I come -- if I go back to New York and I want to come back to work, that would be my commute for the day, but then I'll stay with my friends. I have a couple friends that I used to stay with. First was Loughery, and now I stay with my boyfriend, Rashid.

Q Okay. And he lives in Pennsylvania?

A He lives in Camden. So it's not New York.

where the video was released and the time when the lawsuit was filed?

A I don't remember.

Q Okay. And we might as well refer to the video. So I'm going to show you a video, which I'm going to mark as Exhibit 6.

(Exhibit 6 was marked for identification and is attached to the transcript.)

MR. RUFF: And I don't have anything fancy, so all I have is a tablet, so I'll try and show it to everyone from here.

So Exhibit 6 is a video that I'm going to play for Mr. Pena.

BY MR. RUFF:

Q Just as you're sitting here and seeing the still shot of the beginning frame of this video, do you recognize this still shot?

A I recognize the video, yes.

Q Okay. And what do you recognize this as a video of?

A A viral video of Sesame Place.

Q Okay. And are you going to be in this video?

A [redacted]

[redacted]
Q Okay.
A Yeah, yeah, yeah.
Q I'm pressing play.
(Whereupon, the video was played.)
Q Okay. Were you able to see that?
A Yes.
[redacted]

[redacted]

A I was aware that there were not just one more video, but plenty other videos of, like, more of the characters, and not just being [redacted] So I was aware, yes.

Q So it's your understanding that there are numerous videos where you are playing a costume character where you -- that involve a complaint against Sesame Place?

A Yeah. That involved a complaint against Sesame Place, but it wasn't just always me in the costume. It was always other performers.

Q Got it. So that's why I'm asking specifically whether you're aware that there is at least one other video of an incident at Sesame Place where a complaint has been made against Sesame Place that you are involved in.

A Yes.

Q Okay. Have you seen that video?

A Yes.

Q Can you describe what happens in that video?

A There's a video of me dancing as [redacted] and it's in a mini parade as well. Zoe is right across. And usually, the characters are not --

they don't really have to dance and not -- we're told to dance, but it's not enforced. We could either dance or meet and greet. So when I took my parades, I took my time as I could dance, and I could meet and greet. I could dance, and I could meet and greet. And I could do a couple [redacted] like, signatures and then go back to meet and greet and then go back to dancing. Like, kind of just have the best of both worlds while still going down the line, because that parade doesn't stop. It just keeps going.

And what I remember was, first, I was dancing. And then while I'm dancing, I see somebody, like, trying to reach out their hand, but I just wanted to finish off, like, my dancing. Because at first, I'm doing just the choreo, and it's just like, come on, come on, and, like, the straight choreo they teach us. Then I wanted to add a [redacted] flair to it. And while I'm adding the [redacted] flair, I see a hand reach out. So I'm like, oh, snap. Somebody, like, wants my attention.

So I go and hug them, and then I continue what I'm doing. And I'm just, like, waving to the crowd, trying to -- because once I hug one person,

I already feel like the parade is -- like I'm going to be behind. The float is going to go in front of me, and I'm going to get yelled at. So I just kept going, kept going, kept going, kept waving to the crowd.

Q Was that video taken -- or did that incident occur on [redacted]

A I don't remember when the incident occurred.

Q Okay. When did you see that video?

A When all the videos were released about the Sesame Place incidents.

Q Okay. How did you -- how were you made aware of that video?

A I was made aware by someone I was dating at the time. I was dating a girl at the time, and she told me there was more, like, on Twitter and stuff. [redacted]

Q What is her name?

A Angelica.

Q What's her last name?

A Grullon. Grullon.
Q How do you spell that?
A G-R-U-L-L-O-N.
Q Grullon?
A Yeah.
Q Okay. I know I screwed that up.
A It's okay.
Q Okay. I'm going to show you what is going to be marked as Exhibit 6.
THE REPORTER: 7.
Q 7, sorry. It's also a video.
(Exhibit 7 was marked for identification and is attached to the transcript.)
Q Please let me know if you recognize this video.
(Whereupon, the video was played.)
A Yes, I do recognize the video.
MR. RUFF: Okay. Are you able to see it?
MR. SIMPSON: I saw it.
MR. RUFF: Okay.
Q Was that you in the [redacted] costume?
A Yes.
Q Okay. After these incidents -- well, excuse me. After these videos were released, did you ever receive any additional training from

float and do kind of, like -- maybe if Rosita was allowed to pass Sunny Day and Abby's float, that would be cool because that would have been able to just go right back to the situation. But since we've got to keep the parade moving, I have to be on it and make sure I'm not upsetting the driver, who could be Shavonne, and tell me, hey, you got to make sure you're not behind, like I told you before.

Sesame is really big on repeat notes, and I want to show them that, like, even that little note, that they don't have to repeat to me because it's so -- it might be hard for me to pick up choreography, but it's going to be easy for me to walk straight ahead down a route, if that's where I need to go.

Q Okay. So what kind of a parade was this in this Exhibit 6 video?

A Mini parade.

Q And what is the difference between a mini parade and, I guess, a so-called regular parade?

A In a mini parade, you're instructed to dance, meet and greet, but keep the parade moving. You're instructed to keep the parade going because there's no stops in the parade.

Usually, with a regular parade, you'll see stops three times. First, a show stop with ABC 123, then a second show stop instructing the kids and the parents to jump, then the third show stop is Rosita teaching everybody about her language and how she speaks the language. And no matter what your language is, that you can -- you can be yourself, you can have a place in Sesame Street. And then at the end, it's like, we are family.

And also, those three points are when the parade stops. So those are, like, the intricate moments where you shouldn't really be doing the choreography, you know? You should be meeting and greeting because those, you have much more time. The parade is stopped. The floats are stopped, so you can go back in the back of the float. You can pass the floats. You can meet and greet as much as you can. You can meet and greet for the entire -- you don't need to dance. You can meet and greet the entire time.

But in a mini parade, it's so hard to -- because there's so many things going through your mind when you're playing a character. You're like, okay, I need to meet and greet. Oh, my God. That person has a [redacted] doll. But wait, I want

Q And why is that?

A Because a parade is moving. You got to keep moving. And I wish I could meet every single child in a mini parade, but it's kind of impossible, especially while being in a costume, because you don't get to see everything with your eyes. [redacted]

Q All right. I'd like to show you the other [redacted] tape that we've been over already in the deposition, which was marked as Exhibit 7, which also, I believe, is linked at [redacted] of the first amended complaint. Let me run that one.

(Whereupon, the video was played.)

Q Okay. One more time. Let me just stop it here. You see that girl with her hand stretched out?

A Mm-hmm.

Q It appears that you passed her by. That's

how I see it. Is that a fair interpretation?

A No. I didn't mean to pass her by; I just wanted to keep the parade going. I didn't mean to, like, ignore that poor little girl. I did wave. So I did wave. Like, I hugged the first little girl because I see a hand reaching out to me. But then if I'm there hugging, hugging, and hugging and hugging, I will have the float in front of me. And even if it's not going to be in front of me, my anxiety in my head is thinking that. So oh, my God. I just hugged one person. What if that is the reason why I get another note that I'm behind or, like, I'm making the parade slow because I want to meet and greet every single child?

So when you do one, you kind of think, okay, you did one. Now I got to keep going, and then I can meet and greet the rest down the block. Because it's a lot that goes through your mind with that. So after I met the one, I don't ignore the little girl, but I just waved, like, the whole crowd I was walking by.

Q Okay. So you gave one girl a hug --

A Mm-hmm.

Q -- and the other girl a wave?

A Mm-hmm.
Q Now, did you give the second girl a wave because of her race?
A No.
MR. RUFF: Objection to form.
You can answer.
Q Did you give the second girl a wave because of her skin color?
A No.
MR. RUFF: Objection to form.
You can answer.
Q Did you give the second girl a wave because of the way she looked?
MR. RUFF: Objection to form.
You can answer.
A No.
Q What kind of a parade was the parade here in Exhibit 7?
A A mini parade.
Q Since you've worked at Sesame Place, Mr. Pena, and just focusing on the entertainment department character employees with whom you work, how would you characterize the racial atmosphere in that group?
MR. RUFF: Objection to form.

CERTIFICATE OF NOTARY PUBLIC

I, Emil White, Notary Public in and for the State of Pennsylvania, do hereby certify that on September 7, 2023, the witness, DANIEL PENA, was sworn before me at the aforementioned location, 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 this 21st day of September 2023.

_____

NOTARY PUBLIC IN AND
FOR THE STATE OF PENNSYLVANIA

Transcript of Tyra Roberts

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

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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.: 22-CV-02941

Deposition of TYRA ROBERTS

Philadelphia, Pennsylvania

Monday, August 14, 2023

9:57 a.m.

Job No.: 503338

Pages: 1 - 107

Recorded By: David Mielcarek

Deposition of TYRA ROBERTS,
held at the offices of:

SALTZ MONGELUZZI BARRETT & BENDESKY PC
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Pursuant to Notice, before
David Mielcarek, Notary Public in and
for the Commonwealth of Pennsylvania.

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C O N T E N T S

EXAMINATION OF TYRA ROBERTS PAGE

By Mr. O'Connell 6

E X H I B I T S

(Retained by Counsel.)

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Exhibit 2 Character Training Day 2 Booklet 58

Exhibit 3 Walkaround Photo & Video Guidelines 59

Exhibit 4 Walkaround Costumed Character Guidelines 60

Exhibit 5 SeaWorld Parks & Entertainment 85

P R O C E E D I N G S

THE REPORTER: We are on record at 9:57 a.m. Good morning, everybody. My name is David Mielcarek. I'm the court reporter for this deposition. I am a notary authorized to administer oaths and this deposition will be recorded by electronic means.

All parties understand and agree that any certified transcript produced from the recording of this proceeding is intended for all uses permitted under applicable, procedural, and evidentiary rules and laws and shall constitute written stipulation.

The parties stipulate to the use and certification of this testimony consistent with applicable law of such. Hearing no objection, I will now swear the witness. Ms. Roberts, would you please raise your right hand?

Whereupon,

TYRA ROBERTS,

being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

THE REPORTER: Thank you. Counsel, you have a sworn in witness. Please proceed.

A Yeah.
Q You weren't contracted or anything. You worked directly for Sesame?
A Yes.
Q Okay. Do you recall who you were -- who your employer was? Was it Sesame or -- or SeaWorld?
A Pay checks came through SeaWorld Parks & Entertainment.
Q Okay. Was it SeaWorld Parks & Entertainment, Inc., or LLC or do you recall?
A I don't recall.
Q Okay. When did you join -- we'll just call it Sesame, if that's --
A Sure.
Q -- okay. Sesame.
A Yep. End of October of 2011.
Q Oh, wow. You were there for a while.
A 10 seasons.
Q You say seasons. I start thinking of like television shows and things --
A Yeah.
Q -- like that. Does that -- is that is that 10 years or --
A Yeah.

Q -- almost?
A It could be 10 -- yeah. 10 years, essentially. A season could -- for me, the -- my season started in Halloween of 2011, so I completed that season for that year and then left in 2020 so -- yeah.
Q Okay. What --
A 10 seasons or 10 years or interchangeable.
Q What -- what is -- what is the season in your mind, from what month to what month?
A That really depends on the person and how long they've been there. So for me, if I worked, say, the summer season and then maybe didn't work Halloween or Christmas, then I only worked that summer season, but it's still one season.
Q So did that happen for you --
A Uh-huh.
Q -- where you would work a summer and then not in the fall?
A Rarely.
Q Okay. Did -- so when you were working from 2011 until -- when did you leave?
A 2020.

Q Is it near the park?
A I would say 15, 20 minutes give or take.
Q Okay. How did you end up -- how did you get connected with employment at -- at -- at Sesame? Did they recruit or did you -- did you see an ad? How did it happen?
A No. My best friend at the time in high school, she was working there and I danced for 13 years and kind of missed that experience because I started my basketball career. So it was just a way for me to get back connected with dancing. And so she suggested I audition to work there, so I did in July of 2011.
Q Okay.
A I auditioned.
Q What did you audition for?
A I auditioned for the entertainer one and the entertainer three position.
Q So I've watched a lot of videos of the park.
A Uh-huh.
Q And I understand there's like the parade and there's costume characters and then there's people that -- and I mean, costume characters that they're covered in like fabric or fur.

A Uh-huh.
Q And then there's other people like with a jump rope --
A Uh-huh.
Q -- that are definitely not in their street clothes.
A Right.
Q With like, I don't know, I'm going to -- like a kid attire clothes on, like a big bow in the hair --
A Yes.
Q -- or something like that.
A Yes.
Q And they dance --
A Yes.
Q -- and perform.
A Yeah.
Q So entertainer one, what would -- so let's take the costume characters. Are they -- are they numbered entertainer one, two, three?
A Depending on what role they have --
Q Okay.
A -- for that day.
Q Okay. Could you explain that to me?
A Sure. So entertainer ones, they

comprise of individuals whose job are to do the show hosting, the walk hosting, like, escorting the characters to the meet and greets on the street.

Entertainer ones can also be in costume characters so like the character with the fur, in the Dine With Me experience, as well as the photos with Elmo and friends that is considered an entertainer one position. And there are actually some roles in the parades that are entertainer one positions as well. So that's what an entertainer one does.

An entertainer three, that is a more specialized role for those employees that have a little bit more dance experience and performance experience that can do a little bit more advanced choreography. So entertainer threes you'll see them performing as characters in the shows, as well as, in the parades.

Entertainer threes can do entertainer one positions, but entertainer one cannot do entertainer three positions unless they've gone through that training.

Q Okay. That's very helpful.

A Uh-huh.

Q Is there any such thing as an entertainer two?

A Yes. There was at a point in time. It has changed year by year. Typically the entertainer twos when I started working there, those were the Elmo at Elmo's World Live were considered entertainer twos, the singers, the out of costume singers were also entertainer twos as well.

And then when Elmo's World Live in 2014 turned into Elmo the Musical, those puppeteers were also considered entertainer twos as well.

Q When you left Sesame, were -- were there still entertainer twos for the program?

A Things were a little bit meshed together at that time than I left because keep in mind, it was 2020, so there were a lot of employees that we had that didn't come back due to it being such a high risk being in that environment of being in the theme park no matter what COVID precautions that we could put forth.

So at this point, we were trying to just see where people could fit so that we can fully staff the department for a smooth operating day.

Q Understood.

A So by the time I left, it kind of jumbled together.

Q I've -- I've watched a lot of video, as I said, and -- and quite a bit of it is for the parade.

A Uh-huh.

Q Do you know what I'm referring to?

A Yes.

Q Okay. So I understand that a person could be an entertainer three can do an entertainer one's job --

A Yes.

Q -- but an entertainer two -- excuse me, an entertainer one would need specialized training to be a three?

A Correct.

Q Okay. During the parade, the costume character is the ones that are covered in fabric.

A Uh-huh.

Q I see them riding on floats. Do you know what I'm referring to?

A Yes.

Q And then I also see the float stopping and them coming down and interacting with certain children?

A Yes.

Q Okay. Are those individuals in that role acting as a one or a three?

A Technically a one.

Q Okay. Does the parade have any of the specialized choreography that would require a level three person to participate?

A Yes. But not the like Sesame characters, not the ones who were in fur. So the face characters, the ones that dress like you said as like kid like --

Q Those would be threes?

A Only some.

Q Some. Okay. Understood. Okay. You joined as -- as -- as what -- as what -- in what capacity? What was your job?

A I went back and forth. When I was hired I was hired as an entertainer three for the Christmas season. I was in Sesame Street Christmas as Big Bird for the Christmas. Following that year, I went back down to an entertainer one position because there were no characters my height in the summer shows.

Q Okay. When you show up, is there like a locker room or a dressing area for these costume

A Yes.
Q And then is there a parade manager?
A That's 79.
Q That's 79?
A Uh-huh.
Q Okay. And then 720 sits above or supervises those individuals; is that correct?
A 720 is below 79.
Q Oh, okay.
A They are the assistant supervisor position. So they work directly under 79 for that day.
Q Okay. What's -- I want to talk a little bit about your tenure there and --
A Absolutely.
Q -- and you -- you were joining as an entertainer three --
A Yes.
Q -- for the Christmas time?
A Yes.
Q Okay. So tell me about -- so you were there 11 -- 10 seasons?
A Yeah.
Q As?
A As a lot of things so we could go

through it.

Q Tell me about it? Tell me about your tenure there --

A Yeah.

Q -- when you started through --

A So after Christmas was over in 2011, again, like I said in 2012, there, you know, obviously I'm a taller person, I'm 6'2. So there's only about so many characters that I can play. So there was no character in the shows for the summer time at that time. So I did go back to the entertainer one position on like a daily operational day.

However, I just do what I note that I was still technically an entertainer three. So in those positions, say in the parade, that maybe a little bit more specialized. I was still able to hold those positions in the parade even though I wasn't able to really do shows because of my height.

And then let's see, October of 2012, they did however have my height character, I did Telly. So I was back to being in shows a little bit more often for Halloween and Christmas of 2012. That went the same again in 2013, the same kind of

ordeal. And then in December -- November or December of 2013 was when I interviewed to be a stage manager.

And so at the beginning of 2014, I was then promoted as the Sesame Studio stage manager. And that was also the year that they had closed Elmo's World Live and opened up Elmo the Musical. So I was a stage manager of a brand new show, so that summer was definitely chaotic, for sure, with everyone wanting to see the new show. And then I did the stage manager position that summer.

I also was able to, through my direct supervisors, kind of experience being a stage manager and also an assistant supervisor in other aspects. So there were times that I could come in and also have like the walk supervisor role for the day.

There was a time where I could come in and get the dine supervisor position for that day because there was a time where my supervisors found that it was helpful for all of us to learn different roles throughout the park and not just be set in one role.

A lot of that was based off of availability. We were noticing that, you know, some stage

managers or assistant supervisors weren't able to be available, so we need to train other people for different roles. So I did that for a little bit, for three years, 2014, 2015, and 2016. End of 2016, I interviewed again for a supervisor position, that 79 position.

And then from 2017, '18, '19, and 2020, I was the entertainment supervisor. Two out of those four years, I had a little bit of a more specialized role. I was considered the show operation supervisor, where my role was to make sure, you know -- I was the one who had a little bit more expertise on making sure things were operating smoothly, whether it was making sure people were in the right spot, doing the right things, doing their job, essentially.

And then in 2020, in the off season when we weren't open, and this was actually even pre the shutdown of COVID, I started working on entertainment schedules. So I started doing the scheduling, and then we shut down in March of 2020. I came back for the training in July. I actually came back to a meeting two weeks after I gave birth just to get out of the house.

Q Yeah.

A And I did a few weekends at Sesame in 2020, and then I left in November of 2020.

Q And for -- for good?

A For good.

Q Okay. Is it fair to say that for the majority of your tenure at Sesame, you were in some sort of supervisory or managerial role?

A Yeah. For more than half of it.

Q More than half?

A Yeah.

Q Okay. Did you ever -- was it ever your job responsibility to handle complaints by other employees?

A Sometimes.

Q Sometimes.

A Uh-huh.

Q What were those and in what role were you?

A It might have been an instance of, you know, if there was a walk host, who was in charge of, you know -- when you're a walk host and that's an entertainer one position, you can -- you're in charge of making sure that your characters that you are escorting are getting out to the walk on time, coming back in on time.

the child couldn't care less, and would be ready to go on an adventure doing something completely opposite.

So, you know, because we understand, and I understand as a parent myself now how expensive the park is and, you know, we don't want parents to waste their money. However, we also want to create the experiences, not only for the whole family, but the children too because it is a child centered theme park.

So we, you know -- we were always told to, you know, look at the kid, like, are they -- are they visibly upset as well? Like if they are too, then that's like a vital piece. There are times where I have offered private meet and greet experiences for some guests whose children were visibly upset that they were not able to see their favorite character.

For example, if there was a parade at 7:00, and most of the walks end about an hour before that parade starts because that character who's on walks is also probably most likely in the parade, well, that employee. So if there was a guest who maybe missed Cookie Monster, and child was visibly upset.

Q Understood. How many meet and greets did you go on? Even more than the parade?
A About the same, if not more.
Q Dozens?
A Yeah.
Q Okay.
A A lot.
Q Were you ever an escort?
A Yes.
Q What do you call that person?
A Walk host.
Q Walk host. You were a walk host?
A Yes.
Q Okay. And were you also a character?
A Yes.
Q Okay. During those interactions with the public, did you ever witness any employees treating minority kids differently than white kids?
A No. But that -- it was hard because a lot of the times, there's -- there's three components, three people typically who are in those walks. You have the character, you have the walk host, and you also have a photographer that should be on those walks.

And I say should be because of course merchandise has probably at some point had staffing issues as well, so sometimes there wouldn't be a photographer on the walks.

If there were interactions that I would have as the walk host with the character, we're actually only about, like, 15, 20 minutes of a 30-minute walk because thereafter we are instructed to cut the line. And that means we close the line down, finish out the guests who are in that line so that walk can be in that 30-minute time frame.

From when I experienced walks with the characters, no. I did not see or experience any differential treatment with minority versus white kids.

Q Did you hear of that type of complaint from members of the public, that perhaps a line was shut down to the minority kids but allowed for the white kids?

A Not while I was there.

Q Okay. At any time?

A Not that I know of.

Q Okay. When you say, not while I was there, it qualifies in my mind of --

A Okay.
Q -- maybe some other time.
A Well, because I can't speak for the experiences that happened after I left because I wasn't there.
Q Okay.
A So, if there were, I wouldn't, you know, know about it.
Q Sitting here today, do you know of any instances where minority kids were treated different on walks?
A No.
Q Okay. There's -- I'm going to represent to you there's been videos posted on the internet --
A Uh-huh.
Q -- taken inside Sesame Place that show costume characters interacting with children.
A Uh-huh.
Q And there's been complaints about that.
A Uh-huh.
Q Okay? Do you know what I'm referring to?
A Yes.
Q Okay. Have you reviewed any of these

videos?

A The only one that I saw was of the Rosita incident that went viral on a lot of social media platforms.

Q Okay. There's -- I've reviewed many videos, but I believe I know which one you're referring to.

A Yeah.

Q And I know who Rosita is now, meaning the character, the costume character.

A Oh. Yeah.

Q The -- how did you come to learn -- review that video?

A It popped up on my social media. I think I saw it on TikTok first, and then it was on Facebook and then on the news. So, it was -- for that period of time that was happening, it was pretty much everywhere.

Q How many times did you review the video?

A I saw it once on TikTok, and I maybe saw it twice while watching the news. Other than that, it wasn't something that I was trying to dig down a deep rabbit hole, trying to look into.

Q Understood. When you first saw it, how did it make you feel?

A Confused, I guess, in a sense.

Q Confused about what?

A I think just the circumstance as a whole. I think that there's, you know, different factors, I think, when there may be a complaint of a character not interacting with your child, that there are a lot of other factors in that circumstance or that moment in time.

For example, when I did see the video -- and, I mean, in my mind, I'm already instantly in supervisor mode at Sesame. First thing I noticed was that Rosita was not even in the right position in the parade. She actually is supposed to be most, if not at all times in front of the first float of the parade.

And in the video, she was at least four floats back. So, that was kind of the first thing I noticed. I said, oh, why's she -- why's she there? You know, I -- my second thought was kind of like, this is just -- it -- it was just crazy. Like, I did not -- I wasn't -- I didn't make any assumptions over the -- you know, oh, she was wrong. Oh, she was right kind of a thing.

It was just like, I can't believe that this story is, like, there and I'm watching this happen

at a place that I spent 10 years working at, you know. So, that was kind of my thought process, you know.

Again, I didn't really dissect into it, not in the sense of that I didn't care. It was just in the sense that I have so many other things in -- in life going on that that was not a priority in my life.

Q Understood. And I would imagine that you spending 10 years of your life there, it was in some way personal to you because you work there.

A Right.

Q Right?

A Yeah.

Q This is my own -- I know this place.

A Yeah.

Q Okay. I get that.

A Like, oh, I -- I work there.

Q You mentioned some of the factors that were, as you say, going on --

A Yeah.

Q -- at -- at the time. I'm going to ask you about that in a second.

A Sure.

Q Describe for me what you saw on the video.

A So, what I saw was I saw Rosita coming up to some kids. She high-fived or waved, from what I recall, at some kids. And then there were two little girls, and she kind of did, like, a -- a wave, like -- not like a -- like a shake at them and shook her head and then walked in the other direction; right?

That's what I saw, face value, at the time. That's really what I saw.

Q Okay. And then you mentioned some -- you thought of the factors that were --

A Yeah.

Q -- in play or going on.

A Exactly.

Q All right. So, could you describe for me or identify some of these factors that were going through your mind?

A Sure. So, one, as I mentioned before, there are many floats in the parade. The float that Rosita was by was a float called Center Playground, which there are -- one, two, three. She was -- there's four floats in between where she should be and where she was. That was the

first thing I noticed.

Secondly, I noticed that the floats were moving, so if Rosita needed to get to her proper parade position, she was going to be competing against moving floats, which presents as a huge safety concern. You know, there's -- we -- as a supervisor, we don't mind the interactions with the guests while the floats are moving.

However, the floats themselves -- and this is from me driving -- I've driven every single float that is in the parade. There are blind spots everywhere. It's not like driving a car. It's also, like, a, you know, pretty heavy float.

You know, we don't want to run into the issue of us not seeing a character and us hitting that character, which has happened before I started working there. There was a character who was unfortunately hit by a float. So, that was another factor that I was like, ooh, like, she's kind of moving on the side of the float.

Like, you know, especially where she was with Center Playground, Center Playground has that staircase next to it, so you can't really see on that right -- that left side at all, which is what side of the street she was on, the left side.

The two things that I noticed about the little girls, one is that they were over the line of where they needed to be. So, there's, you know, that crowd control line that we not only make an announcement, but there are crowd control employees that are responsible for keeping those guests behind the line.

At the time that I was working there, they were still the dots on the street. I know that now that I've been there as a guest, it has now changed to, like, a bright yellow line. We try to keep the guests behind that line, especially when the floats are moving. So, I noticed that.

And the last thing that I noticed was that the little girl didn't seem to address Rosita as Rosita, but called her a different name. Again, I can't make assumptions of that character or what that character's mindset for her hand gestures. But there are times where we are able to gesture if the guest or if the little one maybe calls us by the wrong name, so that's --

Q What name did you hear?

A I don't recall exactly, but it wasn't Rosita.

Q Do the characters -- you said Rosita

should have been four floats up, in front of the float.

A Uh-huh.

Q Do all the characters have a -- a place to be?

A Yes.

Q Okay. And is that consistent throughout a season?

A No.

Q It changes?

A Changes based off of the season because there's a separate parade for summer, Halloween, and Christmas.

Q Okay. So, let's say summer.

A Okay.

Q Would, for example, Rosita have the same position in front of the float?

A For every parade.

Q And all the other characters do as well?

A And they all have positions. Yes.

Q All right. So, Rosita had a -- a mark --

A Uh-huh.

Q -- I guess is what it's called; right?

A Uh-huh.

Q In the entertainment?

A Yes.

Q All right. Were characters allowed to leave their mark?

A That depends. Sometimes we do allow for characters to interact a little bit more if they have that time to do so. What I mean is, for example, we have travel loops, where -- travel loops, where the floats are moving. And then we have show stops, where they're stopped, where there is a set of choreography that happens.

So -- and sometimes in between that travel loop and show stop, there is a little downtime, a little time to kind of what we call, like, freestyle, for example, where if we -- if we want to, we can interact with guests or we can -- or if I'm in costume, if I'm Telly, I can interact with my Sunny Day kids, who are the kids in the front, leading the parade.

So, we kind of do get that time to kind of -- that way, we can set up, depending on the show stop. So, summertime, show stop one, first song is the ABC song. And so out-of-costume dancers, the ones who are dressed kind of like kids, have to get a set of letters off of the cabbies and set them up on two floats.

So, while that time happens is that kind of free time, I guess you can say, where you can say hi to guests. You can interact with other characters on the street, you know, your coworkers or whoever at that point in time.

So, there was that little bit of downtime, but it was maybe no more than five to 10 seconds before you had to be at your next spot on the parade route.

Q During that free time -- freestyle? Is that what you said?

A Yeah. Yeah.

Q The -- was the -- was the floats -- were the floats moving or stationary?

A Both. So, there was a -- as a float driver, because, again, I've driven them, we have markers where we need to stop at a show stop. In a perfect world and -- and if you can visualize, even if you're driving your own car on the street, if we all move at the same time, we won't hit each other; right?

So, in a perfect world, we are instructed to all go and stop at the same time. Now, again, it's not a perfect world. There are other factors, like if I'm driving, for example, Elmo

CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, David Mielcarek, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings were fully sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; 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.

David Mielcarek

_____

DAVID MIELCAREK,

NOTARY PUBLIC FOR THE COMMONWEALTH OF PENNSYLVANIA

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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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA DIVISION

QUINTON BURNS, et al.,	:	
Plaintiffs,	:	
vs.	:	Case No. 2:22-cv-02941
SEAWORLD PARKS & ENTERTAINMENT, INC., et al.,	:	
Defendant.	:	
----------	:	

VIDEOTAPED DEPOSITION OF PAUL JOSEPH SCHWEIZER

taken at

SALTZ, MONGELUZZI & BENDESKY, P.C.

One Liberty Place

1650 Market Street, 51st Floor

Philadelphia, Pennsylvania 19103

May 18, 2023

9:21 a.m.

REPORTED BY:
JENNIFER D'ANGELO, RPR, CCR-NJ

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I N D E X

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E X H I B I T S

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VIDEOGRAPHER: Here begins Media No. 1 in the videotape deposition of Paul Joseph Schweizer in the matter of Burns, et al., versus SeaWorld Parks and Entertainment, Inc., et al., in the United States District Court for the Eastern District of Pennsylvania, Philadelphia Division. 09:20:35 09:20:37 09:20:41 09:20:46 09:20:48 09:20:54

The case number is 22-CV-02941. The today's date is 5/18/2023. The time on the video monitor is 9:21 a.m. Eastern time. 09:20:55 09:21:08 09:21:13

The videographer today is Emil White representing Planet Depos. This video deposition is taking place at Saltz, Mongeluzzi & Bendesky, Philadelphia. 09:21:15 09:21:18 09:21:20 09:21:26

Would counsel please voice identify themselves and state whom they represent? 09:21:27 09:21:28

MR. RICHARDSON: Yes, good morning. Ron Richardson on behalf of the plaintiffs. 09:21:30 09:21:32

MR. SIMPSON: John Simpson. I represent the defendants as well as the deponent, Mr. Schweizer. 09:21:33 09:21:34 09:21:36

VIDEOGRAPHER: The court reporter today is Jennifer D'Angelo, also representing Planet Depos. 09:21:39 09:21:41

The witness will now be sworn.

THE REPORTER: Could you raise your right hand, please?

2022? 10:31:59
A No. 10:32:00
Q Okay. Did you ever work in the costume staff section? 10:32:00
A No. 10:32:02
Q Did you ever work as a technician? 10:32:02
A No. 10:32:03
Q What did the technicians do? 10:32:05
A The technicians oversee all of the technical elements of the show, everything from the sound equipment to the lighting equipment to the scenery. 10:32:07
Q Okay. Did you ever work as a puppeteer? 10:32:14
A Yes. 10:32:14
Q Okay. As a manager? 10:32:17
A Yes. 10:32:17
Q Okay. And you told me that you were a character performer and an actor. So were you also a dancer? 10:32:19
A I was never classified as a dancer, no. 10:32:21
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? 10:32:27
A Mostly, yes. 10:32:30
10:32:30
10:32:32
10:32:41
10:32:46
10:32:48
10:32:50

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. 10:32:51 10:32:59 10:33:01 10:33:05

A Yes. 10:33:05

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? 10:33:05 10:33:06 10:33:09 10:33:13

A Not with any certainty. It would be complete speculation. 10:33:16 10:33:19

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? 10:33:20 10:33:22 10:33:24 10:33:27 10:33:31 10:33:34

A From my own experience and observation purely, yes. 10:33:36 10:33:38

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? 10:33:39 10:33:46 10:33:51 10:33:55

A Yes. 10:33:55

Q Okay. And do you happen to know from 10:33:56

personal knowledge, having worked there as long as you have, some of the high schools that these kids came from? 10:34:03 10:34:06 10:34:08

A I do know some of the high schools. 10:34:09

Q Which ones? 10:34:10

A Pennsbury High School. 10:34:11

Q Okay. 10:34:15

A Council Rock High School North. 10:34:15

Q It's amazing they have the north and south. So Council Rock North? 10:34:18 10:34:22

A Council Rock High School North. 10:34:25

Q Okay. Any others? 10:34:30

A Council Rock High School South. 10:34:31

Q Okay. 10:34:33

A Truman High School. 10:34:34

Q Mm-hmm. 10:34:35

A The Creative and Performing Arts High School of Philadelphia. 10:34:37 10:34:43

Q That's out of Philly? 10:34:43

A Yes. Better known as CAPA, I believe. 10:34:45

Q Yes. Any others? 10:34:47

A Yes. Neshaminy High School. 10:34:55

Q Any others? 10:35:00

A Bensalem High School. 10:35:02

Q Okay. 10:35:03

A Central Bucks High School East. 10:35:08
Q Central parks east? 10:35:09
A Central Bucks High School East. 10:35:12
Q Yeah. Did they come from yours, west? 10:35:14
A Yes. 10:35:18
Q Any others? 10:35:19
A Yes, but I can't recall the names of them. 10:35:24
Q Okay. Are -- other than the one, CAPA, 10:35:28
that's in Philly, were the rest of these high 10:35:36
schools in Bucks County? 10:35:37
A The ones that I listed for you? 10:35:39
Q The ones that you listed, yes. 10:35:40
A Yes. 10:35:43
Q Okay. Did Sesame Place have, like, a 10:35:43
relationship with these high school's performing 10:35:48
arts departments or whatever so that they can 10:35:51
recruit kids from these schools for summer work? 10:35:55
A Not that I know of. 10:35:58
Q Okay. Did you have anything to do with 10:36:01
assisting Sesame Place in getting teenagers to 10:36:03
work at Sesame Place? 10:36:06
A I had no involvement in recruitment, no. 10:36:07
Q Okay. So when you first started working 10:36:10
at Sesame Place, did you have to fill out a job 10:36:24
application? 10:36:27

Sesame Place who officially offered you the job? 10:41:25

A Yes. 10:41:28

Q Who was that? 10:41:28

A It was Michael Joyce, Deanna Bodo, and Diane Benedict. 10:41:29 10:41:33

Q Okay. At that time, what was the job that you were coming in to do? 10:41:34 10:41:42

A The events and production manager. 10:41:43

Q And how long did you work as an events and production manager? 10:41:46 10:42:04

A Well, I'm still doing the job. 10:42:05

Q Okay. Have you held any other categories -- job categories at Sesame Place Philadelphia since 2015 other than events and production manager? 10:42:08 10:42:10 10:42:13 10:42:17

A No. 10:42:18

Q Okay. Did you seek another job but just didn't get it at Sesame Place Philadelphia between 2015 and the present? 10:42:18 10:42:22 10:42:24

A No. 10:42:28

Q And what does an events and production manager do? 10:42:28 10:42:32

A There's two sides to the job. There's events, which I'll plan, and all of the in park special events. Special events being defined as 10:42:32 10:42:35 10:42:40

Q So were the costume character performers given wide discretion as to who they would interact with and who they would not? 11:14:15 11:14:19 11:14:23

A Yes. 11:14:24

Q Okay. At any time between 2015 and the present -- well, strike that. Let me ask you this. 11:14:26 11:14:57 11:14:59

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? 11:15:01 11:15:04 11:15:07 11:15:11

A Yes. 11:15:13

Q You guys held staff meetings? 11:15:13

A Yes. 11:15:15

Q All right. How often would that occur? 11:15:16

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 -- 11:15:20 11:15:22 11:15:24

Q Okay. 11:15:26

A -- often they occurred. 11:15:26

Q They were not, like, weekly meetings at a certain time? 11:15:27 11:15:31

A No, there was nothing consistent like that. 11:15:31 11:15:33

Q Okay. During any of the staff meetings 11:15:33

A I do.
Q All right. So focusing your attention on the period 2018 through July of 2022, and in connection with the production known as a parade --
A Yes.
Q -- a regular parade, how long does a parade -- how long did such a parade last?
A 25 minutes, approximately.
Q And during that parade production, how much time, generally speaking, did a costume character have to interact with a guest?
A You have at most what is -- what we call three counts of eight, which is around 15 to 20 seconds at a time.
Q And it was during that period of time that the character had discretion as to whom to interact with?
A Yeah. They also weren't required to interact. They could continue with choreography or they could stand in the street and wave. They weren't specifically directed to meet and greet the guests.
Q And in connection -- well, going -- focusing on the concept of the parade that we just

C E R T I F I C A T I O N

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

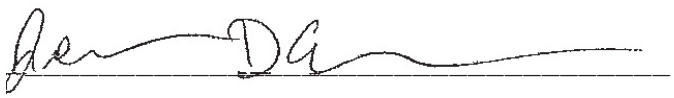
That prior to being examined, the witness in the foregoing proceedings was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

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

Transcript of Shavonne Marie Strange

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

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA DIVISION

QUINTON BURNS, et al.,	:	
Plaintiffs,	:	
vs.	:	Case No. 2:22-cv-02941
SEAWORLD PARKS & ENTERTAINMENT, INC., et al.,	:	
Defendant.	:	

VIDEOTAPED DEPOSITION OF SHAVONNE MARIE STRANGE

taken at

SALTZ, MONGELUZZI & BENDESKY, P.C.

One Liberty Place

1650 Market Street, 52nd Floor

Philadelphia, Pennsylvania 19103

May 11, 2023

9:12 a.m.

REPORTED BY:

JENNIFER D'ANGELO, RPR, CCR-NJ

A P P E A R A N C E S

MURPHY, FALCON & MURPHY
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One South Street, 30th Floor
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Washington, DC 20001
(202) 776-7800
Attorney for Defendants

ALSO PRESENT: Emil White, Videographer
Laurie Beechner, Esquire

I N D E X

WITNESS	PAGE
SHAVONNE MARIE STRANGE	
BY: Mr. Ruff	5

- - -

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
P-1	Foreword	120

VIDEOGRAPHER: Here begins Media No. 1 in the videotaped deposition of Shavonne Strange in the matter of Burns, et al., versus SeaWorld Parks and Entertainment Inc., et al., in the United States District Court for the Eastern District of Pennsylvania, Philadelphia County. The case number is 22-CV-0291 -- 941, excuse me. 09:11:56 09:11:58 09:12:02 09:12:05 09:12:07 09:12:09 09:12:13

Today's date is May 11th, 2023. The time on the video monitor is 9:12 a.m. Eastern time. 09:12:21 09:12:27

The videographer today is Emil White representing Planet Depos. This video deposition is taking place at Saltz, Mongeluzzi & Bendesky, PC, in Philadelphia. 09:12:34 09:12:37 09:12:38 09:12:42

Will counsels please voice identify themselves and state whom they represent? 09:12:43 09:12:44

MR. RUFF: This is Malcolm Ruff, R-U-F-F, last two letters F as in Frank, on behalf of all plaintiffs. 09:12:47 09:12:50 09:12:53

MS. PARDO: Michelle Pardo on behalf of defendants and the witness. 09:12:54 09:12:56

VIDEOGRAPHER: The court reporter today is Jennifer D'Angelo, also representing Planet Depos. The witness will now be sworn. 09:12:58 09:13:00 09:13:04

THE REPORTER: Could you raise your right hand, please?

Q Yeah. And I'll just reiterate. Anything that I'm asking you, I am not asking you to tell me any privileged information that you've discussed with a lawyer that represents you or SeaWorld. Okay? 09:17:07 09:17:07 09:17:09 09:17:11 09:17:13

A I don't -- I don't know. 09:17:13

Q Okay. Were you told about it by another person? 09:17:14 09:17:22

A I just heard, like, through, like, the news that there was claims, but to the extent of what that was, I don't -- I don't think I was ever told by someone specific. 09:17:22 09:17:25 09:17:34 09:17:36

Q Okay. What about on social media? Have you seen anything about this lawsuit in social media? 09:17:37 09:17:39 09:17:42

A No. 09:17:42

Q Okay. What -- what is your current role at Sesame Place? 09:17:43 09:17:59

A Currently, I'm the entertainment operations manager. 09:18:00 09:18:02

Q Would that be -- would that also include being the leader of entertainment operations? 09:18:03 09:18:16

A What do you mean leader? As an official title? 09:18:18 09:18:21

Q Yeah. 09:18:22

A My official title is entertainment operations manager. 09:18:22 09:18:25

Q Okay. When did you first learn that you were going to be having to undergo a deposition in this case? 09:18:25 09:18:32 09:18:38

A I feel like it was the end of April, maybe. 09:18:38 09:18:44

Q When did you first start working for Sesame Place? 09:18:44 09:18:57

A In April of 2003. 09:18:57

Q And what was your first role with Sesame Place? 09:19:00 09:19:06

A I was a dancer, character performer. 09:19:06

Q Is that an E-1? 09:19:09

A So when I was first hired in 2003, that title was an entertainer three. 09:19:14 09:19:16

Q What would that position now be classified as? 09:19:18 09:19:23

A Performer two. 09:19:25

Q Okay. And when you were an entertainer three and just getting started with Sesame Place, did you receive training for your job? 09:19:26 09:19:44 09:19:48 09:19:51

A Yes. 09:19:51

Q Okay. Let's start with did you receive 09:19:52

stage, I would portray the character that I was cast in for that specific show. So at the time when I was first hired, I was Ernie in our school show and place show. So I learned the choreography to perform that, and then I performed on the stage three to four times a day as Ernie in about a half hour show while I also performed in the daily parade both in and out of costume. It just depended on what I was cast in for the parade that day. 09:32:05 09:32:08 09:32:11 09:32:15 09:32:20 09:32:22 09:32:25 09:32:28 09:32:33 09:32:36

As a show host, I was one who would open the gates, welcome the guests, direct them where to sit. And then I would side stage, so I would clap along, sing along to engage the guests to give them that ultimate experience. 09:32:39 09:32:42 09:32:46 09:32:49 09:32:51

And then if I was walk hosting, I would be the one that was escorting the characters out for their walk. So I would take them to their walk location, I would then form the line, and then I would direct the guests of the timeframe that I was out there with said character. And then on the flip side, I was also the character that went out for the walk. 09:32:53 09:32:55 09:32:59 09:33:02 09:33:05 09:33:07 09:33:10 09:33:13

Q Okay. Now, what specific training did you receive to teach you these job duties that you 09:33:15 09:33:24

just discussed? 09:33:29

A So we had a character training which went 09:33:30

through our Sesame characters, gave us background 09:33:34

on the character, how their mannerisms would be, 09:33:39

how they would pose for photos. And then as a 09:33:46

walk host or a show host, we had a host training 09:33:49

where we would do, like, a mock setup on the 09:33:52

neighborhood where we would have someone be the 09:33:54

character, someone be the walk host, and then the 09:33:58

rest of the team would line up and it was just our 09:34:01

opportunity to talk through -- you know, welcome, 09:34:03

everybody, Bert and Ernie are going to stand right 09:34:06

here, if you'd like to see Bert and Ernie, please 09:34:09

line up along this curb line or this -- whatever 09:34:13

the location was because all of those locations 09:34:15

are specific. 09:34:17

And then it would be a -- you know, please 09:34:18

have your cameras ready, you know, we're going to 09:34:20

bring one family up at a time. While I was 09:34:24

monitoring the line and escorting guests, I would 09:34:27

be giving them a timeframe. So Bert and Ernie 09:34:30

have about 15 minutes left, ten minutes left, and 09:34:33

when you got to five minute mark that's when you 09:34:36

would go and cut the line. 09:34:38

So we would go to the end of the line, I 09:34:39

parade rehearsal, which again falls under training, it's just labeled rehearsal. So our parade procedure changed. 10:53:14 10:53:17 10:53:20

Q Okay. How did the parade procedure change? 10:53:21 10:53:26

A So for the safety of our, you know, ambassadors, you know, we treat the parade as a show. So now our characters, when they perform and when our dancers perform, the parade route is their stage, so that is where they remain. So they will perform down the parade route. Where they need to stop for their location for their show stops -- there's three show stops -- they will perform their choreography and then they go, you know, where they need to be if they remain on that parade route. There is no veering off. 10:53:26 10:53:30 10:53:32 10:53:37 10:53:41 10:53:44 10:53:46 10:53:50 10:53:53 10:53:58 10:53:59

Q Okay. When you say veering off, are you talking about, like, having personal physical interactions with the parade attendees? 10:54:01 10:54:04 10:54:07

A There's no physical contact with parade performers both in and out of costume and guests because the parade is not a meet and greet. 10:54:09 10:54:12 10:54:19

Q Okay. But you would agree that before the Rosita event, characters did engage in physical contact with parade -- parade watchers? 10:54:21 10:54:25 10:54:30

C E R T I F I C A T I O N

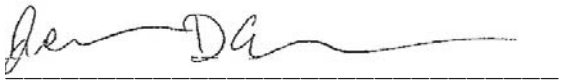
I, JENNIFER D'ANGELO, Registered Professional Reporter, do hereby certify:

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.



DATE: May 25th, 2023

Jennifer D'Angelo, RPR, CCR-NJ

Re: Deposition of **Shavonne Marie Strange**
Date: 5/11/2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.
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Page	Line	Correction/Change and Reason
20	4	Should read "Play Show" not place show.
27	5	Should read "antidiscrimination."
34	11	Production and operations manager (not production operation)
37	33	Dena not Deanna
38	3	Production and operations manager (not production operation)
38	20	Production and operations manager (not production operation)
40	1	Production and operations manager (not production operation)
40	1	Dena not Deanna
41	1	Production and operations manager (not production operation)
43	15	"MAST Charter" not Mass
43	15/16	Arts Academy at Benjamin Rush (1 location, not 2)
45	16-17	Tell me about a time when, Describe a time when (not timeline)
57	1	Dena not Deanna
57	3	Dena not Deanna
57	30	Dena not Deanna
64	22	Dena not Deanna
71	7	"too"-they're not separate. Not sure where the "too" came in.

6/26/2023
(Date)

(Signature)

No. 491431

Re: Deposition of **Shavonne Marie Strange**
Date: 5/11/2023
Case: Burns, et al. -v- Seaworld Parks and Entertainment, Inc., et al.
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ACKNOWLEDGMENT OF DEPONENT

I, Shavonne Marie Strange, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

6/26/2023 _____
(Date) (Signature)

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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC.; AND SEAWORLD PARKS & ENTERTAINMENT LLC,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	
	:	

DECLARATION OF KIMBERLY BROOKS HALL

I, Kimberly Brooks Hall, declare as follows:

1. My name is Kimberly Brooks Hall. I am over the age of eighteen (18) and am competent to make this declaration. If called as a witness, I could and would competently testify to all the facts within my personal knowledge except where stated upon information and belief.

2. I am the director of strategic pricing for SeaWorld's revenue management team. As part of my role, I am knowledgeable about the types of season passes—including their benefits, terms, and conditions—that can be purchased for the SeaWorld family of parks.

3. On March 28, 2021 Plaintiff Katie Valdez purchased a platinum season pass to Sesame Place Philadelphia using SeaWorld's EZPay payment method that allows customers to break their full payment amount into monthly installments. In order to receive that season pass, Ms. Valdez was required to, and did, agree to SeaWorld's EZPay terms and conditions.

4. Attached as **Exhibit 1** hereto and Bates labeled SW0004368-69 is a true and correct copy of Ms. Valdez's EZPay contract for her 2021 platinum season pass to Sesame Place Philadelphia.

5. **Exhibit 1** reflects the terms and conditions of Ms. Valdez's 2021 platinum season pass to Sesame Place Philadelphia. Ms. Valdez's agreement to those terms and conditions is indicated by the designation on the second page of **Exhibit 1** reading "(electronic signature)." This indicates that Ms. Valdez checked the box specifying her agreement to the EZPay terms and conditions. Ms. Valdez testified in her deposition in this case at page 36 that she purchased her 2021 season pass on the Sesame Place website. A customer purchasing an EZPay season pass through the Sesame Place website must check a box signifying agreement to the EZPay terms and conditions before the website will process the transaction and issue the season pass.

6. The EZPay terms and conditions to which Ms. Valdez agreed include a provision that states: "Any and all disputes, claims, and causes of action arising out of or connected with this contract or the use of any park or membership **SHALL BE RESOLVED INDIVIDUALLY, WITHOUT RESORT TO ANY FORM OF CLASS ACTION.**"

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed November 30, 2023 at Orlando, Florida.

Kimberly Brooks Hall

EXHIBIT 1

EZpay Order Terms

Please print for your records.

SEAWORLD PARKS & ENTERTAINMENT

RETAIL INSTALLMENT CONTRACT
EZ Pay Plan with automatic month-to-month renewal
after the Initial Term, unless cancelled by Purchaser (except for Sesame Place only passes)

SeaWorld Parks & Entertainment, Inc.
c/o SeaWorld Contact Center, 6817 Westwood Blvd., Orlando, FL 32821
877-793-7935

Date:	Sunday, March 28, 2021
Purchaser's Name:	Katie Valdez
Purchaser's Address:	2036 Amsterdam Ave
	NEW YORK, NY 10032

PRODUCT DESCRIPTION AND INITIAL TERM:
P1 :SPL 2021 Platinum 6M EZP
SPL 2021 Platinum 6M EZPay Pass

1	169701 SPL 2021 Platinum 6M EZP	USD	42.00(P1)

TOTAL SALES PRICE FOR INITIAL TERM (the total price of your purchase on credit, including your down payment of 44.94):	USD	269.64
DOWN PAYMENT* (Includes flat fee (if applicable), first monthly payment and prorated taxes):	USD	44.94
AMOUNT FINANCED (the amount of credit provided to you or on your behalf for Initial Term after the Down Payment is paid):	USD	224.70
FINANCE CHARGE (the dollar amount the credit will cost you):	USD	0.00
TOTAL MONTHLY PAYMENTS FOR INITIAL TERM (the amount you will have paid when you have made all scheduled payments for Initial Term):	USD	269.64

***NOTE: Also includes service fee on internet and call center purchases which is shown in your Order Summary and Review Order boxes.**

ITEMIZATION OF AMOUNT FINANCED FOR INITIAL TERM

Cash Price:	USD	252.00
Taxes:	USD	17.64
Fees, Interest and Insurance:	USD	0.00
Total:	USD	269.64
Less Down Payment:	USD	-44.94
Amount Financed:	USD	224.70

TOTAL MONTHLY PAYMENT FOR INITIAL TERM

To be billed monthly on your credit card:	USD	44.94
Total Number Of Payments For Initial Term (including down payment):		6

INITIAL TERM:

For new passes, the Initial Term shall begin on the Transaction Date listed in your EZ Pay Retail Installment Contract, on which date the Down Payment is due. The Initial Term shall continue for the number of months listed above (as reflected at "**TOTAL NUMBER OF PAYMENTS FOR INITIAL TERM (including down payment)** ").For existing EZ Pay Passmembers who are upgrading an existing EZ Pay Plan, the Initial Term shall begin on the date of your next monthly payment (as established by your existing EZ Pay Plan payment schedule), on which date the Down Payment is due. The Initial Term shall continue for the number of months listed above (as reflected at "**TOTAL NUMBER OF PAYMENTS FOR INITIAL TERM (including down payment)** "). Your existing EZ Pay Plan will be terminated effective on the Initial Term start date for the new, upgraded EZ Pay Plan. For existing EZ Pay Passmembers who are downgrading an existing EZ Pay Plan, the Initial Term shall begin on the payment date for the month following the expiration of the Initial Term of your existing EZ Pay Plan (as established by your existing EZ Pay Plan payment schedule), on which date the Down Payment is due. The Initial Term shall continue for the number of months listed above (as reflected at "**TOTAL NUMBER OF PAYMENTS FOR INITIAL TERM (including down payment)** "). Your existing EZ Pay Plan will be terminated effective on the Initial Term start date for the new, downgraded EZ Pay Plan.

Terms & Conditions

By accepting these terms and conditions, I agree to pay the down payment (including any applicable taxes) and service fee, and thereafter to pay the remaining number of payments, which will be billed monthly to my credit or debit card or withdrawn from my financial institution. I may prepay my outstanding balance for the Initial Term (as defined above) at any time, but prepayment will not automatically terminate this contract unless I notify SEA of my desire to cancel my EZ Pay membership. **I UNDERSTAND THAT I AM NOT PERMITTED TO CANCEL MY EZ PAY PLAN UNTIL ALL MONTHLY PAYMENTS FOR THE INITIAL TERM HAVE BEEN MADE. IF I FAIL TO PAY ANY MONTHLY PAYMENT, THE ENTIRE REMAINING BALANCE WILL BE DUE AND PAYABLE IMMEDIATELY (acceleration not applicable to Virginia residents) AND MY MEMBERSHIP MAY BE CANCELLED.** If I fail to make a payment for a period of 10 days or more after it is due, in the sole discretion of SeaWorld Parks & Entertainment, Inc. or its applicable subsidiary ("SEA"), I will be charged the costs of collecting my outstanding debt, including reasonable attorneys' fees and court costs. If I fail to make a payment for a period of 10 days or more after it is due, in the sole discretion of SEA, I may be assessed a late fee of up to 5% of each late installment (California residents: 5% late fee is not applicable. California residents may be assessed a late fee of up to $10 if the payment is at least 10 days late or up to $15 if the payment is at least 15 days late and may also be subject to the actual and reasonable costs of collection if they fail to notify SEA of any change of address or to communicate with SEA 45 days after failure to make a payment). **EXCEPT FOR PASSES FOR SESAME PLACE ONLY, WHICH WILL NOT AUTOMATICALLY RENEW, THIS CONTRACT WILL RENEW AUTOMATICALLY ON A MONTH-TO-MONTH BASIS FOLLOWING THE INITIAL TERM UNTIL I TERMINATE IT. I HEREBY AUTHORIZE SEA TO WITHDRAW FUNDS FROM MY FINANCIAL INSTITUTION OR CHARGE MY CREDIT OR DEBIT CARD ON FILE WITH SEA FOR ALL PAYMENTS UNDER THIS CONTRACT DURING THE INITIAL TERM AND FOR ALL PAYMENTS AFTER THE AUTOMATIC RENEWAL OF THIS CONTRACT UNTIL I TERMINATE THIS CONTRACT. THE MONTHLY PAYMENT AMOUNT FOLLOWING THE INITIAL TERM WILL EQUAL 1/12 THE THEN-CURRENT ANNUAL PASS RETAIL RATE PLUS TAX (if SEA's current Annual Pass rates do not change, the monthly payment amount following the Initial Term is reflected above as "RECURRING MONTHLY PAYMENT AFTER INITIAL TERM") . SEA RESERVES THE RIGHT TO CHANGE THE ANNUAL PASS RATE (THEREBY CHANGING YOUR MONTHLY PAYMENT AMOUNT OF 1/12 OF THE SAME, PLUS TAX) AFTER THE EXPIRATION OF THE INITIAL TERM UPON PROVIDING YOU WITH NOT LESS THAN THIRTY (30) DAYS ADVANCE WRITTEN NOTICE OF SUCH CHANGE TO THE ANNUAL PASS RATE. TO TERMINATE THIS CONTRACT EFFECTIVE AFTER THE INITIAL TERM AND TO PREVENT AUTOMATIC MONTH-TO-MONTH RENEWAL OF THIS CONTRACT AFTER THE INITIAL TERM, PLEASE CONTACT SEA C/O SEA WORLD CONTACT CENTER, 6817 WESTWOOD BLVD., ORLANDO, Florida 32821 TEL: 877-793-7935 OR GO TO YOUR ACCOUNT PAGE AT https://seaworld.com/end-ezpay/. I MAY CANCEL MY AUTOMATICALLY RENEWED MEMBERSHIP(S) AT ANY TIME AFTER THE INITIAL TERM HAS EXPIRED (AUTOMATIC RENEWAL NOT APPLICABLE TO EZ PAY PASSES FOR SESAME PLACE USAGE ONLY). IF I PERMIT THIS CONTRACT TO RENEW, IT SHALL RENEW ON A MONTH-TO-MONTH BASIS AND SEA SHALL BE ENTITLED TO CONTINUE FINANCIAL INSTITUTION WITHDRAWALS OR CREDIT OR DEBIT CARD WITHDRAWALS EACH MONTH.** I understand that I am not permitted to contract for additional EZ Pay plans if any balance under this contract is past due, and that any payments made to SEA may be used by SEA as a set-off to settle past due balances under this contract before applying the payments to other sales transactions. In addition, regardless of the number of times a membership is used or not used, there are no refunds of amounts paid on my EZ Pay plan. I represent and warrant that I am at least 18 years of age, and I consent to the use of my personal identification information for my EZ Pay plan. Any and all disputes, claims, and causes of action arising out of or connected with this contract or the use of any park or membership **SHALL BE RESOLVED INDIVIDUALLY, WITHOUT RESORT TO ANY FORM OF CLASS ACTION.** This contract is made in the state in which the park is located and shall be governed exclusively by the substantive laws of such park state without giving effect to any conflict-of-laws rules requiring the application of the substantive law of any other jurisdiction, and, except for California residents, venue shall solely and exclusively be in a federal or state court located in such park state, and both parties hereby submit to the sole and exclusive personal jurisdiction of said courts and irrevocably waive any and all rights to object to such jurisdiction; provided, however, that for multi-state memberships, this contract is made in the state of Florida and shall be governed exclusively by the substantive laws of the state of Florida without giving effect to any conflict-of-laws rules requiring the application of the substantive law of any other jurisdiction. If any provision of this contract is deemed to be invalid or unenforceable by any court of competent jurisdiction, then the balance of this contract shall remain enforceable, and such invalid or unenforceable provision shall be enforced by such court to the maximum possible extent. I understand and agree that any electronic signature shall have the same force and effect as a written signature.

EZ PAY MEMBERSHIP IS NON-TRANSFERABLE, NON-REFUNDABLE, AND MAY BE REVOKED FOR MISUSE.

NOTICE TO BUYER -- DO NOT SIGN THIS CONTRACT BEFORE YOU READ IT OR IF IT CONTAINS ANY BLANK SPACES. YOU ARE ENTITLED TO AN EXACT COPY OF THE CONTRACT YOU SIGN. KEEP IT TO PROTECT YOUR LEGAL RIGHTS.

I ACCEPT THE TERMS OF THIS CONTRACT. I ACKNOWLEDGE RECEIPT OF A COPY OF THIS CONTRACT. I ACKNOWLEDGE THAT I HAVE RECEIVED, READ, AND AGREE TO BE BOUND BY THE EZ PAY ORDER TERMS AND CONDITIONS.

ACCEPTED AND AGREED: SeaWorld Parks & Entertainment, Inc. (electronic signature)

Rev. 3/5/20

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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC. and SEAWORLD PARKS & ENTERTAINMENT LLC,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	

DECLARATION OF PAUL JOSEPH SCHWEIZER

1. My name is Paul Joseph Schweizer. I am over the age of 18.

2. I am the Events and Production Manager in the Entertainment Department at Sesame Place Philadelphia. I have held this position since 2015. My job duties include leading the creative production of Sesame Place's entertainment, including writing, directing, and producing music for the park's attractions.

3. I started working at Sesame Place Philadelphia in the Entertainment Department beginning in May 2006. I worked intermittently at Sesame Place from 2006 until 2015. During this time, I worked as an Entertainer and also held the positions of Stage Manager and Supervisor/Assistant Manager. As an Entertainer, I performed in stage shows, parades, and other park events, both in costume and out of costume. In costume, I performed mostly as Ernie and Grover. As a Stage Manager, I worked in managing the production of Sesame Place's stage shows that often involved costumed character performers. As a Supervisor/Assistant Manager, I oversaw management of the parade, including scheduling of costumed character performers, management of parade float order, and critiquing of performers' work during the parade.

4. During my employment at Sesame Place Philadelphia, I have performed in hundreds of parades, both in costume and out of costume. I have also supervised hundreds of parades in my role as a Supervisor/Assistant Manager.

5. I reviewed the video linked to footnote 2 in the Amended Class Action Complaint in this case. The video depicts a costumed character performer in an Ernie costume during a regular parade. During a regular parade (not a "mini parade") we had "show stops." At show stops during a parade, there is specific choreography that each costumed character must perform in time with the music and hit certain marks. At the show stops, the costumed characters are supposed to be in a particular spot – for example, holding up "letters" during a song about the alphabet. At certain points during the show stops, characters had a number of seconds to provide

bonus interactions with guests along the parade route. Costumed characters could physically interact with a guest, such as by giving a "high five," "low five," or a hug, or give attention by blowing a kiss or waving to guests. But then the parade has to continue to move, and the costumed character and other performers must move with it. Costumed character performers do not have the ability to remain in one area to interact with all guests.

6. I have performed in the Ernie costume many times and know from personal experience that the performer [redacted] and has a narrow field of vision. The performer inside the Ernie costume can only [redacted] and they have little peripheral vision. At the beginning of the video in footnote 2, [redacted] the costumed character performer could not have seen the little girl with the pigtails wearing a white shirt.

7. At the 0:12 mark of the video in footnote 2, Ernie begins to cross the street in line with the choreography mapped to that point in the parade. During the parade, costumed character performers are required to listen for specific musical cues and perform choreography accordingly. At this point, the costumed character performer was required to cross the street to the other side of the parade route; they could not perform any more interactions with guests on the side of the parade route where they were located at the beginning of the video.

8. I have reviewed the video linked to footnote 8 in the Amended Class Action Complaint in this case. This video depicts a costumed character performer in a Cookie Monster costume during a regular parade. In this video, Cookie Monster walks over to a large group of park guests watching the parade. The performer interacts with a large group of guests reaching out for an interaction by tapping their outstretched hands, like a moving high five, including the hand of a little girl in a pink swimsuit.

9. At the end of the video linked to footnote 8, you can see the Cookie Monster performer leaning down to a small child in a white bucket hat who had walked past the yellow line safety line and into the street where the parade is taking place. While leaning down with this child, the performer is gesturing them back behind the yellow safety line. The yellow line is there for the guests' safety and prevents them from getting too close to the parade floats and performers. From my experience as a costumed character performer as well as a supervisor during the parade, I know that costumed character performers are trained to motion guests back in this fashion when they cross the yellow safety line. When a guest runs into the middle of the street like the child in the white bucket hat did in this video, costumed character performers are trained to attempt to get the guest back to safety behind the yellow safety line.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December ____, 2023 at Langhorne, Pennsylvania.

Paul J. Schweizer 12/14/2023

Paul Joseph Schweizer

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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC. and SEAWORLD PARKS & ENTERTAINMENT LLC,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	

DECLARATION OF DOMINICK JENKINS

1. My name is Dominick Jenkins. I am over the age of 18.

2. I am from Philadelphia, Pennsylvania. I graduated from Lankenau High School in 2020.

3. I started working at Sesame Place Philadelphia beginning in February 2022. I was employed in the Entertainment Department. I was first hired as an Entertainer III. I stopped working at Sesame Place in November 2022.

4. I am a Black male. I understand that in this case I have been accused of intentionally ignoring a child (and not interacting with them) during a parade because they are Hispanic and Black. This is false. I have never avoided interacting with a child because they were Hispanic and/or Black, or a different race than me. I am not a racist person. I did not, and would not, intentionally skip a child due to their race. I have never been disciplined, suspended, or terminated from any job based on allegations of racist comments or conduct, nor have I been accused of racism in any other setting outside of this case.

5. I reviewed the video linked to [redacted] in the Amended Class Action Complaint in this case. I am the person in the [redacted] costume in this video and I am performing during a mini parade. I recognize myself as [redacted] based on the mannerisms I used when portraying this character.

6. I do not have a specific recollection of that moment in the parade that is captured on the video clip. But I do know that I did not avoid interacting with the little girl with braids wearing a black hooded sweatshirt because of her race. In the video linked in [redacted] you can see that I came over to the side of the street and performed some choreography and interacted with a few children who were close to the yellow safety line, including a child in a stroller. By the time the girl with the braids and black hooded sweatshirt waved at me in the video, [redacted] mouth (where the performer in the [redacted] costume sees out of) is completely turned away from this girl.

Based on the direction [redacted] mouth is pointing, I would not have been able to see the girl waving at me as I continued to move with the flow of the mini parade. While I cannot tell the race of the child in the stroller to whom I gave a high five in the video linked to [redacted] to me her skin color looks the same as or similar to that of the girl with the braids and the black hooded sweatshirt.

7. Due to the limited line of sight in the [redacted] costume, the hot and loud environment of the parade, and the fact that mini parades require near-constant movement, it can be difficult to tell in a split-second what kind of interaction a child wants based on that child's expression or body language (i.e., a high-five, a hug, a low-five, a wave, etc.), but I did the best that I could. If the girl with the braids and black hooded sweatshirt wanted an interaction, my failure to provide her with an interaction was based on those factors, and not based on her race.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 14, 2023.

DocuSigned by:
BAAA1A7DA44F4A0...

Dominick Jenkins

Transcript of Sara Tsivikis

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

Planet Depos
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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA DIVISION

QUINTON BURNS, et al.,	:	
Plaintiffs,	:	
vs.	:	Case No. 2:22-cv-02941
SEAWORLD PARKS & ENTERTAINMENT, INC., et al.,	:	
Defendant.	:	
----------	:	

DEPOSITION OF SARA TSIVIKIS

taken at

SALTZ, MONGELUZZI & BENDESKY, P.C.

One Liberty Place

1650 Market Street, 51st Floor

Philadelphia, Pennsylvania 19103

July 14, 2023

9:40 a.m.

REPORTED BY:
JENNIFER D'ANGELO, RPR, CCR-NJ

APPEARANCES:

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ALSO PRESENT: Laurie Beechner, Esquire

I N D E X

WITNESS PAGE
SARA TSIVIKIS
BY: Mr. Richardson 4

- - -

E X H I B I T S

(None offered.)

NUMBER DESCRIPTION PAGE

THE REPORTER: Could you raise your right hand, please?

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes.

SARA TSIVIKIS, having been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. RICHARDSON:

Q Good morning.

A Good morning.

Q And I'm going to try again. Ms. Tsivikis?

A Perfect.

Q Or close enough anyway. I apologize for the mispronunciation.

So my name is Ron Richardson and I'm one of the attorneys that represents the plaintiff in this Sesame Place case. You understand that you're here in connection with that case?

A Yes.

Q Okay. So have you ever been deposed before?

A I have not.

Q There are some ground rules that go for

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

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

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?

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?

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.

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

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.

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

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

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

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.

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?

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

A Our staffing numbers we were shooting to recruit anywhere between 1,500 to about 1,800, 1,900 employees per year with turnover.

Q Sure.

A You could hire probably around 2,500 per year cycling them out.

Q And were the vast majority of those part-time?

A Yeah, I would say majority were that frontline part-time workers that would -- their hours would be reduced or they'd be deactivated in the shorter season when we had very limited operating hours.

Q And what percentage of the workforce for you at Sesame Place were teenagers?

A I don't know that percentage off the top of my head.

Q Okay. Was it more than 50 percent?

A I would say more than 50 percent would have been between that 15 to 22, 23. It's almost that high school, college range is really the majority of the staff.

Q Okay. So between the ages of 15 and 23?

A I think that would be a fair estimate.

Q They would be more than 50 percent of the

workforce?
A I can't say that for a fact.
Q Okay.
A That's my educated guess.
Q Okay. Fair enough.
Did Sesame Place ever hire any of its -- I'm going to call them teenagers but we're really talking between 15 and 23, but any of those from the Pennsbury High School?
A Yes.
Q From the Truman High School?
A Yes.
Q From the Bristol Junior High School?
A I'm aware of Bristol, but not junior high school specifically.
Q From the Bristol --
A Bristol area, yes.
Q Okay. From the Performing Arts, CAPA?
A I'm not sure which schools that are --
Q Okay. Fair enough. How about Conwell Egan?
A Doesn't sound familiar.
Q Archbishop Ryan?
A Doesn't sound familiar.
Q Bucks Academy?

A Not sure.
Q Benjamin Rush?
A Not sure.
Q Neshaminy?
A Yes.
Q Bensalem?
A Yes.
Q Council Rock? I think we talked about that?
A Yes.
Q Herbert Hoover Elementary?
A It sounds familiar.
Q Tohickon Middle School?
A That doesn't sound familiar.
Q The George School?
A I'm not sure.
Q Okay. Central Bucks County?
A Yes.
Q Did the human resources department have anything to do with supervision?
MR. SIMPSON: Object to the form.
Q Of employees.
A We had employees in our department that we supervised directly.
Q Okay. But those would be limited to those

C E R T I F I C A T I O N

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

Transcript of Kaylah Connelly

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

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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUINTON BURNS,	:	
Plaintiff,	:	
v.	:	Case No.:
SEAWORLD PARKS & ENTERTAINMENT INC., doing business as SESAME PLACE PHILADELPHIA; SEAWORLD PARKS & ENTERTAINMENT, LLC., doing business as SESAME PLACE PHILADELPHIA and JOHN DOES 1, 2, 3 and 4,	:	2:22-CV-02941
Defendants.	:	

Videotaped Deposition of KAYLAH CONNELLY

Virtually Conducted

Monday, September 11th, 2023

9:13 a.m. (EST)

Job No.: 506821

Pages 1 - 130

Reported by: Stefanie Towns, CCR

Deposition of KAYLAH CONNELLY, Conducted Virtually:

Pursuant to agreement, before Stefanie Towns, Notary Public in and for the District of Columbia.

A P P E A R A N C E S

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C O N T E N T S

EXAMINATION OF KAYLAH CONNELLY PAGE

By Mr. Richardson 6, 118

By Ms. Pardo 73

E X H I B I T S

PAGE

THE VIDEOGRAPHER: Here begins Media No. 1 in the videotaped deposition of Kaylah Connelly, in the matter of Burnes, et al versus SeaWorld Parks and Entertainment, Inc. et al. in the United States District Court for the Eastern District of Pennsylvania, Philadelphia division. Case No. 2:22-cv-02941. 09:13:01 09:13:03 09:13:05 09:13:09 09:13:13 09:13:15 09:13:17

Today's date is September 11th, 2023. The time on the video monitor is 9:13. 09:13:26 09:13:29

The remote videographer today is Richard Kurwitz, representing Planet Depos. All parties of this video deposition are attending remotely. 09:13:31 09:13:36 09:13:39 09:13:41

Would counsel please voice identify themselves and state whom they represent. 09:13:43 09:13:44

MR. RICHARDSON: Good morning. My name is Ronald Richardson, and I am the attorney representing the plaintiffs who filed a class action lawsuit. 09:13:47 09:13:48 09:13:52 09:13:55

MS. PARDO: Michelle Pardo, Duane Morris representing the defendants. 09:13:55 09:13:57

MR. SIMPSON: John Simpson, Duane Morris, representing defendants. 09:14:04 09:14:04

MS. BAZAN: Rebecca Bazan from Duane 09:14:07

discuss the question and answer that took place. Again, it has nothing to do with what you are about to say, okay? 09:18:35 09:18:38 09:18:42

A. Okay. 09:18:44

Q. Did you speak with anybody to prepare for today's deposition? 09:18:54 09:18:57

A. No. 09:18:59

Q. Okay. Ms. Connelly, what is your date of birth? 09:19:00 09:19:07

A. [redacted], 2002. 09:19:09

Q. Did there ever come a point in time when you worked at the Sesame Place Philadelphia amusement park? 09:19:22 09:19:25 09:19:26

A. Yes. 09:19:29

Q. When did you first start working there? 09:19:30

A. 2017. 09:19:36

Q. Okay. And how old were you at the time that you first started working at the Sesame Place Philadelphia amusement park? 09:19:37 09:19:40 09:19:43

A. I was 15 or 16. 09:19:46

Q. Were you attending high school at the time? 09:19:55

A. Yes. 09:19:57

Q. And what high school were you attending? 09:19:58

A. Arts Academy at Benjamin Rush. 09:20:01

Q. Where is that high school located? 09:20:16

A. In Philadelphia. Do you want the full address? I don't -- 09:20:20 09:20:22

Q. No. No. No. That's okay. It's in Philadelphia? 09:20:24 09:20:26

A. Yes. 09:20:27

Q. Okay. Have you ever had an opportunity to visit the Sesame Place Philadelphia amusement park prior to working there? 09:20:28 09:20:36 09:20:39

A. No. 09:20:42

Q. Okay. And during what years did you work at Sesame Place Philadelphia? 09:20:43 09:20:49

A. 2017 through 2020. 09:20:53

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? 09:21:00 09:21:02 09:21:05 09:21:07

A. Yes. Yes. Because when I first start -- wait do you want me to explain? 09:21:17 09:21:19

Q. Go ahead. 09:21:22

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 09:21:22 09:21:24 09:21:31 09:21:34 09:21:36 09:21:40

beginning of March, and then would start around the time of my birthday. 09:21:44 09:21:46

Q. I see. 09:21:48

A. But after Covid, they stayed open year long. Like year round. 09:21:52 09:21:56

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. 09:21:57 09:22:00 09:22:03 09:22:10 09:22:11 09:22:14

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. 09:22:16 09:22:19 09:22:24 09:22:29 09:22:38 09:22:41 09:22:45

Q. Okay. What about 2020? 09:22:49

A. 2020 I worked -- I worked up until August until I left for school. 09:22:53 09:23:01

Q. So when did you start in 2020? 09:23:05

A. I started in January. 09:23:06

Q. January of 2020? 09:23:08

A. Or it ran -- it ran through. Like it just 09:23:10

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. 09:23:12 09:23:16 09:23:19 09:23:22 09:23:26

Q. Got you. What about 2021? 09:23:32

A. I didn't work there in 2021. 09:23:36

Q. Okay. And was the last time you worked at Sesame Place Philadelphia August of 2020? 09:23:38 09:23:52

A. Yes. 09:23:56

Q. Okay. When you first came on board in 2017, what was your job position? 09:23:56 09:24:00

A. Entertainer 1. 09:24:03

Q. And as an entertainer 1 what were -- what were you allowed to do? 09:24:18 09:24:21

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. 09:24:24 09:24:27 09:24:31 09:24:35 09:24:38 09:24:42

Q. Did there come a point in time when your job title had changed from an entertainer 1? 09:24:50 09:24:53

A. Yes. 09:24:57

Q. And what was the next position that you held? 09:24:57

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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09:42:38

canceled his entire shift, made it seem like he was okay, he was cool. No, they sent him home and they fired him so -- 09:42:40 09:42:44 09:42:48

Q. Okay. Let me just take these one at a time, Ms. Connelly. 09:42:51 09:42:54

A. Mm-hmm. 09:42:56

Q. First of all, you said that you felt isolated as a new employee and that -- 09:42:57 09:43:00

A. Yes. 09:43:02

Q. -- the race was divided. 09:43:02

A. Yes. 09:43:04

Q. Can you be specific about that? 09:43:04

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, 09:43:06 09:43:09 09:43:13 09:43:17 09:43:17 09:43:17 09:43:20 09:43:23 09:43:26 09:43:28 09:43:30 09:43:34 09:43:37

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. 09:43:39 09:43:42 09:43:45 09:43:47 09:43:49 09:43:53 09:43:56 09:44:00

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? 09:44:02 09:44:04 09:44:08 09:44:10

MS. PARDO: Objection to the form. Leading. 09:44:11 09:44:11

Q. You can answer. 09:44:13

A. No, I believe it went based on position. 09:44:14

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? 09:44:18 09:44:22 09:44:25 09:44:27

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 09:44:29 09:44:31 09:44:34 09:44:38 09:44:43

then the white people would just be with -- 09:44:46
be with their friends. Basically it was just 09:44:52
divided. But one of my friends, he would 09:44:55
be -- he was kind of like in the middle. So 09:44:57
he would hang with some of the white people, 09:45:00
hang with some of the black people. But he 09:45:02
would only hang with the white people 09:45:05
because, I don't know, he just -- he wanted 09:45:08
people to like, like him in a way. I don't 09:45:10
know. I don't know. I guess he just wanted 09:45:13
the supervisors to like him because he was a 09:45:17
supervisor, but he was also treated unfairly, 09:45:20
so it was just a lot. 09:45:22
Q. Who are we talking about? 09:45:25
A. James Legette. 09:45:28
Q. Mr. Legette -- Mr. Legette testified in his 09:45:31
deposition that he was terminated from 09:45:36
employment at Sesame Place Philadelphia, is 09:45:38
that your understanding? 09:45:43
A. Yes. 09:45:44
Q. And Mr. Legette testified in his deposition 09:45:44
that he believes that his termination was 09:45:47
based in part because of the color of his 09:45:50
skin. Do you agree with that? 09:45:52
MS. PARDO: Objection -- 09:45:53

A. Yes. 09:45:53

MS. PARDO: -- to the form. 09:45:53

A. Yes. 09:45:55

Q. And why do you believe that? 09:45:57

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. 09:46:02 09:46:04 09:46:07 09:46:12 09:46:14 09:46:17 09:46:20 09:46:23 09:46:25 09:46:28 09:46:31 09:46:33 09:46:37 09:46:40 09:46:42 09:46:44 09:46:47 09:46:50 09:46:53 09:46:57 09:47:00

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. 09:47:02 09:47:05 09:47:07 09:47:13 09:47:15 09:47:22 09:47:23 09:47:25 09:47:28 09:47:30 09:47:34 09:47:38

Q. Did you ever have any conversations with Mr. Legette about his termination? 09:47:40 09:47:42

A. Yes, we all talked about it after he got fired. 09:47:47 09:47:51

Q. And what was that? 09:47:51

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 09:47:52 09:47:57 09:47:59 09:48:01 09:48:05 09:48:08 09:48:11 09:48:13

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. 09:48:19 09:48:22 09:48:25 09:48:29

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? 09:48:44 09:48:47 09:48:48 09:48:55

A. No. 09:48:57

Q. Okay. You also testified earlier that blacks were stuck in the back. What do you mean by that? 09:48:57 09:49:04 09:49:06

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. 09:49:07 09:49:10 09:49:13 09:49:16 09:49:25 09:49:27 09:49:28 09:49:31 09:49:33 09:49:35

Q. Okay. And who made the decision to position employees in the parade? 09:49:38 09:49:42

A. Whoever the superior supervisor is that day. 09:49:45

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? 09:49:50 09:49:53 09:49:55 09:49:58

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 -- 09:50:01 09:50:03 09:50:08 09:50:11 09:50:14 09:50:18 09:50:21 09:50:22

Q. Do you remember the name of that one black supervisor? 09:50:24 09:50:26

A. Yeah, it was Tyra Roberts. 09:50:27

Q. I believe you also testified earlier that blacks were not allowed to be in the parade? 09:50:34 09:50:38

MS. PARDO: Objection to the form. 09:50:41

Q. Or something to that effect. Can you clarify what -- 09:50:43 09:50:46

A. No. 09:50:47

Q. Okay. 09:50:47

A. I never said blacks weren't allowed to be in a parade. 09:50:47 09:50:49

Q. Okay. So what was it that you said? I may 09:50:50

have taken the notes down incorrectly. 09:50:52
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. 09:50:55 09:50:59 09:51:02 09:51:05 09:51:07 09:51:10 09:51:12 09:51:14 09:51:16
Q. I see. You remember the name of the black employee who got fired for having an empty alcohol bottle? 09:51:17 09:51:25 09:51:30
A. Yes, his name was Jason Kolk. 09:51:31
Q. How do you say his last name? 09:51:34
A. Kolk. K-O-L-K. 09:51:35
Q. Okay. Thank you. Are you still in touch with Mr. Kolk? 09:51:37 09:51:53
A. Yes, we're still friends. 09:51:55
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? 09:51:59 09:52:00 09:52:03 09:52:05
A. Yes. 09:52:08
MS. PARDO: Objection to the form. 09:52:08

A. Yes. In the same -- I'm sorry. 09:52:09
Q. I was just going to ask you what was the 09:52:14
nature of the conversation? 09:52:16
A. Okay. He was so sad, one. He was sad in the 09:52:17
beginning. And then afterwards he tried to 09:52:21
come back to Sesame Place and work after 09:52:23
because Sesame tells you if you get fired, 09:52:27
they give you like a six month period on 09:52:29
like -- I guess, you have like a six month 09:52:32
probation. So he tried to come back after 09:52:35
his six months and they still did not hire 09:52:38
him. And it's like he's been there -- he's, 09:52:40
obviously, knows he's been in costume. He 09:52:43
knows how to work there. Like he knows how 09:52:46
to work. And he knows almost all of 09:52:48
leadership, and they still did not hire him 09:52:51
so that's when he really felt like it was 09:52:53
based on his race because they fired multiple 09:52:56
white people. What is it? Mexican people. 09:53:00
Like they -- like Puerto Rican people, like 09:53:05
they fired many people. But it wasn't in 09:53:08
their entertainment department. But, yes, 09:53:10
someone was -- it was a white person fired in 09:53:12
the entertainment department. I don't know 09:53:14
their name. I know it happened like before I 09:53:16

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. 09:53:19 09:53:22 09:53:25 09:53:28 09:53:31 09:53:35 09:53:38 09:53:41 09:53:44 09:53:47 09:53:51 09:53:54 09:53:57 09:54:02

Q. And what is this woman's name? 09:54:03

A. Her name is Taylor. Taylor Marie. 09:54:05

Q. Can you spell the best you can her first name? 09:54:11 09:54:11

A. Taylor, T-A -- T-A-Y-L-O-R.R. 09:54:13

Q. Okay. And how do you spell her last name? 09:54:17

A. Marie. M-A-R-I-E. 09:54:19

Q. And what was the name of the gentleman who was terminated by Ms. Marie about a year later for smelling like weed? 09:54:25 09:54:32 09:54:35

A. His name was Hyniece Law. 09:54:38

Q. And I apologize, I'll need you to spell his first name, too. 09:54:41 09:54:41

A. Hy, H-Y, N-I-E-C-E. And then Law, like the regular law. 09:54:43 09:54:53

Q. Okay. Thank you. Have you ever held any conversations with Mr. Law about his termination? 09:54:57 09:55:08 09:55:10

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. 09:55:11 09:55:15 09:55:17 09:55:19 09:55:23

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? 09:55:29 09:55:31 09:55:34 09:55:36 09:55:38

A. Yes. 09:55:39

MS. PARDO: Objection to form. 09:55:40

A. Yes. 09:55:41

Q. You can answer. And what did Mr. Law tell you? 09:55:41 09:55:45

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 09:55:47 09:55:50 09:55:54

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. 09:55:57 09:56:01 09:56:04 09:56:04 09:56:09 09:56:13 09:56:17 09:56:21 09:56:24

Q. To your knowledge has Ms. Marie targeted any other black employees of Sesame Place Philadelphia for termination? 09:56:26 09:56:30 09:56:32

MS. PARDO: Objection to the form. 09:56:34

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. 09:56:35 09:56:39 09:56:42 09:56:44 09:56:47 09:56:50 09:56:52 09:56:55 09:56:58 09:57:00 09:57:03 09:57:06

Q. Yes. What was CJ's last name? 09:57:08
A. Mitchell. M-I -- M-I-T-C-H-E-L-L. Two L's. 09:57:11
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? 09:57:23 09:57:35 09:57:39 09:57:48 09:57:51
MS. PARDO: Objection -- 09:57:52
A. We were -- 09:57:53
MS. PARDO: -- to form. 09:57:53
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. 09:57:55 09:57:56 09:58:01 09:58:04 09:58:07 09:58:10 09:58:12 09:58:16 09:58:19 09:58:22
Q. And when you say Ms. Marie was not much liked, by whom? 09:58:28 09:58:31
A. By the entertainment. Like the entertainment of department. 09:58:33 09:58:40
Q. Okay. 09:58:42

A. But by the black -- like the black people that were in the entertainment department. 09:58:42 09:58:44

Q. Okay. Did you ever have any situations with Ms. Marie that you can tell us about today? 09:58:48 09:58:57

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. 09:59:03 09:59:04 09:59:07 09:59:10 09:59:12

Q. As an employee of Sesame Place Philadelphia, were you ever required to clean up? 09:59:31 09:59:34

A. Yes. 09:59:37

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? 09:59:39 09:59:41 09:59:43 09:59:46 09:59:49 09:59:51 09:59:53

MS. PARDO: Objection to the form. Leading. 09:59:56 09:59:56

Q. You can answer. 10:00:01

A. No, I can't really remember. 10:00:05

Q. Okay. Were you told to clean up? 10:00:07

A. Yes. 10:00:15

Q. And what was that involving? What type of clean up did you have to do? 10:00:17 10:00:21

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. 10:00:23 10:00:26 10:00:31 10:00:33 10:00:35 10:00:37 10:00:41 10:00:48 10:00:50 10:00:54 10:00:56

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? 10:00:59 10:01:02 10:01:05 10:01:07

A. No, everyone cleaned up. 10:01:08

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? 10:01:10 10:01:14 10:01:17 10:01:20

A. No. 10:01:24

Q. Okay. Are there any costumes that you would classify as being distasteful? 10:01:25 10:01:34

A. Yes. 10:01:38
Q. Which costumes would they be? 10:01:40
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. 10:01:43 10:01:48 10:01:50 10:01:53 10:01:57 10:01:59 10:02:03 10:02:06 10:02:08 10:02:12 10:02:15 10:02:17 10:02:19 10:02:20 10:02:23
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? 10:02:26 10:02:30 10:02:34
MS. PARDO: Objection to the form. Leading. 10:02:36 10:02:37
A. No, I believe that it was based on availability. Because around Halloween time a lot of people be at school or sometimes 10:02:40 10:02:42 10:02:45

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. 10:02:48 10:02:50 10:02:53 10:02:56 10:02:59 10:03:02

Q. Fair enough. Do you believe that the minority employees at Sesame Place Philadelphia were made to wear the most uncomfortable costumes? 10:03:03 10:03:05 10:03:13 10:03:15

MS. PARDO: Objection to the form. Leading. 10:03:16 10:03:17

Q. You can answer. 10:03:19

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 10:03:23 10:03:26 10:03:29 10:03:34 10:03:36 10:03:39 10:03:42 10:03:44 10:03:47 10:03:50 10:03:54 10:03:56

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. 10:03:59 10:04:01 10:04:04 10:04:06 10:04:11 10:04:13 10:04:14 10:04:18 10:04:20

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? 10:04:30 10:04:37 10:04:40 10:04:42

MS. PARDO: Objection to the form. 10:04:44

A. Yes, in parade. 10:04:47

Q. Is that what you were talking about when you were referencing the parade earlier? 10:04:49 10:04:52

A. Yeah. It's like you're the last person to be seen. 10:04:54 10:04:59

Q. The -- who was responsible for making the decision as to what costumes an employee was to wear on a particular occasion? 10:04:59 10:05:27 10:05:30

A. The scheduling manager, Julia Hall. 10:05:32

Q. I'm sorry say that again? 10:05:36

A. The scheduling manager. When I first came, 10:05:37

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. 10:05:39 10:05:45 10:05:49 10:05:51

Q. Do you know a person by the name of Diane Benedict? 10:05:57 10:05:59

A. Yes. 10:06:01

Q. And who do you remember her to be? 10:06:03

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. 10:06:05 10:06:09 10:06:12 10:06:14 10:06:16 10:06:18 10:06:22 10:06:25 10:06:27

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? 10:06:30 10:06:33 10:06:36 10:06:39 10:06:42 10:06:44

A. Yes, they were both white. And I actually -- the first person when I was an E -- when I 10:06:48 10:06:49

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. 10:06:51 10:06:54 10:06:57 10:06:59 10:07:04

Q. I see. 10:07:06

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. 10:07:08 10:07:11 10:07:14 10:07:16 10:07:20

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? 10:07:22 10:07:24 10:07:27 10:07:30 10:07:34

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 10:07:41 10:07:44 10:07:49 10:07:52 10:07:53 10:08:00 10:08:09 10:08:09 10:08:18

parade. Why can't I remember a guy name? I forgot his name. I'm sorry. 10:08:26 10:08:33

Q. Other than Ms. -- 10:08:35

A. But he had just became a supervisor. I can't remember his name. 10:08:36 10:08:40

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? 10:08:41 10:08:45 10:08:47 10:08:50 10:08:53

A. Everybody else was white. Tyra was the only black supervisor. 10:08:54 10:08:57

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? 10:09:03 10:09:05 10:09:09 10:09:15 10:09:18 10:09:21

A. No. 10:09:27

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? 10:09:29 10:09:33 10:09:37 10:09:39

MS. PARDO: Objection to the form. 10:09:42

A. No. 10:09:43

Q. Ms. Connelly, do you believe that white employees at Sesame Place Philadelphia's entertainment department were preferred over black employees? 10:09:55 10:09:57 10:09:59 10:10:03

MS. PARDO: Objection to the form. 10:10:03

Q. You can answer. 10:10:05

A. Yes. 10:10:08

Q. And why do you say that? 10:10:09

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. 10:10:11 10:10:13 10:10:18 10:10:23 10:10:25 10:10:28 10:10:31 10:10:34 10:10:36 10:10:41 10:10:45 10:10:48 10:10:51 10:10:54 10:10:58 10:11:00 10:11:03

Q. And was it that way throughout your time working at Sesame Place Philadelphia? 10:11:06 10:11:09

A. I'm sorry, can you repeat the question? 10:11:11

Q. Yes. Was it like that, the place being divided throughout your entire time working at Sesame Place Philadelphia? 10:11:13 10:11:15 10:11:18

A. Yes. 10:11:20

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? 10:11:40 10:11:43 10:11:45 10:11:49 10:11:56

A. A white supervisor? 10:11:57

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? 10:11:59 10:12:05 10:12:07 10:12:09 10:12:13 10:12:17

MS. PARDO: Objection to the form. 10:12:18

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 10:12:19 10:12:21 10:12:24 10:12:27 10:12:30

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. 10:12:33 10:12:35 10:12:37 10:12:40 10:12:41

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? 10:12:44 10:12:48 10:12:50 10:12:52

A. Yes. 10:12:54

Q. And this particular individual also referred to blacks as, you people? 10:12:56 10:12:59

MS. PARDO: Objection to the form. 10:13:00

A. Yes. 10:13:01

Q. And do you also recall that this particular employee would mock black employees for messing up? 10:13:04 10:13:06 10:13:10

MS. PARDO: Objection to -- 10:13:10

A. No. 10:13:10

MS. PARDO: -- the form. Leading. 10:13:10

A. No. 10:13:13

Q. Okay. And how was it that you heard about this individual? 10:13:15 10:13:20

A. I heard about it through my friends. Because all of my friends, they were entertainer 3 10:13:21 10:13:24

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. 10:13:27 10:13:29 10:13:32 10:13:35 10:13:38 10:13:40 10:13:42 10:13:45

Q. And if you would be so kind to tell me the name of your friends who informed you about this individual? 10:13:48 10:13:51 10:13:53

A. It was James. James Legette told me. Tiara Floyd. Tiara Lloyd. It was Tiara -- Ahmad. Ahmad Wells. 10:13:55 10:14:02 10:14:09

Q. I'm sorry, spell that person's name? 10:14:13

A. Ahmad? 10:14:15

Q. Yeah. 10:14:16

A. A-H-M-A-D. 10:14:17

Q. A-H -- 10:14:23

A. A-H-M-A-D. 10:14:24

Q. Okay. And what's the last name? 10:14:27

A. Wells. W-E-L-L-S. 10:14:30

Q. Okay. Anybody else? 10:14:32

A. Tiara -- not Tiara. Te'a. I don't remember her last name. But it's Te'a. T-E 10:14:34 10:14:41

apostrophe A. 10:14:42
Q. Okay. Anybody else? 10:14:47
A. Yeah, we had like an entire group chat. 10:14:51
Kaitlyn. I don't remember her last name 10:14:53
either. But Kaitlyn was white. Kaitlyn was 10:15:00
-- 10:15:02
Q. Okay. 10:15:03
A. -- white. Yeah, Kaitlyn was white. I don't 10:15:04
remember her last name, though. Do you want 10:15:07
me to spell her name, though? 10:15:10
Q. Please. 10:15:11
A. K-A-I-T-L-Y-N. 10:15:12
Q. Anybody else? 10:15:20
A. No. 10:15:24
Q. Did Ms. Roberts ever tell you about this 10:15:28
individual? 10:15:30
A. Yes. And I'm sorry, it was somebody else. 10:15:32
Jada. I don't remember her last name, 10:15:36
though. But it's Jada, J-A-D-A. 10:15:39
Q. And did you say Ms. Roberts also knew about 10:15:43
this individual? 10:15:46
A. Yes. 10:15:47
Q. And you had mentioned that there's such a 10:15:53
thing called a group chat? 10:15:55
A. Yeah. 10:15:57

Q. Can you explain what that is as it relates to Sesame Place Philadelphia? 10:15:59 10:16:03

A. It's a group chat where most of the black people. The only white person that's in the group chat is Kaitlyn. 10:16:04 10:16:07 10:16:12

Q. And when did you become a part of the group chat? 10:16:18 10:16:22

A. I became a part of the group chat when I became E 3, like when I met everybody. 10:16:23 10:16:25

Q. Okay. And can you, once again, tell me what year it was that you became E 3? 10:16:29 10:16:33

A. I became E 3 in, I think, it was -- it was 2018. 10:16:37 10:16:43

Q. Okay. 10:16:45

A. I believe it was 2018. 10:16:45

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? 10:16:54 10:16:59 10:17:01 10:17:07 10:17:10

MS. PARDO: Objection to the form. 10:17:13

A. Yes. 10:17:14

Q. Do you know whether or not the individual that your friends were telling you about who mistreated black employees, whether or not he 10:17:53 10:17:54 10:18:00

was ever terminated? 10:18:01
A. I'm sorry. Could you repeat that? 10:18:06
Q. Yes. Do you know whether or not the 10:18:08
individual who was treating blacks improperly 10:18:09
that you were made aware of by your friends, 10:18:16
do you know whether or not that individual 10:18:18
was ever terminated? 10:18:20
A. Yes, I believe they were fired. I'm not 10:18:21
sure -- I'm not sure on the entire detail of 10:18:23
the -- like them being terminated, because 10:18:27
the Sesame has a record of saying that people 10:18:30
have been fired and they really weren't so, 10:18:32
yeah. 10:18:35
Q. What do mean by that statement? 10:18:38
A. The famous video that came out about Sesame 10:18:41
Place. The character, whoever was in Rosita, 10:18:45
they skipped the black person, a black kid. 10:18:48
They put out a statement probably a couple of 10:18:52
days later stating that the char -- the 10:18:55
person who was in the character was fired, 10:18:57
and that person was not fired. That was a 10:19:00
false statement. And that person was 10:19:03
actually out on the street after that so, 10:19:06
yeah. 10:19:10
Q. So when you say out on the street, what -- 10:19:13

what are you talking about? 10:19:15
A. Like they were out, like outside the costume. 10:19:16
Because they know that people couldn't see 10:19:19
the person in the costume, so they started to 10:19:21
give that person outside of costume shifts. 10:19:24
Q. I see. And how do you know that? 10:19:28
A. My cousin told me. 10:19:48
Q. All right. And you mentioned that Sesame 10:19:49
Place put out a statement, could you be more 10:19:52
specific as to what was the form of the 10:19:55
statement? 10:19:57
A. The form of -- the form of the statement 10:19:58
basically said that they support the black 10:20:01
community, and they wanted to let the family 10:20:03
know that was skipped, that the person who 10:20:06
was inside of the costume was -- was no 10:20:10
longer an employee at Sesame Place. 10:20:14
Q. Do you know whether or not that statement was 10:20:18
in writing? 10:20:19
A. Yeah, they posted it on their Instagram page. 10:20:21
Q. It was posted on which internet page? 10:20:26
A. The Sesame Place Instagram page. I'm not 10:20:29
sure if it's still up but they definitely 10:20:33
posted it. That's how I knew about it. 10:20:35
Q. Are there any other instances under which you 10:20:39

can recall Sesame Place Philadelphia putting out a statement that a particular employee was fired when, in fact, the employee was not fired? 10:21:00 10:21:03 10:21:04 10:21:08

A. No, this is the only instinct -- instance. 10:21:09

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? 10:21:32 10:21:34 10:21:37 10:21:40 10:21:46 10:21:48 10:21:50 10:21:52

A. No. 10:21:53

MS. PARDO: Objection to form. 10:21:54

A. No, it's like they try to cover everything with a smile. 10:21:55 10:21:57

Q. And when you say they try to cover, who was -- who was the they that you're referring to? 10:22:00 10:22:02 10:22:04

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. 10:22:04 10:22:06 10:22:12 10:22:15 10:22:19

Q. And when you say very toxic department, can you be -- can you tell us why you say that? 10:22:22 10:22:25

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. 10:22:30 10:22:32 10:22:36 10:22:42

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? 10:22:51 10:22:53 10:22:58 10:23:01

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. 10:23:06 10:23:10 10:23:12 10:23:16 10:23:19

Q. And when you say the real entertainment department, can you be more specific about that? 10:23:21 10:23:24 10:23:26

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 10:23:27 10:23:31 10:23:34 10:23:37 10:23:41 10:23:44 10:23:46

interactions, physical interactions like high five or what have you during the radio shows? 10:25:45 10:25:49

A. Yes, that was before Covid. 10:25:52

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? 10:25:54 10:25:58 10:26:01 10:26:04 10:26:07 10:26:10 10:26:12

A. Yes. 10:26:14

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? 10:26:18 10:26:21 10:26:24 10:26:27

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 10:26:30 10:26:33 10:26:33 10:26:36 10:26:40 10:26:41 10:26:44 10:26:47 10:26:49 10:26:54

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. 10:26:57 10:26:59 10:27:02 10:27:05 10:27:07 10:27:09 10:27:12 10:27:15 10:27:17 10:27:19 10:27:21 10:27:24 10:27:26 10:27:28 10:27:30 10:27:33

Q. Okay. Is there another activity called dining with Elmo and friends? 10:27:34 10:27:39

A. Yes. 10:27:42

Q. Have you ever participated as an employee of the Sesame Place Philadelphia entertainment department in the dining with Elmo and friends activity? 10:27:42 10:27:45 10:27:47 10:27:47

A. Yes. 10:27:51

Q. And explain what your role was in that 10:27:53

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. 10:31:21 10:31:25 10:31:28 10:31:32 10:31:37 10:31:40

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? 10:31:49 10:31:53 10:31:56 10:31:59

A. Yes. 10:32:00

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? 10:32:02 10:32:05 10:32:08 10:32:12

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 10:32:15 10:32:18 10:32:23 10:32:30 10:32:33 10:32:36 10:32:37 10:32:40 10:32:42 10:32:42

kind of never really know like who's serious so, yeah. 10:32:48 10:32:48

Q. So when you say that Sesame Place would sometimes cover it up, what do you mean by that? 10:32:56 10:32:58 10:33:00

A. Like they'll try to cover it up with the meet and greet. 10:33:01 10:33:03

Q. Okay. There you go. Ms. Connelly, did you ever perform in any of the parades at Sesame Place Philadelphia? 10:33:07 10:33:13 10:33:15

A. Yes. 10:33:16

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? 10:33:18 10:33:21 10:33:23 10:33:28

MS. PARDO: Objection to the form. Excuse me. 10:33:30 10:33:30

A. On You-tube, yes. 10:33:32

Q. Yes. And have you personally seen instances where costume character performers ignored minority park guests during the parade? 10:33:34 10:33:38 10:33:47

MS. PARDO: Objection to the form. 10:33:51

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 10:33:52 10:33:56 10:33:58

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. 10:34:03 10:34:05 10:34:08 10:34:10 10:34:13 10:34:17 10:34:20 10:34:22 10:34:25 10:34:29 10:34:32 10:34:35 10:34:37 10:34:40 10:34:43 10:34:45 10:34:49 10:34:51 10:34:54 10:34:56

Q. Is Kevin Grace white? 10:35:00

A. Yes. 10:35:01

Q. Do you have any social media accounts, Ms. Connelly? 10:35:25 10:35:27

A. Yes. 10:35:28

Q. Which ones? 10:35:29
A. Instagram. I have Instagram and I have 10:35:33
TikTok. I have Snap Chat but I don't use 10:35:38
Snap Chat. 10:35:42
Q. Did you ever see any comments on any of the 10:35:51
social media platforms that you were involved 10:35:53
with that discuss instances of alleged racial 10:35:56
discrimination at Sesame Place Philadelphia? 10:36:00
A. No. 10:36:03
Q. Okay. Ms. Connelly, have you ever considered 10:36:05
filing your own race discrimination lawsuit 10:36:25
against Sesame Place Philadelphia? 10:36:29
A. No. 10:36:30
Q. Have you ever had any conversations with 10:36:38
minority employees of Sesame Place 10:36:41
Philadelphia where they considered filing a 10:36:44
racial discrimination case against Sesame 10:36:47
Place Philadelphia? 10:36:49
A. Yes. 10:36:51
Q. And who might that be? 10:36:53
A. Hyniece Law. 10:36:56
Q. Ms. Connelly, do you know whether or not the 10:37:21
employees in the entertainment department at 10:37:24
Sesame Place Philadelphia were for the most 10:37:27
part teenagers? 10:37:30

A. Yes. 10:37:32
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? 10:37:37 10:37:39 10:37:41 10:37:45 10:37:47
A. Yes. 10:37:49
Q. Do you have any personal knowledge as to whether or not Bucks County has a reputation of being a racist county? 10:38:01 10:38:03 10:38:06
A. Yes. 10:38:08
Q. And what is the basis for that opinion? 10:38:10
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, 10:38:15 10:38:18 10:38:22 10:38:26 10:38:29 10:38:29 10:38:36 10:38:37 10:38:40 10:38:43 10:38:46 10:38:46 10:38:51

my school was like really racist. We had like a riot my sophomore year so -- my freshman year. 10:38:54 10:38:57 10:39:02

Q. Do you know what high school Tiara attended? 10:39:04

A. Yeah, Bucks County something. Bucks County High School, I think. 10:39:08 10:39:11

Q. Okay. Was it Bucks County Central? 10:39:12

A. I believe so. I'm not sure. I know it said Bucks County though. It had Bucks County in it. 10:39:20 10:39:23 10:39:26

Q. What did Ms. Tiara tell you about Bucks County being racist? 10:39:27 10:39:31

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. 10:39:33 10:39:35 10:39:38 10:39:40 10:39:43 10:39:45

Q. And this was at her high school? 10:39:48

A. Mm-hmm. 10:39:50

Q. Is that a yes? 10:39:52

A. Yes. 10:39:53

Q. Okay. And you mentioned about your high school, which is very near Bensalem -- 10:39:54 10:39:57

A. Yes. 10:40:01

Q. -- and very near Sesame Place Philadelphia how would you describe the environment at your high school? 10:40:01 10:40:04 10:40:07

A. Racist. 10:40:08

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? 10:40:10 10:40:31 10:40:36 10:40:40 10:40:44 10:40:48 10:40:50 10:40:53

MS. PARDO: Objection to the form. 10:40:57

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. 10:41:00 10:41:04 10:41:07 10:41:10 10:41:13 10:41:14 10:41:18

Q. Did you ever venture into Bucks County just for social reasons? 10:41:21 10:41:24

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 10:41:31 10:41:35 10:41:39

MS. PARDO: Objection to form. 10:43:03

A. No. 10:43:05

Q. Have you ever seen any graffiti anywhere on Sesame Place Philadelphia property that would be interpreted as racial slurs? 10:43:08 10:43:21 10:43:23

A. No. 10:43:27

Q. Is that a no? 10:43:29

A. No. 10:43:30

Q. Okay. Have you ever seen any tattoos on employees at Sesame Place Philadelphia that in any way could be interpreted as racist tattoos? 10:43:31 10:43:40 10:43:43 10:43:45

A. No. 10:43:47

Q. Have you ever seen any fliers put out by the Klu Klux Klan that were on Sesame Place Philadelphia property? 10:43:47 10:43:55 10:43:59

A. No. 10:44:01

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? 10:44:01 10:44:18 10:44:25 10:44:26

MS. PARDO: Objection to the form. Leading. 10:44:30 10:44:30

A. Yes. 10:44:34

Q. Have you ever been back to Sesame Place for 10:45:04

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. 11:39:57 11:39:57 11:39:57 11:40:08 11:40:09 11:40:11 11:40:13 11:40:17 11:40:19 11:40:21 11:40:23 11:40:27 11:40:29 11:40:32 11:40:33 11:40:38 11:40:41

Q. Okay. I understand that. Did any of these head pieces make it difficult to see on the parade route? 11:40:43 11:40:45 11:40:48

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 11:40:52 11:40:54 11:40:58 11:41:00 11:41:03

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. 11:41:06 11:41:09 11:41:11

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? 11:41:15 11:41:20 11:41:22 11:41:24

A. Yeah. 11:41:26

Q. And did you have personal knowledge of the reason why Diane left the park? 11:41:27 11:41:29

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. 11:41:33 11:41:37 11:41:38 11:41:41

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? 11:41:41 11:41:48 11:41:51 11:41:54

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. 11:41:56 11:42:00 11:42:02 11:42:06 11:42:11 11:42:13 11:42:15

coming towards the end but I just have a few follow up questions that I would like to ask you, okay? 11:50:48 11:50:51 11:50:52

THE WITNESS: Okay. 11:50:54

REDIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF 11:50:54

BY MR. RICHARDSON: 11:50:54

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? 11:50:57 11:50:58 11:51:04 11:51:05 11:51:05 11:51:13 11:51:15 11:51:18 11:51:20

MS. PARDO: Objection to form. 11:51:23

A. Everyday. 11:51:23

MS. PARDO: I'm sorry. Let me just lodge an objection. Object to the form. Object to being outside the scope of cross. 11:51:23 11:51:25 11:51:25

Q. You can answer. 11:51:29

A. Everyday. 11:51:30

Q. Okay. Are you aware that Sesame Place Philadelphia has now instituted a policy that there would be no longer physical 11:51:31 11:51:37 11:51:41

interactions with a costume character performer during the parades? 11:51:43 11:51:45

MS. PARDO: Objection to the form and it exceeds the scope of cross. 11:51:47 11:51:47

A. I was not aware of that. 11:51:51

Q. I'm sorry, you are or are not? 11:51:53

A. I was not aware of that. 11:51:56

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? 11:51:57 11:52:12 11:52:17 11:52:21

A. Never. 11:52:23

Q. Okay. From your perspective do you believe that Taylor was racist against black men? 11:52:24 11:52:27

MS. PARDO: Objection to the form. Exceeds the scope of cross. 11:52:30 11:52:31

Q. You can answer. 11:52:34

A. Yes. But I also think that -- honestly I think that black people kind of make her feel uncomfortable. 11:52:35 11:52:41 11:52:44

Q. That black people made her uncomfortable? 11:52:46

A. Yes. 11:52:48

Q. But that would be true regardless of gender? 11:52:49

A. Yes, regardless of gender. 11:52:52

Q. Okay. There has been testimony given in this 11:52:54

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? 11:53:08 11:53:11 11:53:15 11:53:17 11:53:20 11:53:23 11:53:28 11:53:29

MS. PARDO: Objection to the form. Exceeds the scope of cross. 11:53:29 11:53:29

A. I'm sorry, can you repeat the question in a more like simplified way? 11:53:31 11:53:33

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? 11:53:37 11:53:39 11:53:41 11:53:45 11:53:48 11:53:51 11:53:55 11:53:59

MS. PARDO: Objection -- 11:54:00

A. No. 11:54:00

MS. PARDO: -- to the form and exceeds the scope of cross. You can answer. 11:54:00 11:54:02

Q. You can answer. 11:54:05

A. No. 11:54:06
Q. You had testified in response to defense 11:54:11
counsel's questions that there were at least 11:54:12
an occasion where two kids who were weaker 11:54:16
dancers were placed in the front of the 11:54:19
parade mainly because of favoritism. My 11:54:22
question is, do you know the race of those 11:54:23
two white kids? 11:54:27
A. The race -- the race? 11:54:29
Q. The race of the two white kids. 11:54:29
A. Oh, yes. They were white. And I'm -- can I 11:54:33
correct my -- the name that I gave earlier. 11:54:36
Can I correct that name? 11:54:38
Q. Yes. 11:54:40
A. The transgender dancer, out of costume 11:54:44
dancer, was named Cecelia. Not Mia or Mya. 11:54:47
It was named Cecelia. 11:54:51
Q. Thank you. 11:54:54
A. And he went by CC. 11:54:59
Q. Okay. Thank you. You had testified in 11:55:04
response to defense counsel's questions that 11:55:09
Sabrina Fanelli and Mackenzie Caufield both 11:55:11
played Zoe, do you remember that? 11:55:17
A. Yes. 11:55:19
Q. And I think you said that Sabrina played the 11:55:19

character Zoe more than Mackenzie is -- 11:55:22
A. Mackenzie, yes. 11:55:24
Q. Do you recall just about how tall Sabrina is? 11:55:27
A. Sabrina's like 5 feet. 11:55:31
Q. Okay. And how tall are you? 11:55:34
A. I'm like 5 feet too. 11:55:37
Q. Okay. 11:55:39
A. I'm like 4'11, 5'. 11:55:40
Q. Do you know how tall Mackenzie is? 11:55:44
A. Mackenzie's 4'11. She's shorter than both me and Sabrina. 11:55:47 11:55:51
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? 11:55:52 11:55:58 11:56:02 11:56:06 11:56:08 11:56:10 11:56:13 11:56:16 11:56:19 11:56:21
A. Yes. 11:56:22
Q. And what was his opinions about that? 11:56:22
A. He just felt like -- 11:56:29
MS. PARDO: All right. Objection to the 11:56:31

form. You can answer. 11:56:31

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. 11:56:33 11:56:36 11:56:42 11:56:46 11:56:48 11:56:51 11:56:53 11:56:57 11:57:01 11:57:03 11:57:07 11:57:10 11:57:13 11:57:16

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? 11:57:19 11:57:21 11:57:23 11:57:28 11:57:31

A. Yes. 11:57:31

Q. And what do you recall of those conversations with Ms. Roberts? 11:57:31 11:57:33

MS. PARDO: Objection to the form. Outside the scope. 11:57:35 11:57:35

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. 11:57:37 11:57:42 11:57:44 11:57:47 11:57:49 11:57:52 11:57:54 11:57:59

Q. Were there any other minority employees who felt similarly that working in that department at Sesame Place Philadelphia was a toxic environment? 11:58:01 11:58:04 11:58:07 11:58:09

A. Yes. 11:58:11

Q. Which other employees that you can recall? 11:58:12

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. 11:58:15 11:58:17 11:58:17 11:58:29 11:58:34 11:58:41

Q. Okay. And are all of those African Americans? 11:58:45 11:58:47

A. Yes. 11:58:49

Q. You had mentioned in response to defense counsel's questions that there were 11:58:57 11:59:13

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:

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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VIDEOTAPED DEPOSITION

OF

BARBARA J. SIMMONS, taken on behalf of the Defendants herein, pursuant to the Rules of Civil Procedure, taken before me, the undersigned, Kate Formichelli, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at the offices of Duane Morris LLP, 30 South 17th Street, Philadelphia, Pennsylvania, on Thursday, October 19, 2023 beginning at 1:57 p.m.

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S T I P U L A T I O N

(It is hereby stipulated and agreed by and between counsel for the respective parties that reading, signing, sealing, certification and filing are not waived.)

P R O C E E D I N G S

VIDEOGRAPHER:
We are now on the record. This begins videotape number one in the deposition of Barbara J. Simmons in the matter of Quinton Burns versus SeaWorld Parks & Entertainment, Inc. Today is Thursday, October 19, 2023 and the time is 1:57 p.m.
The videographer is Joshua Wilkinson and the court reporter is Kate Formichelli, both from Magna Legal Services.
Will counsel and all parties present state their appearance and whom they represent?
ATTORNEY RICHARDSON:
So Ronald Richardson on behalf of the Plaintiffs.
ATTORNEY PARDO:
Michelle Pardo on behalf of Defendants.

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:

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

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

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

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.

THE WITNESS:
No. I have ---.
ATTORNEY PARDO:
Let me give you this one so that we're both ---
THE WITNESS:
Okay.
ATTORNEY PARDO:
--- looking on the same thing. Ron, do you want one?
ATTORNEY RICHARDSON:
Thank you.
ATTORNEY PARDO:
Okay.
ATTORNEY RICHARDSON:
Well, I have it. I never got mine back.
ATTORNEY PARDO:
I have this one printed large.
THE WITNESS:
Yeah. This is how I prefer it.
ATTORNEY PARDO:
You can read it a little bit better.
THE WITNESS:
Yeah.
ATTORNEY PARDO:

All right.

ATTORNEY RICHARDSON:

What exhibit is this? I'm sorry.

ATTORNEY PARDO:

This is Exhibit 3.

ATTORNEY RICHARDSON:

Okay. Thanks.

ATTORNEY PARDO:

And this is the --- for the record this is a document that was provided to use that's title The Peace Center Tracking Bias Incidents, 2016 through 2019. Okay.

BY ATTORNEY PARDO:

Q. And you referred to this as the spreadsheet. Is that right?

A. I do.

Q. All right.

A. Yes.

Q. All right. I also want to show you another document that I will mark for the record as Exhibit 4.

(Whereupon, Deposition Exhibit Simmons-4, Disclosure, was marked for identification.)

ATTORNEY PARDO:

Whoops. Sorry. All right.

BY ATTORNEY PARDO:

Q. So I'm handing to you what's been marked as Exhibit 4. And this document is titled Plaintiffs Rule 26(a)(2) Disclosures. And I just want you to page through that and just let me know if it's something that you've seen before.

A. I --- I can tell you right now I have not seen it.

Q. You have not seen it.

A. I'm really interested in it, but I have not seen it.

Q. Okay.

Well, if you flip to page two ---

A. Uh-huh (yes).

Q. --- you'll see that your name has --- your name and address have been disclosed there.

A. Uh-huh (yes).

Q. And then I want to flip you --- if you could --- ask you to flip to page three.

A. Okay.

Q. And if you go down to the last paragraph before the number three heading ---

A. Uh-huh (yes).

Q. --- it says 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 alleged to have occurred in Bucks County high schools, semicolon.

But did I read that first part right?

A. Yes.

Q. Okay.

And then I will continue after the semicolon.

A. But it was including community incidences

Q. So I'm going to ask you ---

A. Okay.

Q. --- for a follow up about that. So --- and then after the semicolon, the very schools from which Sesame Place Philadelphia recruited their entertainment department's costume character performers.

Did I read that right?

A. Uh-huh (yes).

Q. Okay.

So I think you said you hadn't seen this document before.

A. Correct.

Q. Is that right? Aside from the document that it's in, the --- the sentence that I just read, is that something that you drafted yourself?

A. I don't --- I don't remember drafting it myself.

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.

some programs into your --- at least --- at the very least, a dialogue into your classroom. When I contacted the superintendent he wouldn't talk to me unless I gave him the name --- the name of the child. And the child had asked for --- to be anonymous. When I explained the problem he didn't take any action. And that's what I mean by a culture. That if you explain to a teacher, administrator that someone is --- is being targeted because of the color of their skin, they --- in my --- in my view they have an obligation to do something about that, to act on that. And if a child doesn't want to be identified that you can talk to the whole classroom. He could have gone in and talked to the classroom and said, you know, we heard there was an incident of intolerance. He might not have even had to use the racism word if --- if --- if that child was maybe one of the few kids of color. But he chose not to act. And I think that too often I would see that, and I think it's because a lot of people don't know what to do. And so --- so it creates a culture where kids that are different don't feel safe.

Q. So let me break that down a little bit. You had explained that this culture of racism --- and you explained that a bit by saying it's when the --- when

the, at least in this case, the superintendent did not take action. I think that was the phrase you used.

So are you saying that there's a culture of racism among the administrators in the Bucks County high schools?

A. I would say that it's everywhere, not just high schools.

Q. Okay.

A. I --- I would say that we're all product of it. I'm a product of it. I --- I spent years getting trained, and then I adopted a young man who is African American. And I experienced something that I had never experienced before, which was went to a restaurant and for the first time I felt ignored in getting seated in a Bucks County restaurant. And that would happen whenever I was with a person of color, that we would --- we would have to wait longer. It seemed as if --- I guess I got to see what my son experienced through his eyes, because if he had explained it to me I would have gone no, I think you --- I think --- I think you might have just been --- she might have just been too busy. I would rationalize it.

Q. Uh-huh (yes).

A. I stopped rationalizing it, and I started seeing it for myself and feeling it for myself. And this past

summer --- well, every year I do --- and I don't think I put this on my --- my CV.

I'm co-chair of the Martin Luther King Peace and Justice Summit. It's for teens. We do it every year. And I started meeting with ten of those teens with a couple of other adults. We would meet outside with parents' permission, and we would sit and talk. And each one of them talked about what they're facing in their school because of either the color of their skin, their ethnicity, their sexual orientation, their religion. And every one of them would cry as they would talk about the stories of what they've been through. They don't even tell their parents a lot of times because the parents overreact and they don't know what to do about it, and they just feel anxious about it.

So --- and each year I work with --- you know, the Teen Summit brings about 465 to 500 teens, and we sit in small circles and we talk about racism, and the kids of color speak up about what they've experienced.

Q. Have any of those kids of color said that they've been discriminated against based on their race by other kids of color?

A. I have not heard that, no.

Q. Okay.

So when you talk generally about the culture of racism in Bucks County high schools does that include incidents in your experience where black students, for example, are discriminating against other black students because of their race?

A. I --- I have not experienced that.

Q. Okay.

What does the term racism mean to you?

A. Racism is prejudice plus power.

Q. What does that mean?

A. Well, if --- you know, we all have our biases, but if we have power --- so if I'm a teacher and a student is being --- somebody in that classroom is saying derogatory things or using the N-word, for example, if I'm not stopping that then I am --- I'm guilty of racism.

Q. Now, let's take a single high school in Bucks County, Pennsylvania, for example, Neshaminy High School.

Is it your opinion that every person in Neshaminy High School is racist?

A. I would never say that.

Q. Okay.

And why would you never say that?

A. Because I --- it --- it doesn't get me anywhere.

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?

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

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. 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

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

of what you're talking about?
A. Uh-huh (yes).
Q. And then who put it on a page with the text, Local Flyers?
A. The Peace Center did.
Q. Okay.
Do you recall if you did that?
A. I did not do that.
Q. Okay.
So there are other people on staff that might have assembled this type of information.
A. Uh-huh (yes). Yeah.
Q. Okay.
And then the second page says Local Posters.
That's something that you've seen before?
A. Uh-huh (yes).
Q. Okay.
What --- what year was this from?
A. I don't remember.
Q. Okay.
And what place ---?
A. It was, you know, somewhere between 2016 and 2018.
Q. Okay.
In terms of location of where this poster is, do you know what this ---

A. I don't ---.
Q. --- location is?
A. I don't remember.
Q. Okay.
Do you know what town it was in?
A. I don't remember.
Q. All right.
The third one, Local Posters; not here, not ever.
Do you see that one?
A. Yes.
Q. What year did that come to your attention at the Peace Center?
A. That was probably 2017. That was up in the Quakertown, Pennridge area.
Q. Okay.
And do you know --- it looks like it's affixed to a tree.
A. Uh-huh (yes).
Q. Do you know where this was located?
A. It was in a park at a children's playground.
Q. This is in a park.
Okay.
And then the next one, this was thrown on lawns in northern and central Bucks County 2022.
Is that right?

A. Yep.
Q. Okay.
And were any of these flyers --- were you able to determine the individuals who are responsible for placing any of these flyers or posters?
A. No.
Q. Okay.
Do you have any reason to believe that a high school student at Bucks County placed any of these flyers?
A. It could be anybody.
Q. Could be anybody. Do you have any reason to believe that an employee of Sesame Place placed these flyers?
A. I don't know.
Q. Okay.
Were you asked to provide an opinion on any other topics that we haven't discussed here today's?
A. No.
ATTORNEY PARDO:
Let me take, like, a five-minute break and I'll just organize and see if I have more to go.
ATTORNEY RICHARDSON:
Let's do that.
ATTORNEY PARDO:

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

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.

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:

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.

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.

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

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?

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

Kathleen Formichelli,

Court Reporter

Transcript of James Legette

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

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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE NO. 2:2022-cv-02941

QUINTON BURNS,

Plaintiff,

vs.

SEAWORLD PARKS & ENTERTAINMENT, INC. doing business as SESAME PLACE PHILADELPHIA; SEAWORLD PARKS & ENTERTAINMENT LLC, doing business as SESAME PLACE PHILADELPHIA and JOHN DOES 1, 2, 3 and 4,

Defendants.

VIDEOTAPED DEPOSITION of JAMES C. LeGETTE

Wednesday, December 14, 2022

Lexitas Legal Philadelphia

Newtown, Pennsylvania 18940

10:03 a.m. Eastern Daylight Time

`

Reported by: Elizabeth M. Kondor, CCR

Job No. 471224

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A. Yes. 10:28:54
Q. All right. 10:28:55
So I think you said you graduated in 10:28:56
2015? 10:28:57
A. Yes. 10:28:58
Q. All right. 10:28:59
So in 2015, right after graduation or 10:28:59
the day of graduation, you started working at 10:29:02
Sesame Place? 10:29:04
A. It was like my first day, do you 10:29:06
mean? 10:29:08
Q. Yes. When did you first start 10:29:09
working there? 10:29:11
A. When I first started it was -- I want 10:29:11
to say July of 2012. 10:29:14
Q. Oh, okay. 10:29:17
A. I believe I was a sophomore in high 10:29:20
school when I started, or finishing out my 10:29:23
sophomore year. 10:29:26
Q. Were you full-time or part-time at 10:29:28
that time? 10:29:30
A. Part-time. 10:29:31
Q. All right. 10:29:32
And what was your job? 10:29:34
A. When I first started, I was an 10:29:36

Entertainer 1, which is a host position, character host, a lot of in-costume experiences. 10:29:39 10:29:44

Q. Okay. 10:29:51

And when you say "Entertainer 1," can you give us an idea of what your job responsibilities were? 10:29:51 10:29:56 10:29:58

A. Performing, in and out of costume, parades, walks, dines, show hosting, character hosting, and that is the majority of it all. 10:29:59 10:30:04 10:30:14

Q. Okay. 10:30:24

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. 10:30:25 10:30:26 10:30:30 10:30:33

So how long -- how long were you at Sesame Place when you first started working there in July 2012? 10:30:33 10:30:35 10:30:37

A. From when I first started to when I ended? 10:30:39 10:30:41

Q. Well, was there -- did you work continuously at Sesame Place? 10:30:43 10:30:43

A. Yes, yes. 10:30:45

Q. Okay. 10:30:46

So there were no breaks and then you came back or anything like that? 10:30:46 10:30:48

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. 10:30:50 10:30:52 10:30:55 10:31:01 10:31:05 10:31:08

So because I didn't get that, I called up my supervisors from Sesame Place, and they took me back instantly. 10:31:08 10:31:12 10:31:15

Q. All right. 10:31:17

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? 10:31:18 10:31:20 10:31:24 10:31:27

A. Yes. 10:31:29

Q. Okay. 10:31:29

And when was it that you left Sesame Place? 10:31:29 10:31:32

A. January of 2022. 10:31:32

Q. So where is Sesame Place? Where is it located? 10:31:39 10:31:44

A. It is in Langhorne, PA. 100 Sesame Road, Langhorne, PA 19047. 10:31:44 10:31:50

Q. Is that in Bucks County? 10:31:52

A. Yes, it is. 10:31:54

I can't believe I have that memorized. Been there for too long. 10:31:56 10:31:58

Q. In your opinion, Mr. LeGette, is Bucks County a racist county? 10:32:01 10:32:04

MR. SIMPSON: Objection to the form. Relevance. 10:32:06 10:32:06

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. 10:32:07 10:32:08 10:32:08 10:32:11 10:32:13 10:32:15

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 -- 10:32:15 10:32:19 10:32:21

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. 10:32:23 10:32:25 10:32:28

So my question is, In your opinion, is Bucks County a racist county? 10:32:29 10:32:32

MR. SIMPSON: Same objection. 10:32:35

A. Personally, I don't think so. I've 10:32:38

been here my entire life. There have been instances where some things can be interpreted that way. 10:32:40 10:32:44 10:32:48

Q. What do you mean by that? 10:32:48

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. 10:32:50 10:32:55 10:32:57 10:33:02 10:33:05 10:33:08 10:33:11 10:33:14 10:33:18

Q. Okay. 10:33:20

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. 10:33:20 10:33:23 10:33:27 10:33:31

Q. Okay. 10:33:35

So you would have been at Sesame Place from 2012 to 2022? 10:33:35 10:33:38

A. Uh-huh. 10:33:40

Q. Sorry, you got to say yes or no. 10:33:41

A. Yes. 10:33:43

Q. Okay. 10:33:43

A. One-on-one, yes. 11:01:57

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. 11:01:59 11:02:01 11:02:02 11:02:04 11:02:07

So I want to make sure, were there two interviews that you did or just one? 11:02:08 11:02:10

A. I did -- I did two interviews. The second one -- excuse me, no. 11:02:12 11:02:14

I did -- I made it to all three times. I did three interviews. 11:02:16 11:02:18

Q. Three interviews? 11:02:20

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. 11:02:21 11:02:24 11:02:27 11:02:29

Q. And can you tell me what takes place during an interview? 11:02:30 11:02:32

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. 11:02:33 11:02:35 11:02:38 11:02:42 11:02:46

Q. Did they ask you during your three 11:02:50

interviews what you would do if you encountered any racism at the park? 11:02:52 11:02:54

MR. SIMPSON: Object to the form. 11:02:56

A. No. 11:02:58

Q. Did they ask you whether or not in your past you've ever experienced any racism during the interview? 11:02:58 11:03:00 11:03:03

MR. SIMPSON: Object to the form. 11:03:04

A. No. 11:03:05

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? 11:03:16 11:03:24 11:03:27 11:03:30 11:03:32

A. I don't know the answer to that question. 11:03:32 11:03:34

Q. Fair enough. 11:03:34

After you went through the three interview process, what happened next? 11:03:35 11:03:39

A. I received a call that I got a job. 11:03:43

Q. Okay. 11:03:49

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 -- 11:03:49 11:03:53 11:03:57

Q. Right.

all different departments. 11:07:27

Q. Okay. 11:07:30

And, if you can recall, what did the orientation entail? What did they do? 11:07:38 11:07:43

A. It was a lot of dos and don'ts. The back story of Sesame Street and Sesame Place. 11:07:47 11:07:52

Q. Okay. 11:07:59

So both were explained to you? 11:08:00

A. Yes. 11:08:02

Q. Were you given any type of handbook or policies and procedures or anything during the orientation? 11:08:02 11:08:06 11:08:08

A. The first one, I do remember getting, like, a physical handbook that we had to read over. 11:08:09 11:08:11 11:08:14

Q. Okay. 11:08:15

Did you read over that handbook during the orientation or was that something that you would read later? 11:08:15 11:08:18 11:08:20

A. Everything in the handbook was explained during orientation. 11:08:22 11:08:24

Q. Okay. 11:08:39

During the orientation, did anyone ever explain to you how to deal with potential racial situations at the park? 11:08:39 11:08:42 11:08:46

A. No. 11:08:48
Q. Did you receive any training during 11:08:55
the orientation period as to how to deal with 11:08:59
racial issues at the park? 11:09:03
MR. SIMPSON: Object to the form. 11:09:05
A. No. 11:09:06
Q. Have you ever heard of the term 11:09:24
"ambassador"? 11:09:27
A. Yes. 11:09:27
Q. What is that? 11:09:28
A. They started using the term 11:09:29
"ambassador," I want to say in 2021, they 11:09:32
decided to rephrase team member to ambassador. 11:09:41
So they changed the name of team member to 11:09:47
ambassador. 11:09:50
Q. I'm sorry, they changed what to 11:09:51
ambassador? 11:09:53
A. So instead of calling -- instead of 11:09:54
calling the workers "team members," -- 11:09:56
Q. Team members?
A. -- they would call them 11:09:59
"ambassadors." 11:10:02
Q. So when we talk about "team members," 11:10:03
are we talking about E1s? 11:10:05
A. All -- everyone. 11:10:07

A. Yes. 12:01:42
Q. Was that an activity at the park? 12:01:43
A. Yes. 12:01:45
Q. Did you participate in the parades? 12:01:45
A. Yes. 12:01:47
Q. As a costume character? 12:01:47
A. Yes, in and out of costume. 12:01:49
Q. Okay. 12:01:51
And during your time as supervisor, 12:01:51
did you have oversight of any of these park 12:01:53
activities? 12:01:57
A. Yes. 12:01:57
Q. Which ones? 12:01:58
A. All of them, really. 12:01:59
Q. All right. 12:02:02
A. Parade, I didn't -- I never ran a 12:02:03
parade because I was -- I wasn't in that 12:02:05
position. That was only the manager on duty 12:02:08
that can run the parade. But everything else 12:02:11
I've done as a supervisor. 12:02:13
Q. Okay. 12:02:15
And so during the parades, were there 12:02:15
any instances where the costume characters would 12:02:20
have an opportunity to interact with the 12:02:22
customers? 12:02:24

A. But, again, like, it's hard because the interactions are so quick. 12:03:17 12:03:20

Q. Any other activities that I'm missing that occurred at the park, other than shows, dining with Elmo, meet and greets, parades? 12:03:22 12:03:24 12:03:27

A. No. 12:03:35

Q. Okay. 12:03:36

Did you receive any training to be able to participate in the shows? 12:03:53 12:03:56

A. Yes. 12:03:59

Q. What type of training? 12:04:01

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. 12:04:02 12:04:06 12:04:08 12:04:13 12:04:15 12:04:19 12:04:20 12:04:23 12:04:26

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? 12:04:27 12:04:29 12:04:32 12:04:35 12:04:37

MR. SIMPSON: Object to the form. 12:04:40

A. No. 12:04:41

Q. Okay. 12:04:43

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? 12:04:43 12:04:47 12:04:50 12:04:54 12:04:57

MR. SIMPSON: Object to the form. 12:04:58

A. No. 12:04:59

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? 12:05:00 12:05:02 12:05:06 12:05:08 12:05:11 12:05:15

MR. SIMPSON: Object to the form. 12:05:17

A. No. 12:05:19

Q. All right. 12:05:24

VIDEOGRAPHER: Can we take a break? 12:05:24

MR. RICHARDSON: Yes. 12:05:26

VIDEOGRAPHER: Okay. 12:05:27

We're now going off the record. The time now is 12:04 p.m. 12:05:28 12:05:30

(Recess.) 12:05:33

VIDEOGRAPHER: We're now back on record. The time is 12:15 p.m. 12:16:27 12:16:29

BY MR. RICHARDSON:

Q. Mr. LeGette, we're back on the record, okay? You all right to start, pick back up? 12:16:34 12:16:37

A. Yes. 12:16:40

Q. So I'm now going to ask you about the dining with Elmo and friends. 12:16:42 12:16:45

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? 12:16:46 12:16:49 12:16:51 12:16:54 12:16:59

A. No. 12:17:01

MR. SIMPSON: Object to the form. 12:17:01

Q. Okay. 12:17:03

The Meet and Greets, and you've testified that you participated in those as an employee? 12:17:03 12:17:07 12:17:10

A. Yes. 12:17:10

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 12:17:10 12:17:12 12:17:16 12:17:20

Meet and Greets? 12:17:23

MR. SIMPSON: Object to form. 12:17:24

A. No. 12:17:25

Q. And would that include the Meet and Greets on the boulevard? 12:17:26 12:17:28

A. Yes. 12:17:31

Q. And would that also include the designated areas? 12:17:31 12:17:33

A. Yes. 12:17:34

Q. Okay. 12:17:36

And you've testified that you participated in the parades? 12:17:37 12:17:38

A. Yes. 12:17:42

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? 12:17:43 12:17:47 12:17:49 12:17:49

A. No. 12:17:52

MR. SIMPSON: Object to the form. 12:17:52

You need to let me make the objection because she may not get the answer. 12:17:59 12:18:03

THE WITNESS: Sorry. 12:18:04

MR. SIMPSON: That's okay. 12:18:06

Q. Do you remember -- I'm trying to remember which one you gave me some names for. 12:18:21 12:18:27

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. 12:30:22 12:30:26 12:30:28 12:30:31 12:30:34

Q. Were there any employees who were not fired for behavior that you were fired for, that were white? 12:30:37 12:30:40 12:30:43

A. I could say underage drinking, so, yeah. 12:30:48 12:30:52

Q. And do you have -- do you believe that your termination was due, at least in part, to the color of your skin? 12:30:55 12:30:57 12:31:00

A. Partially. I'm partially still a little bit upset about it, so I want to say yes. 12:31:12 12:31:16

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. 12:31:21 12:31:24 12:31:27

Q. For what reason? 12:31:30

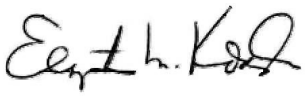
A. Earlier, if you remember, in the beginning, I said, one of the reasons why, like, I have left was because people change. And, like, people were starting to act different towards me, and I just was not feeling that 12:31:33 12:31:35 12:31:37 12:31:41 12:31:44

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

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

Transcript of the videotaped virtual deposition of KIENNA CHILDS ALEXANDER, called for Oral Examination in the above-captioned matter, said deposition taken pursuant to Superior Court Rules of Practice and Procedure by and before Heather A. Kirsch, a Court Reporter and Notary Public for the State of New Jersey via Zoom teleconference, commencing at 1:00 p.m.

- - -

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- - -

I N D E X

- - -

Testimony of: Kienna Childs Alexander

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By Mr. Richardson 95

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* * *

THE VIDEOGRAPHER: Good afternoon. We are now on the record. Today's date is August 15th, 2023 and the time is approximately 1:00 p.m.

This begins the video deposition of Kienna Alexander in the matter of Burns, et al v. Seaworld Parks and Entertainment, et al. Will counsel please identify themselves for the record?

MR. RICHARDSON: Sure. This is Ron Richardson on behalf of the plaintiffs.

MS. PARDO: Michelle Pardo on behalf of defendants.

MR. SMOLIJ: Aleks Smolij on behalf of defendants.

MS. FAUBLAS: Phylecia Faublas on behalf of the plaintiffs.

THE VIDEOGRAPHER: Okay. Will our court reporter please swear in the witness?

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 L[redacted]'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 L[redacted] 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, D[redacted], 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 L[redacted] 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 L[redacted] 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 D[redacted], do you recall where she stood in terms of height?

A She's maybe, at the time, a half inch, if that, under L[redacted].

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 D[redacted] 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 L[redacted].

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 L[redacted] made me decide to go back.
L[redacted] 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?

Certificate

I, Heather A. Kirsch, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the stenographic notes of testimony taken 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 this action.

Heather A. Kirsch

Heather A. Kirsch, C.C.R.
License No: XI01700

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.
_____/

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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Remote Videoconference Video Deposition of SCHAMEESE BRITTON, held pursuant to agreement, before Toni R. Thompson, RMR, Court Reporter and Notary Public in and for the State of Maryland.

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ALSO PRESENT:

Drew Riedman, Videographer

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(Exhibits attached to the transcript.)

P R O C E E D I N G S

THE VIDEOGRAPHER: Good afternoon. We're now on the record. Today's date is August 28th, 2023, and the time is now approximately 1:04 p.m. This begins the videotape deposition of Schameese Britton in the matter of Quinton Burns, et al., versus Seaworld Parks & Entertainment, Incorporated, et al.

Will counsel please identify yourselves for the record.

MR. O'CONNELL: Andrew O'Connell on behalf of the Plaintiffs.

MR. SIMPSON: John Simpson on behalf of the Defendants.

MR. SMOLIJ: Alek Smolij on behalf of the Defendants.

THE VIDEOGRAPHER: Will the court reporter please swear in the witness.

SCHAMEESE BRITTON,

having been duly sworn, testified as follows:

EXAMINATION BY COUNSEL FOR DEFENDANTS

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 K[redacted] C[redacted]. Who is K[redacted] C[redacted]?

A My son.

Q And then let's go to the next page. It lists M[redacted] M[redacted]. Who is M[redacted] M[redacted]?

A My daughter.

Q So were K[redacted] C[redacted] and M[redacted] M[redacted] 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 A[redacted] M[redacted].

Q That's A[redacted], A[redacted]?

A Yes.

Q All right. What is K[redacted] C[redacted]'s

date of birth?

A Ap[redacted] 2012.

Q And what is M[redacted], M[redacted]'s date of birth?

A N[redacted] 2014.

Q What is A[redacted] M[redacted]'s date of birth?

A [redacted] 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 A[redacted]'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, K[redacted] asked why were they ignored, my daughter asked was it something they did, and A[redacted] was just sad, he started to cry a little bit. So that was it.

Q When K[redacted] 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 M[redacted] 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 A[redacted] 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?

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

Toni R. Thompson

NOTARY PUBLIC IN AND FOR

THE STATE OF MARYLAND

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.

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VIDEOTAPE TECHNICIAN: We are now on the record. This begins Video Number 1 in the deposition of Curtis Bronson in the matter of Quinton Burns, et. al, versus Seaworld Parks and Entertainment, Inc., et. al. in the United States District Court For The Eastern District Of Pennsylvania.

Today is Tuesday, August 29th, 2023. The time is approximately 1:03 p.m.

The videographer for today's deposition is Dominick Polcino and the court reporter is Sheila Klos, both of Magna Legal Services.

At this time, would counsel now please state their appearances and whom they represent, after which the court reporter will swear in the witness.

MR. DUNCAN: Jason Duncan for the Plaintiffs.

MR. SIMPSON: This is John Simpson for Defendants.

MR. SMOLIJ: Alek Smolij for the Defendants.

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 J[redacted] B[redacted]. 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. J[redacted]'s birthday is [redacted]/11.

Q Who was the other child with you at the time?

A The one I was speaking about was C[redacted]. I have nicknames for them, so it take me a second to remember their real names.

C[redacted] B[redacted]. He is [redacted]/16.

Q Were there any other children with you?

A No. C[redacted] 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 J[redacted] identify?

A African American.

Q And ethnically, how does C[redacted] 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 C[redacted]?

A C[redacted] was the only one interested in interacting. J[redacted] was eating ice cream or something.

Q So this didn't, as far as could you tell, this didn't affect or phase J[redacted]?

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 C[redacted] 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 C[redacted] 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 J[redacted] about this situation with the characters at the time?

A No, because I had -- J[redacted] 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 J[redacted] 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 C[redacted] 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

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

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.

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein that the sealing and filing of the within deposition be waived.

IT IS FURTHER STIPULATED AND AGREED that this deposition may be signed and sworn to before any officer authorized to administer an oath with the same force and effect as if signed and sworn to before the officer before whom said deposition is taken.

IT IS FURTHER STIPULATED AND AGREED that that all objections, except as to form, are reserved to the time of trial.

M. BRYAN

THE VIDEOGRAPHER: We're now on the record. This begins videotape number one in the deposition of Makeda Bryan in the matter of Quinton Burns, et al, versus Seaworld Parks and Entertainment, Inc., et al.

Today is Monday, August 21st, 2023, and the time is 1:03 p.m.

This deposition is being taken virtually at the request of Duane Morris LLP. The videographer is Peter van der Vlugt with Magna Legal Services, and the court reporter is Binita Shrestha of Magna Legal Services.

Will counsel and all parties present state their appearances and whom they represent?

MR. RICHARDSON: Good afternoon. This is Ronald Richardson on behalf of Ms. Makeda Bryan.

MR. SIMPSON: John Simpson on behalf of the defendants.

MR. SMOLIJ: Alex Smolij on

M. BRYAN

you could just keep it on the screen, yeah.

THE WITNESS: Yeah.

Q. So do you recognize this?

A. Yes.

Q. All right. Is this a video of one of the situations you earlier described in your testimony where the character, Ernie, didn't interact with your children -- one of your children?

A. Yes.

Q. The same -- it's the same situation, correct?

A. Mm-hmm.

Q. Is that correct?

A. Yes, sir. That's the same situation.

Q. All right. So just so we have a clear record here, the individual on the left with the goggles and the swimsuit, is that J[redacted]?

A. Yes.

Q. And the individual on the right in the blue swimming trunks, is that

M. BRYAN

J[redacted]?

A. Yes.

Q. Did you make this video?

A. Yeah.

Q. So is it the case that this is how the video was originally made, or is this a smaller video taken from a larger video?

A. No, that's the video.

So when I realized that he wasn't hugging my son, I stopped recording, and I told him to come back to me, and then you see both of them walking back over.

Q. Okay.

A. Because it's like when the characters came up, you know, I said go -- I said, "Go, get a hug, guys. You know, go do your thing."

And I wasn't recording at that point. And then I started recording, like when it was their turn, like the characters were finished interacting with the other children, with the other white

M. BRYAN

children that were before us, and they were getting closer, you know, they were getting ready to go up.

And then, that's when I took my camera out, and when I realized that my son was being insulted, I stopped recording, and I told them to come back over to me and his sister.

His sister was actually getting him there because he had passed us, and then he stopped and was doing -- I don't know what -- a dance or whatever, and then that's when he went up for the hug, and I took out my phone real quick to record, and then he was ignored.

Q. Do you know whether the children are allowed to go out on the street to get a hug?

A. You said are they allowed to?

Q. Yes.

A. Yeah. It happens up and down the parade. It's really hard to contain these children. They get excited when they see the characters.

M. BRYAN

They're not allowed to run into the middle of the street. I didn't see any children doing that at all. There were like on the -- on the side right there, there is a line there, and they move up some for their hug, and the characters come forward to them for a hug, a wave, a picture.

It's -- it's very popular. That's what happens at the parade.

Q. All right. But there is a line there, isn't that correct, on the side of the street, a yellow line?

A. I -- I don't know. I don't see that in the video there.

Q. No, no, but based on what you observed, there was a yellow line that was drawn along the side of the street, correct?

A. I don't know.

Whatever -- my children were never like in an inappropriate place. They were never at a place where they weren't supposed to be.

M. BRYAN

All the other children that ran out for hugs, they received their hugs and their high fives along the same area before and after my children.

Q. All right. But that's based on what you've testified to, right, not based on what this video shows?

That's based on what you saw, correct, not based on what this video shows?

A. It's based on what I saw, yeah, other children doing that.

MR. SIMPSON: All right. Let's play it one more time, please.

(Video played.)

MR. SIMPSON: One more time.

(Video played.)

Q. Unless I'm mistaken, Ms. Bryan, someone's arm, a white person's, actually, arm, is ushering your children back; is that correct?

MR. RICHARDSON: Objection.

Q. Did you see that?

A. Yeah. That's what they're there

to do. They got to make sure that children don't run to the middle of the parade. But they can go and get their hugs and their high fives. It's --

(Simultaneous speakers.)

Q. So is it --

A. In other videos, you can see other white children doing that, walking up the same distance to get a hug, and they received a hug.

Q. But this -- this --

A. That person is there --

Q. I'm sorry. Go ahead.

A. That person is there to make sure that the children don't run into the middle of the street.

There's some kids that will run into the middle of the street and will run from one side of the parade to the next.

But from what I know, the children can step up to get a hug, to get a high five, to take a picture, yeah. But there is someone there to redirect

M. BRYAN

just in case the children gets -- the child gets out of control and wants to run to the middle.

Q. Okay. I just want to make sure that we have a clear record.

So this hand that we see here on the video is the hand of the person that you just described who controls the children's movement; is that -- is that correct?

A. I don't know who that is, but I'm -- you mentioned something, so I was just explaining, you know, like if that's the case, then that's what person would have been doing, but I don't know who that is.

Q. All right. I know you don't know who it is, but is that what you observed as the person who controls the children and does not let them run out into the middle of the street?

MR. RICHARDSON: Objection.

A. No. I was, honestly, paying attention to my children and going for

M. BRYAN

hugs that the other children got -- that the other white children got before them.

I was paying attention to that. I don't know what was going on to the left of me until the insult happened, and then I started paying attention to -- okay, all right.

We didn't stay long. We left after that. But I don't know who that is. I don't know if that's another -- if that's someone dancing or that's a --I don't know who that is.

Q. All right. But was that person wearing a Sesame Street costume, or were they just in regular clothing?

A. I don't know.

Q. And were your children --

A. And when you go --

Q. I'm sorry. I keep talking over you, and I shouldn't. I apologize.

A. It's okay.

Okay. I was just focused on my children interacting and how it played out.

M. BRYAN

I didn't look. There was no reason for me to look to the right because the character that they wanted to interact with was right in front of them, and he insulted them.

And I didn't look to the left because there was no one to the left concerning me.

Q. Is it your testimony that white children went out into the street where Ernie is now standing to get hugs, but your children didn't?

A. Yeah, yes. All the children, they run up. When they see the character coming, they're filled with so much excitement and joy and anticipation for their turn. And a lot of them step up. The step put to get their hug, to get a high five.

Q. Okay. But when the hugs of the white children by Ernie occurred, was Ernie out in the street like he is here or was Ernie --

A. Yes.

M. BRYAN

Q. -- over near the sidelines where the crowd is located?

A. He was right in that same area.

Q. And when these white children got hugged, according to your testimony, how soon before or afterward these white children -- were the white children hugged after this video?

A. Right before the --

(Simultaneous speakers.)

Q. Let me ask it again. Let me ask it again.

The white children that you say got hugged by Ernie in the street, was it before or after your children in the video failed to get their hug?

A. Before.

Q. Okay. How far -- in terms of time, how much -- how much time before your children failed to get hugged did the white children get hugged?

A. Not -- not even a minute, you know, because it's a continuous movement, so there's kids right before us --

M. BRYAN

Q. So was --

A. -- they were interacting with.

Q. So was the -- was the -- were the white children hugged at this exact point where Ernie is standing now, or was it an earlier point in the parade?

A. An earlier point in the parade, as he was coming down, as they were walking. The parade goes one direction.

Q. Right.

A. So as they were coming down, they were interacting with -- with white children before they got to my children and the other children that were nearby to us.

Q. So how far away was -- how far away was Ernie from you when Ernie was hugging the white children?

A. A few feet. A few feet before us.

MR. SIMPSON: Mr. Smolij, if you could run this one more time.

(Video played.)

Q. It looks -- if I'm -- this is my

M. BRYAN

interpretation of this video. Correct me if I'm wrong, Ms. Bryan. It looks like your children were being shooed back to the sideline; is that right?

MR. RICHARDSON: Objection.

A. No. I didn't notice that.

It looks like Ernie didn't even want to hug my kids, now that I'm looking at it. He never -- he didn't even come -- he was much closer to the white children that were before us.

You know, like, the more I look at it, I'm reliving the moment, and he didn't even want to hug my kids, and that's why they were like so adamant, like, going for the hug because it wasn't coming to them.

MR. SIMPSON: All right. Let's run it again.

(Video played.)

Q. You see your -- see how your daughter looks at the person who is off-screen. Do you see that?

A. No. I'm going to look. I'll

M. BRYAN

look again.

MR. SIMPSON: Play it again.

Play it again.

(Video played.)

Q. Do you see that? She appears to be looking at a person off-screen.

MR. RICHARDSON: Objection.

A. Yeah. J[redacted] is looking off-screen also in the other direction.

Q. She also --

A. She could be looking at her big sister. She could be looking at her big sister.

I don't know who J[redacted] is looking at because I'm right behind him with the camera, but J[redacted] could well be looking at her big sister, who was comforting them as well --

Q. Would you --

A. -- who called them back over when --

Q. Would you agree --

A. -- what was going on.

Q. Would you agree with me that

M. BRYAN

they're coming back in your direction?

A. Yeah. He's definitely -- yeah, they're backing up towards me. I don't know who he's looking at off screen. I don't know who she's looking at off screen. But they were coming -- they're coming back over to me. Their sister was standing at the side of me.

Q. All right. And are they backing up in your direction because they're being ushered that way by someone else?

A. No. They are backing up because I called them after they were insulted by someone who should be kind to the children that are there. So that's why they are backing up.

They listen. My children follow -- they're not disobedient children. They don't break rules. If they're told not to go there, not to do that, they're not going to do it. They're going to wait until they are told it's okay.

They waited their turn for a hug from a character that never wanted to hug

them.

Q. Is it -- is the fact -- is the case that you asked them to back up?

A. Yeah. When I noticed that he -- that my son wasn't getting his hug, I said, "Come, papi."

I told him to come. I didn't want him to cry. He's very emotional. Like I said earlier, he's the affectionate twin.

So when I realized that he's being ignored, I just stopped recording and told them to come back over. He came immediately.

Q. Now, Ms. Bryan, what racial identity do you identify with?

A. I'm African-American.

Q. All right. And what are the racial identities of -- what is the racial identity of J[redacted]?

A. She's African-American.

Q. And the racial identity of J[redacted]?

A. He's African-American.

M. BRYAN

Q. Is your -- is it your testimony that this interaction or this failure to have an interaction with Ernie, the character, Ernie, was because your children are African-Americans?

A. Yes.

Q. And why do you say that?

A. Because I observed numerous characters, including Ernie, happily interacting with other white children and ignoring the Black children, ignoring their hugs, ignoring their waves, ignoring their gestures, you know, for a smile, just holding their head straight and passing them.

Q. Is it your testimony that you did not observe Ernie on this day at this time interact with any other African-American children?

A. I didn't.

Q. Did you see Ernie interact with any other children who were not white?

A. I don't know. I don't know of any.

M. BRYAN

Q. Did you have your eyes on Ernie the entire time?

A. No. After he ignored my children -- well, I had my eyes on him when he was coming down. They were waiting for him. My son was very excited to see Ernie.

And after the failed interaction, I spoke to them. He went past us, and there was more interactions after us. I don't know how long after because we left. We left the parade after that. They didn't want to be there anymore.

Q. How far after the parade started -- how far into the parade was this interaction failure?

A. I don't know.

MR. SIMPSON: Let's play a second video, Ms. Bryan, that your lawyer has produced for us. We're going to label this Exhibit 3. This was produced as Video Number 2.

MR. RICHARDSON: What is the

M. BRYAN

Exhibit? Number 3?

MR. SIMPSON: This is Exhibit Number 3. It was produced by Denise Greeley as Bryan Video Number 2.

MR. RICHARDSON: Thank you.

(Bryan Exhibit 3, video, deemed marked for identification.)

BY MR. SIMPSON:

Q. All right. Ms. Bryan, do you recognize that video?

A. Yes. And I want to point something out. If you noticed, my big daughter is to the left of me. That's who had reached out and told J[redacted] to move back. So that's who was to the left of me in Exhibit Number 2 as well.

That's who J[redacted] -- J[redacted] was walking over to, her sister. That video just confirmed that she was to the left of me. So when J[redacted] is seen looking away and walking over, she's walking towards her big sister.

Q. And the big sister that you identified is A[redacted]?

M. BRYAN

A. Yeah.

MR. SIMPSON: Okay. Let's play this again and stop so we can identify the people in the video.

(Video played.)

Q. So this -- again, we have on the left, that's J[redacted], correct?

A. Mm-hmm.

Q. And on the right is J[redacted]?

A. Yes.

MR. SIMPSON: Okay. Continue on.

(Video played.)

Q. All right. Who is this child here in the orange and blue shirt?

A. Another kid that was ignored and very sad. I don't know who he is.

Q. But no relation to you --

A. No.

Q. -- is that correct? Okay.

A. No. No relation.

Q. Did you make this video as well?

A. Yes.

Q. And is this the video you made,

or is it part of a larger video?

A. No. That's the video I made.

Q. And these videos, Ms. Bryan, that we've just seen, Exhibits 2 and 3, were they made on -- they were made on a cell phone; is that correct?

A. Yeah.

Q. And that's where they, I guess, were maintained until you gave them to your lawyers?

A. Yeah.

Q. Was there anybody -- was there any step in between you having them and your lawyers getting them? Any person in between the --

A. No, no, uh-uh.

MR. SIMPSON: So let's play this from the start, Mr. Smolij.

(Video played.)

Q. All right. So Ms. Bryan, is it your testimony that what we just saw is discrimination on the basis of race?

A. Yes, it is.

Q. And why do you say that?

M. BRYAN

A. That character was waving to other children -- other white children before they got to us.

When they got us, the character's arm went down, and their head went straight past all the Black children that were there and continued down the parade path.

Q. So this -- is this -- this is a failure not to wave at your children; is that right?

A. Not to stop and engage, interact, nothing.

Q. But then --

A. That's the -- mm-hmm. Sorry.

Q. I'm sorry. I'm sorry. Go ahead. Complete your answer.

A. It's not -- it's not just about just waving, you know. The kids want eye contact. They want to know that the character acknowledges them. Then, they wave with excitement. Then they want a hug. They want a high five. They want a picture. They want a video.

M. BRYAN

So it's not just failure to wave, you know. It's -- there is a lot of interaction that's supposed to be going with all of these children from the characters.

And that's what -- that's what the kids, they are watching. They're waiting for their turn, and they're watching the character interact with other children. And when it's their turn, they're ignored.

MR. SIMPSON: All right. Let's play it one more time.

(Video played.)

Q. Do you know what the name of the character -- I guess pink is the proper color or outfit -- what the name of that character is?

A. No.

Q. Is the discriminatory treatment by the pink character, is it also by the yellow character?

A. The yellow character that's beside it?

M. BRYAN

Q. Yes.

A. Yeah, because they are supposed to be inter -- they are walking as a team. They are supposed to be interacting with the children on that side, not holding their head straight and walking.

They're holding their head straight and looking to see where the other white children are so that they can stop and interact with them and hold their heads straight past the Black children that are waiting to interact with them.

They're not supposed to hold their head straight. The children are to the side.

Q. So, is it your testimony that before the pink character got to where you were that the pink character was slowing down and interacting with white children along the way?

A. Yes, yeah, definitely.

Q. And what was that character

M. BRYAN

doing?

Was he hugging them --

A. Yeah.

Q. -- high-fiving them? What was he doing?

A. Yeah, yes. Embracing children that were running out for a hug, walking up to children to give them a hug, waving, doing little dances, you know.

Q. So when he got to where you were, he just turned his head to the front and kept walking; is that your testimony?

A. And he kept walking. Head straight, hands down, kept walking.

Q. All right. Then, after he passed you, what did you observe him doing?

A. Oh, I don't -- I don't remember. I don't.

Q. Well, did he go back to -- did he start or resume interacting with children along the way, or did he just keep walking with his -- with his head

straight forward?

A. I was comforting my children, so I don't know.

I know what happened before that because we were waiting for the characters to get to us. So there was tremendous interaction with white children before us: Dancing, high fives, hugging, waving.

But then after that happened, it was -- I was comforting them.

Q. Was there any -- in the point in time when you observed the pink character interacting with Black children, was he also interacting with white children -- I mean, excuse me --

A. Yeah.

Q. -- interacting with white children, was he also interacting with other Black children?

A. I don't know. I -- I didn't see that.

Q. Did you -- did you see him interacting with any other children who

M. BRYAN

you would not regard as white?

A. No.

MR. SIMPSON: Let's play the third video if we could. This was one that was produced today by Denise Greeley at 11 -- at 10:11 a.m.

THE WITNESS: Mm-hmm.

MR. RICHARDSON: Is this Exhibit 4?

MR. SIMPSON: This will be Exhibit 4.

THE REPORTER: I'm sorry, counselor. You're saying one name. Some Greeley. What is it?

MR. SIMPSON: Greeley, Denise Greeley. She's the forwarder of all documents from the plaintiffs in this case.

THE REPORTER: Thank you.

MR. RICHARDSON: Her name is spelled G-r-e-e-l-e-y.

THE REPORTER: Thank you, counselor.

(Bryan Exhibit 4, video, deemed

M. BRYAN

marked for identification.)

(Video played.)

BY MR. SIMPSON:

Q. Ms. Bryan, do you recognize this video?

A. Yes.

Q. Is this a video you took?

A. Yes.

Q. Is this a video during the same parade --

A. Yes.

Q. -- involving the individuals that we just saw in Exhibits 2 and 3?

A. Yes.

Q. What is it about this video you regard as discrimination on the basis of race?

A. That's the same character, the same costume interacting with that white family and white families after that. And then, when they got to us, when the character got to us, they held their head straight.

That didn't happen by us. The

M. BRYAN

bending over, the embracing, the standing up and socializing, that didn't happen with any of the Black families.

MR. SIMPSON: All right. Let's play this again.

(Video played.)

Q. Okay. Is it your testimony that the character, this pink character, is interacting in this scene with just white children or white families, or also could it be he's interacting with Black families?

MR. RICHARDSON: Objection.

A. No.

Q. No, what? He's not interacting with Black families?

A. No.

Q. You don't -- you don't think it's possible that that man in the white shirt is Black?

MR. RICHARDSON: Objection.

A. No. I was --

MR. RICHARDSON: You can answer.

M. BRYAN

A. I was there. He wasn't.

There was a lot of excitement going on in that moment, and the children were waiting for that character to come down.

Like, all eyes were locked on that character. And then there was a man that was dancing, interacting with the children, so, yeah, it wasn't a Black family.

Q. I see.

A. I'm looking right at them. Yeah, I was looking right at them and waiting.

Q. Did the pink character interact with this child in the foreground with the light blue shirt on that says "Pez"?

A. I -- say that again. This --

Q. Do you see this child -- this -- I guess it's a child. It looks like a child?

A. Yeah, he --

Q. -- with a light blue shirt and the flag pants.

M. BRYAN

Did the character interact with that person?

A. Yes, and the last interaction with that group there, when he was done interacting, he waved and was walking off, like waving at them to say bye after the interaction, and we thought it was our turn, and the character's head went straight, and his hand went down.

Q. Did the character interact with the child in the foreground here in the yellow shirt?

A. The children in that area, whoever was at front, they had interactions, conversation, and dancing time with the character.

Q. Okay. Did the character -- the pink character interact with that child on the other side of the child in the yellow shirt who is wearing pink?

It looks to me like an African-American girl.

I could be wrong, but regardless of what her race is, did the character

interact with that person?

A. No.

Q. But he interacted with the kid in the yellow shirt?

A. Yeah.

Q. Did the character interact with this individual in the -- in a rainbow bathing suit?

A. No. The children that were right up front who would get like the most interaction, they're right up front.

They wanted to be seen. They want to interact with the -- with the characters. So that's what I remember seeing.

Those who were -- the white children that were up front, they got their hugs. If they wanted a hug, they got a hug.

Even if they didn't want a hug, they still got a hi, and the character did some sort of performance and then kept it moving.

Q. All right. In this -- but this

M. BRYAN

girl or person -- I keep saying girl. We don't know.

This dark-haired individual and dark-skinned individual in the pink shirt is also in the front, correct?

A. No. She's behind them, so.

Q. So you're taking the position that she's behind these people?

A. Yeah.

Q. She's not standing next to them?

A. No. She's behind them.

Q. She's not standing right next to the boy in the yellow shirt?

MR. RICHARDSON: Objection.

A. No. She's behind them.

Q. Okay. As the character is coming down, though, aren't they standing abreast?

MR. RICHARDSON: Objection.

A. What do you mean?

Q. They are basically standing shoulder to shoulder, looking in anticipation of the pink character, correct?

M. BRYAN

C E R T I F I C A T E

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
_____
BINITA SHRESTHA

Notary ID. No. 01SH6155661
Commission Expires November 13, 2026

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

- - -

MAGNA LEGAL SERVICES

(866) 624-6221

www.MagnaLS.com

- - -

Videotaped Deposition of

YOLANDA BILLUPS, taken pursuant to notice, was held via Virtual Videoconference, commencing at 1:05 p.m., on Friday, August 18, 2023, before Edward J. Ruggeri, Registered Professional Reporter, Certified Court Reporter and Notary Public.

- - -

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(By agreement of counsel, all objections, except as to the form of the question, have been reserved until the time of trial.)

- - -

THE VIDEOGRAPHER: We are now on the record. This begins video number one in the deposition of Yolanda Billups, in the matter of Quinton Burns, et al., versus SeaWorld Parks & Entertainment, Inc., et al. Today is August 18,2023, and the time is 1:05 p.m. Counsel and all parties present will be noted on the stenographic record.

Will the court reporter please swear in the witness.

- - -

YOLANDA BILLUPS, after having been duly sworn by Edward J. Ruggeri, a Notary Public within and for the State of Pennsylvania, was examined and testified as follows:

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

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. 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.

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

C E R T I F I C A T I O N

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

Edward J. Ruggeri
Registered Professional Reporter,
Certified Court Reporter and
Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

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

QUINTON BURNS, *et al.*,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
SEAWORLD PARKS & ENTERTAINMENT, INC.; and SEAWORLD PARKS & ENTERTAINMENT LLC,	:	**NO. 22-cv-02941**
	:	
Defendants.	:	

[PROPOSED] ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

Upon consideration of Defendants SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment LLC (collectively "Defendants'") Motion for Summary Judgment, Plaintiffs' opposition thereto, and the entire record in this matter, it is hereby:

ORDERED that the Motion is **GRANTED**; and it is further

ORDERED that Plaintiffs' Amended Class Action Complaint is **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that final judgment shall be **ENTERED FOR DEFENDANTS**.

IT IS SO ORDERED.

Dated: _____

BY THE COURT:

_____

WENDY BEETLESTONE, J.

CERTIFICATE OF SERVICE

I, Leigh M. Skipper, certify that a true and correct copy of the foregoing Defendants SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment LLC's Motion for Summary Judgment and Memorandum in Support were served using the CM/ECF system, which will send notification of such filing to counsel and parties of record electronically on December 18, 2023.

/s/ Leigh M. Skipper
Leigh M. Skipper