

3. ISP is comprised of various zones throughout the State, where Special Agents reside and work. (Ex. A, Coffman Dep., 29:7-13).

RESPONSE: The Plaintiff admits this fact.

4. Zone Agents within ISP relayed information to Defendant that Plaintiff had made threats to State Representative Anthony DeLuca's office. (Ex. A, Coffman Dep., 53:4-7, 105:14-15; Ex. C, Pryor Dep., 22:7-18, 29:14-21). Specifically, Defendant received this information from employees with the ISP—Michael Vorreyer and Linette Metzger, who received an email from Agent Steven Pryor detailing the threats made by Plaintiff. (Ex. A, Coffman Dep., 54:6-14; Ex. D, Email of Steven Pryor, 2/3/11; Ex. C, Pryor Dep., 67:11-68:3).

RESPONSE: The Plaintiff admits this fact.

5. Defendant received a summary of information from Donna Fanning, the District Manager for Representative DeLuca's office, where Plaintiff stated that he is "ready to start shooting people" and that he would attack the Governor. (Ex. D, Email of Steven Pryor, 2/3/11). Plaintiff also referred to himself as a "sacrifice lamb." (Ex. D, Email of Steven Pryor, 2/3/11; Ex. A, Coffman Dep., 62:10-11; Ex. E, Rhein Dep., 97:10-13).

RESPONSE: The Plaintiff admits that the Defendant received a summary of information from Donna Fanning ("Fanning"), wherein Fanning alleges that the Plaintiff stated he is "ready to start shooting people" and that he would "kick [the Governor's] ass." The Plaintiff admits that making statements referring to himself as a "sacrifice lamb." However, the Plaintiff testified at deposition that he did not make comments stating he is "ready to start shooting people" or stating that he "would kick [the Governor's] ass." Pl. Ex. A, Pl. Dep. 85: 16-22; 95: 9-19.²

² "Pl. Ex. A, Pl. Dep." refers to the Plaintiff's Deposition included as an exhibit in the Plaintiff's Local Rule 56.1(a)(3) Statement of Undisputed Material Facts filings. (Dkt. 68-1).

6. The information included the following: Plaintiff first interacted with Donna Fanning, District Manager for Representative DeLuca, on March 22, 2010. (Ex. F, Fanning Decl., ¶¶1-2). On that date, Plaintiff called Representative DeLuca's office and asked Ms. Fanning whether she had received a manila envelope from him containing a petition for answers to questions about why the Constitution is being violated. (Ex. F, Fanning Decl., ¶2).

RESPONSE: The Plaintiff admits that he could have called Representative DeLuca's office on that date, but he cannot remember the exact date. Pl. Ex. A, Pl. Dep. 17: 5-15. The Plaintiff otherwise admits this fact.

7. Plaintiff talked a lot about Second Amendment rights. (Ex. F, Fanning Decl., ¶2). After discussing the packet with Plaintiff, he said "I am ready to start shooting people." (Ex. F, Fanning Decl., ¶2).

RESPONSE: The Plaintiff admits that Fanning's statement states that the Plaintiff discussed the Second Amendment and made the comment, "I am ready to start shooting people." However, the Plaintiff testified at deposition that he did not make those comments. Pl. Ex. A, Pl. Dep. 85:16-22.

8. On August 3, 2010, Plaintiff stopped by Representative DeLuca's office and dropped off a packet with a picture of a sign in front of his house that read "THE BRITISH ARE BACK. THE REDCOATS ARE NEXT." (Ex. F, Fanning Decl., ¶3; Ex. G, Boggs Dep., 47:7-11). In this packet, Plaintiff suggested that Representative DeLuca does not protect his constitutional rights and that the Representative should "hang for treason for allowing this state and federal government to piss and shit all over we the people's individual rights." (Ex. F, Fanning Decl., ¶3).

RESPONSE: The Plaintiff admits that on August 3, 2010, the Plaintiff stopped by Representative DeLuca's office and dropped off a packet. The Plaintiff further admits stating that Representative DeLuca should "hang for treason for not allowing this state and federal government to piss and shit all over we the people's individual rights." However, the Plaintiff denies ever giving Fanning a picture of a sign in front of his house or including one in a packet. Pl. Ex. A, Pl. Dep. 86:16-24.

9. On September 30, 2010, Plaintiff called Representative DeLuca's office and screamed the following at Ms. Fanning, "Why are the only ones with any rights the niggers? Why doesn't Representative DeLuca answer my petition? I wanna know why from his cracker ass!" (Ex. F, Fanning Decl., ¶4).

RESPONSE: The Plaintiff admits that on September 30, 2010, he called Representative DeLuca's office. The Plaintiff further admits that Fanning's statement states that the Plaintiff screamed various comments at Fanning over the phone. However, the Plaintiff testified at deposition that he did not use the word "nigger" nor did he call Representative DeLuca a "cracker." Pl. Ex. A, Pl. Dep. 90: 9-14; 91:3-7.

10. On January 14, 2011, Plaintiff called Ms. Fanning at Representative DeLuca's office to advise that he was coming to the Representative's office. (Ex. F, Fanning Decl., ¶5). Plaintiff left a packet with Ms. Fanning, which stated on the outside, "WHATS IN THIS ENEVELOPE ARE FACTS NOT FICTION," "LEARN TO READ THE TRUTH THE WHOLE TRUTH AND NOTHING BUT THE TRUTH SO HELP YOU (GOD)," "IT ALSO EXPLAINS WHY THERE ARE SO MANY FATASS & LAZYASS PEOPLE IN THIS COUNTRY AND STATE," "1812 – 2012?," "WHAT MITE THESE TWO DATES HAVE

IN COMMON?” “NEED A HINT.” (Ex. F, Fanning Decl., ¶5; Ex. E, Rhein Dep., 35:13-17, 92:21-93:6; Ex. H, Pl. Request to Admit, ¶18).

RESPONSE: The Plaintiff testified at deposition that this could have taken place on January 14th, 2011. Pl. Ex. A., Pl. Dep. 36:15-20. The Plaintiff otherwise admits this fact.

11. Inside the packet were various documents, including excerpts of the Declaration of Independence, the Constitution, and a biography of the Illinois Attorney General—Lisa Madigan. (Ex. F, Fanning Decl., ¶6). Plaintiff wrote, “Now you know why so many of your people or [sic] going to be shot because your [sic] too selfish too [sic] understand the truth.” (Ex. F, Fanning Decl., ¶6; Ex. H, Pl. Request to Admit, ¶21). He also wrote, “Constitutional Convention—Artical [sic] XII State Second Amendment Fed Now you know why you may be next.” (Ex. F, Fanning Decl., ¶6; Ex. E, Rhein Dep., 69:10-12; Ex. H, Pl. Request to Admit, ¶22). Below this was a drawing of a crosshairs (a circle with a cross in the middle). (Ex. F, Fanning Decl., ¶6; Ex. E, Rhein Dep., 74:22-75:1; Ex. G, Boggs Dep., 41:7-42:10).

RESPONSE: The Plaintiff admits this fact.

12. Within this packet also included a document on which Plaintiff wrote, “You all need to take a step back and take a look at what you are doing to this state. Befor[e] we the people go Second Amendment on your assess [sic].” (Ex. F, Fanning Decl., ¶7; Ex. E, Rhein Dep., 75:8-76:19; Ex. H, Pl. Request to Admit, ¶23).

RESPONSE: The Plaintiff admits this fact.

13. On January 25, 2011, Plaintiff again called Ms. Fanning at Representative DeLuca’s office and advised her that he is a member of the Illinois State Militia. Plaintiff asked Ms. Fanning if she knew that the purpose of a militia was to overthrow the government. (Ex. F, Fanning Decl., ¶9).

RESPONSE: The Plaintiff admits that Fanning's statements states the Plaintiff called her on January 25, 2011 and made comments regarding the Illinois State Militia. However, the Plaintiff testified at deposition that he did not make those alleged statements. Pl. Ex. A, Pl. Dep. 98:10-14.

14. Ms. Fanning met again with Plaintiff on January 25, 2011, to discuss some concerns that Plaintiff had. (Ex. F, Fanning Decl., ¶11). Plaintiff stood over Ms. Fanning and ranted for about an hour. (Ex. F, Fanning Decl., ¶11). During this incident, Plaintiff's hands were shaking badly, his body language was animated, and he waved his arms in the air and raised his voice. (Ex. F, Fanning Decl., ¶11). Plaintiff also lunged at Ms. Fanning's desk. (Ex. F, Fanning Decl., ¶11).

RESPONSE: The Plaintiff denies this fact. He testified at deposition that he did not recall "ever call[ing] after that last package [on January 14, 2011] was delivered." Pl. Ex. A, Pl. Dep. 35: 13-23.

15. During the conversation on January 25, 2011, Plaintiff would yell for extended periods of time and then calm down, repeating this conduct throughout his visit. (Ex. F, Fanning Decl., ¶12). Several times during the conversation Plaintiff referred to himself as a "sacrifice lamb." (Ex. F, Fanning Decl., ¶12; Ex. E, Rhein Dep., 97:10-13). Plaintiff also continually referred to the year 2012 as a year of great significance and one that would be a year a revolution and overthrowing the government. (Ex. F, Fanning Decl., ¶12).

RESPONSE: The Plaintiff admits that Fanning made these statements in her unsworn declaration. The Plaintiff further admits that he referred to himself as a "sacrificial lamb" during an interaction with Fanning. Pl. Ex. A, Pl. Dep. 97: 10-21.

16. During the conversation on January 25, 2011, Plaintiff also stated, “I have never shot anybody in my life, and I never would shoot anyone, unless I am forced to—to protect my constitutional rights.” (Ex. F, Fanning Decl., ¶13; Ex. E, Rhein Dep., 98:17-22). And as Plaintiff left Representative DeLuca’s office, Plaintiff stated, “We the people are organizing a militia. I hope the Rep[resentative] is ready for what is coming.” (Ex. F, Fanning Decl., ¶13).

RESPONSE: The Plaintiff admits that during an interaction with Fanning he stated, “I have never shot anybody in my life, and I never would shoot anyone, unless I am forced to—to protect my constitutional rights.” The Plaintiff further admits that Fanning’s statement states that the Plaintiff made comments regarding a militia. However, the Plaintiff testified at deposition that he did not make those comments. Pl. Ex. A, Pl. Dep. 98:10-14.

17. Ms. Fanning relayed the information to local law enforcement and to the ISP Statewide Terrorism Intelligence Center. (Ex. F, Fanning Decl., ¶14).

RESPONSE: The Plaintiff admits this fact.

18. The ISP Zone Agents relayed the information presented by Ms. Fanning to Defendant. (Ex. A, Coffman Dep., 78:5-11, 155:9-17, 156:2-8). Although Defendant does not recall whether he read every document provided by Ms. Fanning, he reviewed many of them. (Ex. A, Coffman Dep., 92:6-94:11, 156:12-21).

RESPONSE: The Plaintiff admits this fact.

19. Based on the information related by Ms. Fanning (as provided by ISP Zone Agents), Defendant made the decision to revoke Plaintiff’s FOID card pursuant to section 8(f) of the FOID Card Act on February 3, 2011. (Ex. A, Coffman Dep., 56:8-24, 57:1-13, 60:1-9, 61:9-22, 84:3-7, 124:17-125:3, 155:9-17, 156:2-8).

RESPONSE: The Plaintiff admits this fact.

20. On February 3, 2011, Defendant sent Plaintiff a letter advising that Plaintiff's FOID card had been revoked pursuant to section 8(f) of the FOID Card Act, 430 ILCS 65/8(f), which allows ISP to revoke a FOID card of an individual who poses a clear and present danger to himself, any other person or persons, or the community. (Ex. A, Coffman Dep., 44:7-14; Ex. I, Coffman Letter to Plaintiff, 2/3/11).

RESPONSE: The Plaintiff denies that on February 3, 2011, the Defendant *sent* the Plaintiff a letter advising that the Plaintiff's FOID card had been revoked. The Defendant testified at deposition that he *wrote* the letter on that date. Pl. Ex. F, Coffman Dep. 44:7-14.³

21. It is a matter of ISP policy to not interview potential revokees prior to revocation of a FOID card pursuant to the clear and present danger standard of section 8(f) of the FOID Card Act. (Ex. A, Coffman Dep., 64:18-23). The ISP Zone Agents are in charge of interviewing potential revokees and witnesses, and issues concerning public safety necessitate that Defendant rely upon their investigations in making the decision to revoke a FOID card. (Ex. A, Coffman Dep., 64:24-65:9).

RESPONSE: The Plaintiff admits that it is a matter of ISP policy to not interview potential revokees prior to revocation of a FOID card pursuant to Section 8(f) of the FOID Card Act, and that the ISP Zone Agents are in charge of interviewing potential revokees and witnesses. Further, the Plaintiff admits that the Defendant testified at deposition that issues concerning public safety necessitate that the Defendant rely upon the Zone Agent investigations in making the decision to revoke a FOID card.

³ "Pl. Ex. F, Coffman Dep." refers to Defendant Coffman's Deposition included as an exhibit in the Plaintiff's Local Rule 56.1(a)(3) Statement of Undisputed Material Facts filings. (Dkt. 68-6).

22. Additionally, Defendant did not conduct an independent pre-FOID card deprivation investigation of Plaintiff because the very nature of a “clear and present danger” threat requires immediate action, or “something bad could happen.” (Ex. A, Coffman Dep., 68:21-69:2, 73:2-6).

RESPONSE: The Plaintiff admits that the Defendant did not conduct an independent pre-FOID card deprivation investigation.

23. The entire chain of ISP command who reviewed the information provided by Donna Fanning concluded that Plaintiff presented a “clear and present threat.” (Ex. A, Coffman Dep., 79:9-15). Defendant made his decision to revoke Plaintiff’s FOID card on the information presented to him. (Ex. A, Coffman Dep., 78:23-79:20). Plaintiff’s own treating psychiatrists agree that it was appropriate to revoke his FOID card based upon these threats. (Ex. K, Childs Dep. 38:12-17; Ex. L, Howell Dep., 33:22-34:5).

RESPONSE: The Plaintiff denies that the “entire chain of command on division of operations” opined that the Plaintiff presented a “clear and present threat.” Agent Pryor testified at deposition that there was nothing about the Plaintiff’s behavior during his interview on February 4, 2011 (the date that Agent Pryor presented the Plaintiff with the revocation) that would have led Agent Pryor to believe that the Plaintiff was a clear and present danger to anyone. Pl. Ex. E, Pryor Dep. 48: 9-16.⁴ The Plaintiff admits that the Defendant made the decision to revoke Plaintiff’s FOID card on the information presented to him. However, the Defendant’s statement that “Plaintiff’s own treating psychiatrists agree that it was appropriate to revoke his FOID card based upon these threats” is taking the treating psychiatrists testimony out of context and, further, is not a material fact in this case.

⁴ “Pl. Ex. E, Pryor Dep.” refers to Agent Pryor’s Deposition included as an exhibit in the Plaintiff’s Local Rule 56.1(a)(3) Statement of Undisputed Material Facts filings. (Dkt. 68-5).

First, the first two comments the Defendant is referring to as “threats” are comments that the Plaintiff has denied making. Pl. Ex. 1, Howell Dep. 31:21-24; 32: 1-24; 33:1-9.⁵ The third comment that Defendant is referring to, a comment that the Plaintiff admits to making, was not interpreted as a threat by Dr. Howell. She testified that “[i]t’s not a direct threat of immediate harm. It’s a statement of his position, but I wouldn’t say it’s a direct threat of immediate harm.” Pl. Ex. 1, Howell Dep. 33:10-21. Next, the writings in question were not relevant to Dr. Howell’s examination because “[t]he question was not as to the type of letter. The question was to homicidality or suicidality at the moment, so I didn’t review those as far as my evaluation went.” Pl. Ex. 1, Howell Dep. 14:18-21. Dr. Howell cannot “go in the past and determine somebody’s mental state at that time.” Pl. Ex. 1, Howell Dep. 15:7-9.

Similarly, Dr. Childs evaluated the Plaintiff to determine his mental state at the time of the evaluation (Pl. Ex. 2, Childs Dep. 27: 16-23)⁶, not six months or a year earlier when Fanning alleges that threats were made by the Plaintiff. Further, the documents provided to Dr. Childs during his deposition were given to Representative DeLuca’s office beginning in March 2010; Dr. Childs did not meet the Plaintiff until several months after, in July 2011. Pl. Ex. 2, Childs Dep. 28: 13-20. Finally, Dr. Childs’ evaluation was received by the Defendant on August 8, 2011, but the Defendant did not bother to review the report (Pl. Ex. F, Coffman Dep. 137: 11-21; 139: 3-13; Pl. Ex. C, Def. Coffman Group Ex. No. 3, AGO Bates Stamp No. 79, 81-83), and thus the doctors’ opinions are not relevant to any material fact in this case.

⁵ “Pl. Ex. 1, Howell Dep.” refers to Dr. Elizabeth Howell’s deposition, included as an exhibit in this filing.

⁶ “Pl. Ex. 2, Childs Dep.” refers to Dr. Alan Childs’ deposition, included as an exhibit with this filing.

24. When a revocation of a FOID card is made pursuant to the clear and present danger standard of section 8(f) of the FOID Card Act, if enough information is provided by the applicant, the card can be reinstated. (Ex. A, Coffman Dep., 106:17-20).

RESPONSE: The Plaintiff admits this fact.

25. Because of understaffing with ISP, it can take months or over a year to hold a FOID card reinstatement hearing on a revocation made under the clear and present danger standard when requested by the applicant. (Ex. A, Coffman Dep., 108:3-13).

RESPONSE: The Plaintiff denies this fact. The Defendant testified that due to “staffing” there is not enough “manpower to address each of these requests in a very, very timely manner.” Pl. Ex. F, Coffman Dep. 108: 2-7. Further, The Defendant testified that the amount of time it takes to resolve a case “depends on the individual circumstances that surround that case” and whether it is “apparent that the threat still exists or additional threats have been made,” in which case “it would not be a high priority to engage in a hearing.” Pl. Ex. F, Coffman Dep. 108: 8-22.

26. In some instances, a FOID card may be reinstated without an in-person hearing if the documents provided by the applicant show that the clear and present danger no longer exists. (Ex. A, Coffman Dep., 110:3-12).

RESPONSE: The Plaintiff admits this fact.

27. If an applicant seeking reinstatement of a FOID card seeks an in-person hearing, he or she is directed to contact the Bureau of Firearm Services and provide all of the requested information; additionally, the Bureau of Firearm Services will then compile any additional information from the objecting/complaining party, as well as from local law enforcement and

ISP Zone Agents, and forward all of these materials to ISP's legal department. (Ex. A, Coffman Dep., 115:1-116:10).

RESPONSE: The Plaintiff admits that “[i]f an applicant seeking reinstatement of a FOID card seeks an in-person hearing, he or she is directed to contact the Bureau of Firearm Services and provide all of the requested information; additionally, the Bureau of Firearm Services will then compile any additional information from the objecting/complaining party, as well as from local law enforcement and ISP Zone Agents, and forward all of these materials to ISP's legal department.” However, their hearing request or request for reinstatement is only forwarded to the legal department if the Firearm Services Bureau believes that the candidate is a good candidate or that the candidate has complied with all of the requests for information. Pl. Ex. F, Coffman Dep. 116:3-7.

28. ISP's in-house legal department ultimately makes the final decision as to whether an applicant is entitled to an in-person hearing, but only after it considers all relevant documents provided by ISP's Bureau of Firearm Services. (Ex. A, Coffman Dep., 111:14-20, 116:11-19).

RESPONSE: The Plaintiff admits that “ISP's in-house legal department ultimately makes the final decision as to whether an applicant is entitled to an in-person hearing.” However, they only review the cases that the Firearm Services Bureau decides to forward them. Pl. Ex. F, Coffman Dep. 116: 3-7.

29. In the FOID card revocation letter sent by Defendant to Plaintiff, Plaintiff was strongly encouraged to provide ISP with (1) a letter of recommendation from the law enforcement agency that handled the incident; (2) a letter from a psychiatrist or a registered clinical psychologist attesting to the applicants suitability to acquire, possess, and use firearms; and

(3) three or more letters of reference from friends/acquaintances in the community. (Ex. A, Coffman Dep., 116:23-117:1, 119:12-15, 121:22-122:4; Ex. I, Coffman Letter to Plaintiff, 2/3/11).

RESPONSE: The Plaintiff admits this fact.

30. Plaintiff believed that the FOID card revocation letter that he received was “pretty explanatory” as to the process for seeking reinstatement of his FOID card. (Ex. E, Rhein Dep., 156:18-24).

RESPONSE: The Plaintiff admits this fact.

31. If an applicant is unable to obtain all three forms of documents, he or she still may be entitled to an in-person hearing if requested depending on the reasons why all of the requested documentation was not provided. (Ex. A, Coffman Dep., 129:3-130:4).

RESPONSE: The Plaintiff admits this fact.

32. If an applicant is able to obtain all of the documents sought by ISP as part of the reinstatement process, priority will be given to that applicant’s reinstatement request. (Ex. A, Coffman Dep., 130:1-4).

RESPONSE: The Plaintiff admits that the Defendant testified that “in most cases, they will probably be given priority,” referring to revokees that are able to obtain all of the documents required by ISP. Pl. Ex. F, Coffman Dep. 130:1-4.

33. The first time that Plaintiff hired an attorney to assist him with the FOID card reinstatement process was around September 19, 2011. (Ex. E, Rhein Dep., 157:15-21).

RESPONSE: The Plaintiff admits that he testified at deposition that the first correspondence from his attorney to the state police was dated September 19, 2011, and that the Plaintiff agreed that was around the time he hired an attorney. However, the Plaintiff and

Dr. Childs testified that the Plaintiff's attorney arranged for the Plaintiff to meet with Dr. Childs (Pl. Ex. A, Pl. Dep. 141: 9-11; Pl. Ex. 2, Childs Dep. 12:4-10), a meeting which took place during June 2011, demonstrating that the Plaintiff hired an attorney at least four months prior to the date of the first correspondence his attorney sent to the state police. Pl. Ex. 2, Childs Dep. 22: 13-21; Pl. Ex. 1, Howell Dep. 12: 1-11. Further, a letter dated August 1, 2011 from the Plaintiff's attorney to Defendant Coffman, containing the Plaintiff's psychiatric evaluation, three letters of reference, and language "formally request[ing] that [the Plaintiff's] FOID Card be reinstated and be returned to him immediately," was received by the Firearm Services Bureau on August 8, 2011. Pl. Ex. C, Coffman Dep. Group Ex. No. 3, AGO Bates No. 76-83.⁷

34. From February 2011 to September 2011, Plaintiff did not request reinstatement of his FOID card from ISP but, instead, "was just trying to get the psychiatrist evaluation done." (Ex. E, Rhein Dep., 157:22-158:2)

RESPONSE: The Plaintiff denies this fact. The Plaintiff formally requested reinstatement as early as August 1, 2011, in a letter from the Plaintiff's attorney to Defendant Coffman containing the Plaintiff's psychiatric evaluation, three letters of reference, and language "formally request[ing] that [the Plaintiff's] FOID Card be reinstated and be returned to him immediately." Pl. Ex. C, Coffman Dep. Group Ex. No. 3, AGO Bates No. 76-83. This letter was received by the Firearm Services Bureau on August 8, 2011. *Id.*

35. Defendant is unaware of any instance in which an applicant who had a FOID card revoked under the clear and present danger standard was denied a request for a FOID card

⁷ "Ex. C, Coffman Dep. Group Ex. No. 3" refers to Defendant Coffman's Deposition Group Exhibit Number 3, which was included as an exhibit with the Plaintiff's Local Rule 56.1(a)(3) Statement of Uncontested Material Facts filings. (Dkt. 68-3).

reinstatement hearing by ISP. (Ex. A, Coffman Dep., 126:22-24). If a hearing under such circumstances is requested, one will be provided. (Ex. A, Coffman Dep., 127:10-11).

RESPONSE: The Plaintiff admits that the Defendant testified to being “unaware of any instance in which an applicant who had a FOID card revoked under the clear and present danger standard [being] denied a request for a FOID card reinstatement hearing by ISP.” Further, the Plaintiff admits that the Defendant testified that “[i]f a hearing under such circumstances is requested, one will be provided.” However, the Defendant contradicted this testimony by testifying that in order for someone to get a hearing, the Firearm Services Bureau would have to forward their information to the legal unit, and this “would only be done upon receipt of all the documents and the requested information from the zone, from the division of operations, and from, in this case, DeLuca’s office.” Pl. Ex. F, Coffman Dep. 115: 8-15. The legal department would never receive a request for a hearing unless the Firearm Services Bureau is satisfied that they have been provided all the requested documentation. Pl. Ex. F, Coffman Dep. 116: 3-19; 118: 16-24–119:1-11. And, the Defendant testified that the right to a hearing is not absolute. Pl. Ex. F, Coffman Dep. 130: 18-22; 132: 6-22.

36. The first time that Defendant became aware that Plaintiff sought reinstatement of his FOID card was when Defendant saw a letter to that effect from Plaintiff’s attorney, Joseph Barbaro, on September 23, 2011. (Ex. A, Coffman Dep., 133:19-135:18).

RESPONSE: The Plaintiff denies this fact. This is contradicted by a letter from the Plaintiff’s attorney addressed to the Defendant, dated August 1, 2011, and stamped by the Firearm Services Bureau as received on August 8, 2011. Pl. Ex. C, Coffman Dep. Group Ex. No. 3, AGO Bates No. 76-83.

37. The information provided to Defendant by Plaintiff's attorney were placed in Plaintiff's file, and given the clear and present danger threat that Plaintiff had posed, requests for information/comments to State Representative DeLuca's office were sent, as well as to the relevant ISP Zone. (Ex. A, Coffman Dep., 136:4-19). The ISP Bureau of Firearm Services then waited for information to be returned, and Defendant recalled there was still some issue with reinstating Plaintiff's FOID card. (Ex. A, Coffman Dep., 136:19-22).

RESPONSE: The Plaintiff admits that “[t]he information provided to Defendant by Plaintiff's attorney were [sic] placed in Plaintiff's file.” However, the Plaintiff objects to the characterization in this paragraph that around the time this information was placed in his file, “requests for information/comments to State Representative DeLuca's officer were sent, as well as to the relevant ISP Zone.” The only documented attempt of a “request for information” was not initiated until May 16, 2012 – *nine months* after the Firearm Services Bureau first received the Plaintiff's request for reinstatement – at which time a request was made for a “representative of Governmental Affairs” to “contact State Representative DeLuca's Office [to] determine if [the Plaintiff] has been in contact since February 2011[.]” Pl. Ex. C, Coffman Dep. Group Ex. No. 3, AGO Bates No. 92. Pursuant to that request, Fanning communicated on May 18, 2012 that her “last contact with [the Plaintiff] was on February 18, 2011.” Pl. Ex. C, Coffman Dep. Group Ex. No. 3, AGO Bates No. 93.

38. ISP had received information from Representative DeLuca's office that Plaintiff had continued to make threats even after his FOID card had been revoked, which ISP would consider in deciding whether to reinstate Plaintiff's FOID card. (Ex. A, Coffman Dep., 147:6-10, 150:1-17).

RESPONSE: The Plaintiff admits that the Defendant testified that ISP received information that the Plaintiff continued to make threats after his FOID card had been revoked. However, this information is contradicted by Fanning's response to a request for updated information about the Plaintiff's contacts with Representative DeLuca's office. *See* Pl. Ex. C, Coffman Dep. Group Ex. No. 3, AGO Bates No. 93-94. In her response sent on May 18, 2012, Fanning stated that her last contact with the Plaintiff was on February 18, 2011, and that the Plaintiff allegedly stated, "[t]ell that little candy-ass that had my guns taken away illegally that I am going to make sure he doesn't get re-elected," "And, I am going to make sure everybody knows what a little candy-ass he is." Pl. Ex. C, Coffman Dep. Group Ex. No. 3, AGO Bates No. 93.

39. Even after Plaintiff and his attorney complied with the providing the requested information/documents for FOID card reinstatement, a reinstatement hearing was not provided until ISP received a response from Representative DeLuca's office, as well as from the local law enforcement agency that initiated the revocation process. (Ex. A, Coffman Dep., 140:9-15).

RESPONSE: The Plaintiff admits that "[e]ven after Plaintiff and his attorney complied with the [sic] providing the requested information/documents for FOID card reinstatement, a reinstatement hearing was not provided until ISP received a response from Representative DeLuca's office, as well as from the local law enforcement agency that initiated the revocation process." However, ISP did not request information from Representative DeLuca's Office until May 16, 2012. Pl. Ex. C, Coffman Dep. Group Ex. No. 3, AGO Bates No. 92.

40. On January 16, 2012, Plaintiff, through his counsel, for the first time formally requested a hearing on his application for reinstatement of his FOID card. (Ex. A, Coffman Dep., 144:2-14).

RESPONSE: The Plaintiff admits that the word “hearing” was first used in his attorney’s third letter requesting reinstatement of the Plaintiff’s FOID card to the Firearm Services Bureau on January 16, 2012.

41. Upon receiving this request for a hearing, Defendant advised ISP staff to make formal contact with Plaintiff’s attorney and to forward the request for a hearing to ISP’s legal department. (Ex. A, Coffman Dep., 144:15-20). Defendant did this to move Plaintiff’s reinstatement process forward. (Ex. A, Coffman Dep., 145:8-19).

RESPONSE: The Plaintiff admits that on January 19, 2012, the Defendant received the third letter in a series of letters from the Plaintiff’s attorney requesting reinstatement of the Plaintiff’s FOID card, and, on January 25, 2012, asked that this most recent letter be forwarded to the legal department. Pl. Ex. C, Coffman Dep. Group Ex. No. 3, AGO Bates No. 85-87.

42. In February 2012, Defendant was transferred from the Bureau of Firearm Services to ISP’s Division of Operations. (Ex. A, Coffman Dep., 145:23-146:2). Prior to his transfer, Defendant made sure that Plaintiff’s request for a reinstatement hearing was sent to the proper personnel, but it was beyond Defendant’s authority to ensure that a hearing actually occurred. (Ex. A, Coffman Dep., 146:3-15).

RESPONSE: The Plaintiff admits that on February 2012, the Defendant was transferred from the Bureau of Firearm Services to ISP’s Division of Operations. This was well before the first and only documented request for information was sent to Representative DeLuca’s

office on May 16, 2012 requesting information on any continuing threats from the Plaintiff.

Pl. Ex. C, Coffman Dep. Group Ex. No. 3, AGO Bates No. 92.

43. Defendant was not involved with Plaintiff's request for a hearing after he was transferred to the Division of Operations. (Ex. A, Coffman Dep., 146:16-18).

RESPONSE: The Plaintiff admits this fact.

44. On June 5, 2012, the ISP reinstated Plaintiff's FOID card. (Ex. J, Order, Circuit Court Cook County, 2012 COMS 000003).

RESPONSE: The Plaintiff admits this fact.

Respectfully submitted,

s/Iveliz Maria Orellano
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Local Rule 56.1(b)(3) Response to Defendant's Statement of Uncontested Material Facts was filed on October 13, 2014, and was served on all counsel of record via the Court's CM/ECF system.

s/Iveliz Maria Orellano
One of Plaintiff's Attorneys.

**IN THE UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DAVID RHEIN,)	
)	No. 13 C 843
Plaintiff,)	
)	
vs.)	Hon. Judge Gary Feinerman
)	
LIEUTENANT JOHN COFFMAN,)	Hon. Mag. Judge Young B. Kim
)	
Defendant.)	

Plaintiff's Exhibit 1

Urlaub Bowen & Associates, Inc.

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Page 2

1 APPEARANCES:
 2 THE LAW OFFICE OF RICHARD DVORAK, by
 3 MS. IVELIZ ORELLANO
 4 (18W140 Butterfield Road, 15th Floor
 Oak Brook Terrace, Illinois 60181
 richard.dvorak@civilrightsdefenders.com)
 appeared on behalf of the plaintiffs;
 5
 OFFICE OF THE ATTORNEY GENERAL
 6 STATE OF ILLINOIS, by
 MR. THOR Y. INOUYE
 7 (100 West Randolph Street, 13th Floor
 Chicago, Illinois 60601
 tinouye@atg.state.il.us)
 8 appeared on behalf of the defendants.
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 10 * * * * *
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Page 3

1 I N D E X
 2 Witness: Page
 3 MICHELLE HOWELL
 4 Examination by:
 5 Mr. Inouye..... 4
 6
 7 E X H I B I T S
 8 HOWELL
 9 No. Description Marked/Referenced
 10 1 Amended Notice of Deposition..... 11
 11 2 Dr. Howell's Report..... 27
 12 3 Statement by Donna Fanning..... 31
 13
 14 CHILDS
 15 No. Description Marked/Referenced
 16 3 Documents from Mr. Rhein to
 17 Representative DeLuca 21
 18 (Exhibits attached/scanned.)
 19 - - -
 20
 21
 22
 23
 24

Page 4

1 (Witness sworn.)
 2 MICHELLE HOWELL
 3 called as a witness herein, having been first duly
 4 sworn, was examined and testified as follows:
 5 DIRECT EXAMINATION
 6 BY MR. INOUYE:
 7 Q. Could you state and spell your last
 8 name for the record.
 9 A. Michelle Howell, H-o-w-e-l-l.
 10 Q. Dr. Howell, have you ever been deposed
 11 before?
 12 A. No, this is my first time.
 13 Q. Okay. I'll just go over some of the
 14 background and rules for a deposition.
 15 If you could wait until I finish
 16 asking my question, before you begin answering, it
 17 just makes it easier for the Court Reporter because
 18 she has to write down everything that we say.
 19 If you could avoid answering in head
 20 nods, because, obviously, the Court Reporter isn't
 21 recording that, and then also if you could avoid
 22 saying uh-huh or uh-uh, because, if you can imagine
 23 what that looks like on the page, it looks like the
 24 same thing.

Page 5

1 So with that in mind -- also if
 2 there's any -- if at any time I ask a bad question
 3 and you don't understand it or you don't hear it,
 4 I'm happy to repeat it or rephrase it if you just
 5 let me know.
 6 A. Certainly.
 7 Q. Okay. Do you have any questions before
 8 we begin?
 9 A. No.
 10 Q. Okay.
 11 MS. ORELLANO: I will just add that I might
 12 say objection or something, but right after that,
 13 you can go ahead and answer.
 14 THE WITNESS: Okay.
 15 BY MR. INOUYE:
 16 Q. And if at any time you need to take a
 17 break, let us know, and we can take a break at any
 18 time.
 19 A. Okay.
 20 Q. Dr. Howell, can you tell me where you
 21 went to undergraduate and then your education after
 22 that?
 23 A. My undergraduate, I spent one year at
 24 Trinity Christian College. The education was very

<p style="text-align: right;">Page 6</p> <p>1 Christian oriented, religious oriented, and then I 2 spent two years at Moraine Valley Community College 3 and transferred to St. Xavier University, where I 4 received my undergraduate. 5 Q. Where is St. Xavier? 6 A. In Chicago. 7 Q. When did you graduate? 8 A. 1998. 9 Q. And a degree in? 10 A. Psychology. 11 Q. And then next? 12 A. Then I worked at TCF National Bank for 13 a number of years, and then I went to Midwestern 14 University, starting in 2004, and graduated in 2006 15 with my variety in clinical psychology. 16 Q. Okay. I'm sorry, what school did you 17 say you graduated from? 18 A. Midwestern University. 19 Q. Okay. And is that in Chicago as well? 20 A. That's in Downers Grove, Illinois. 21 Q. Okay. And are you -- are you employed 22 with Dr. Childs full time? 23 A. Part time. I'm doing -- I'm finishing 24 up my postdoctoral training. I've completed that</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Correct. 2 Q. Okay. And how does that work? Do you 3 apply to some type of system and then they just 4 place you or did you apply specifically with 5 Dr. Childs? 6 A. I knew Dr. Childs from a diagnostic 7 practicum that I had completed with him through my 8 schooling, so once I graduated, I called him and 9 asked if he would be willing to do the postdoctoral 10 training, and he was willing to participate with me 11 on that. 12 Q. Okay. About how many hours per week? 13 A. It is about 15 to 20 hours per week. 14 Q. Okay. 15 A. It ranges, though; sometimes less, 16 sometimes more. 17 Q. And, I'm sorry, did you say you are 18 preparing for some type of examination to be 19 certified? 20 A. My licensure examination, the E triple 21 P is in October. 22 Q. Okay. Do you have to complete a 23 certain number of hours of clinical training before 24 that?</p>
<p style="text-align: right;">Page 7</p> <p>1 now and I'm going for my licensure in October, so 2 I'm working part time under his supervision still. 3 Q. And how long have you been doing that? 4 A. Four years, four-and-a-half years. 5 Q. Okay. 6 A. But I was part time and took a leave of 7 absence. I had a child who has special needs and 8 we didn't know that until after delivery, so that's 9 why it has taken me a little longer to finish up my 10 postdoctoral training. 11 Q. You graduated in 2006 -- 12 A. No, I graduated in 2010. 13 Q. Oh, 2010. 14 A. Yes. 15 Q. 2006 is when you started. 16 A. 2004 is when I started and 2010 I 17 graduated. 18 Q. Okay. And you said you are part time. 19 Do you have another job or it is just taking care 20 of your child? 21 A. Just -- yeah. 22 Q. Okay. And so during those four years, 23 you've been exclusively working with Dr. Childs; is 24 that right?</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Correct. 2 Q. Have you completed that many hours? 3 A. I just completed the number of hours 4 required, yes. 5 Q. Okay. How many hours is that? 6 A. It is like 2,000. 7 Q. Okay. And what type of work are you 8 doing with Dr. Childs? 9 A. I do therapy and diagnostic work. I 10 complete the examination, examinations, and then 11 write up an initial interpretation. Then he 12 reviews the work and reviews the raw materials and 13 then does his own interpretation, and usually we 14 compare and mine is -- mine just helps him with his 15 interpretation and his final results. 16 Q. Is this like a paid internship? 17 A. Yes. 18 Q. Okay. And with this -- you understand 19 why you are here? Do you understand this is a 20 lawsuit that David Rhein's filed? 21 A. Right. Yes. 22 Q. Okay. How was it that you came to be 23 involved with David Rhein? 24 A. He was referred to me by Dr. Childs.</p>

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1 My understanding was that he was contacted by an
 2 attorney hereafter David Rhein was arrested and had
 3 his FOID card taken away. He needed a
 4 psychological examination, evaluation, to determine
 5 if he was homicidal or suicidal in order to get his
 6 FOID card and guns returned to him.
 7 **Q. Okay. Now, you thought that he had**
 8 **been arrested?**
 9 A. That was my understanding -- well, he
 10 had been taken into custody. I don't know if they
 11 filed charges against him or not but he was taken
 12 into the police station, is what he told me during
 13 the evaluation.
 14 **Q. Okay.**
 15 A. Was that once in the police station
 16 they had him sign a voluntary waiver to take his
 17 FOID card away and the guns away and then -- but he
 18 stated that he was misled and thought that he just
 19 had to go into court and ask for them back.
 20 **Q. Okay. But he didn't tell you that he**
 21 **had been handcuffed and placed in a holding cell**
 22 **or --**
 23 A. No. It might have been my
 24 misunderstanding that he was arrested, but he told

Page 11

1 me at the police station, so that might have been
 2 my misunderstanding or misinterpretation of the
 3 situation.
 4 (Howell Exhibit No. 1 marked.)
 5 BY MR. INOUE:
 6 **Q. You have been handed what's been marked**
 7 **as Exhibit No. 1. Have you seen that before?**
 8 A. Yes. Our attorney e-mailed it to me.
 9 **Q. Okay. And you understand that David**
 10 **Rhein, along with his wife, have sued certain state**
 11 **police officers?**
 12 A. Yes.
 13 **Q. Okay. I represent the state police**
 14 **officers in this particular lawsuit; do understand**
 15 **that?**
 16 A. Yes.
 17 **Q. Now, had you ever met or spoken with**
 18 **David Rhein prior to this?**
 19 A. No. Prior to the evaluation, no.
 20 **Q. Do you recall when it was that**
 21 **Dr. Childs asked you to evaluate him?**
 22 A. I could look up the referral day. I
 23 was called within four hours of getting the
 24 referral. Would you like me to look that up?

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1 **Q. That would be great. Thank you.**
 2 **Dr. Childs thought it might be in**
 3 **June of 2011.**
 4 A. Right. I don't have the date of the
 5 referral. I completed the report -- the test date
 6 was June 14th and I completed the report within two
 7 weeks of that, so I would have had it sent to
 8 Dr. Childs by July 1st.
 9 **Q. When was it that you performed the**
 10 **evaluation?**
 11 A. On June 14th.
 12 **Q. Okay. Do you know Joseph Barbaro?**
 13 A. No.
 14 **Q. Okay. Just for the record, we are in**
 15 **the office of Joseph Barbaro now?**
 16 A. Oh, okay. He's next door to us. We're
 17 upstairs next door, so I don't look at the names on
 18 the doors usually.
 19 **Q. But you don't know the attorney Joseph**
 20 **Barbaro?**
 21 A. No.
 22 **Q. I know that you said you hadn't had**
 23 **your deposition taken before. Have you ever**
 24 **testified before?**

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1 A. For work at TCF Bank I had to testify
 2 against a customer who had stolen from the bank.
 3 **Q. And that's it?**
 4 A. Yeah.
 5 **Q. Okay. Dr. Howell, do you know what a**
 6 **FOID card is?**
 7 A. Yes.
 8 **Q. Do you have a FOID card?**
 9 A. No, I do not. My husband does, though.
 10 **Q. Have you ever had a FOID card?**
 11 A. No.
 12 **Q. Ever owned a firearm?**
 13 A. No.
 14 **Q. Ever been a member of the NRA or any**
 15 **other type --**
 16 MS. ORELLANO: Objection.
 17 BY MR. INOUE:
 18 **Q. -- or any other type of firearm**
 19 **organization?**
 20 A. No.
 21 **Q. I see that you brought your file with**
 22 **you. What have you brought in your file?**
 23 A. The report, the final report, that I
 24 had written up for Dr. Childs.

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1 **Q. Anything else?**
 2 A. No.
 3 **Q. Dr. Howell, before you performed your**
 4 **evaluation of David Rhein, did you review any**
 5 **statements or writings that he made -- might have**
 6 **made to Representative DeLuca or his office?**
 7 A. No.
 8 **Q. Okay. Have you ever --**
 9 A. No. He told me about them but I did
 10 not review the -- he didn't give me copies of the
 11 letters.
 12 **Q. Okay. Did he show them to you?**
 13 A. I do not recall.
 14 **Q. Okay. Did you ask him for them?**
 15 A. I do not recall.
 16 **Q. Would it be important to review those**
 17 **or not?**
 18 A. The question was not as to the type of
 19 letter. The question was to homicidality or
 20 suicidality at the moment, so I didn't review those
 21 as far as my evaluation went. I can't recall if I
 22 had asked to see them.
 23 **Q. Okay. But just so I'm clear, your**
 24 **evaluation was to determine his mental state at the**

Page 15

1 **time of the evaluation; correct?**
 2 A. Yes.
 3 **Q. So you did not make an evaluation as to**
 4 **his mental state at the time he wrote those letters**
 5 **or had any interaction with Representative DeLuca;**
 6 **is that right?**
 7 A. Right. I can't go in the past and
 8 determine somebody's mental state at that time.
 9 **Q. Okay. Now, you said that you**
 10 **interviewed David Rhein on June 14th; correct?**
 11 A. Yes.
 12 **Q. Of 2011?**
 13 A. Yes.
 14 **Q. How long did the evaluation take?**
 15 A. Three to four hours, I recall.
 16 **Q. Where was it that you took this**
 17 **evaluation?**
 18 A. In our office upstairs.
 19 **Q. Okay. Was Dr. Childs present?**
 20 A. Not at that time. He had a separate
 21 appointment with Mr. Rhein.
 22 **Q. And that was before you.**
 23 A. Right, as far as I'm aware.
 24 **Q. Okay. And did you only meet with David**

Page 16

1 **Rhein the one time?**
 2 A. Yes.
 3 **Q. Okay. Did you have any phone**
 4 **conversations with him before or after that?**
 5 A. Just to make the appointment. I didn't
 6 get into any details as far as the history or
 7 anything like that.
 8 **Q. Okay. Just so I'm clear, do you have**
 9 **regular office hours that you keep here?**
 10 A. We have -- we have scheduled times that
 11 the office is available for us, so depending on the
 12 appointments that we have, you know, whether we use
 13 the office during that time or not, it just depends
 14 on our client load at the time.
 15 **Q. Do you only work out of this office?**
 16 A. I, on occasion, have worked out of our
 17 downtown office or north side office, but this is
 18 the most convenient office for me so this is my
 19 primary location.
 20 **Q. Okay. And you said you work**
 21 **approximately 15 to 20 hours a week; is that right?**
 22 A. Yes.
 23 **Q. Are they during a specific time each**
 24 **day or does it vary?**

Page 17

1 A. Currently it is Mondays and Thursdays.
 2 It has varied throughout the time that I've been
 3 with Dr. Childs.
 4 **Q. Did you review any materials from David**
 5 **Rhein?**
 6 A. He had presented me with three letters
 7 of reference from friends of his, I believe, just
 8 stating that he's a good person and that they
 9 haven't seen any unusual activities from him or
 10 anything like that, from my memory.
 11 **Q. From a clinical standpoint, were these**
 12 **relevant or necessary to review?**
 13 A. He gave them to me so I kept them with
 14 the file, but I did not take those into
 15 consideration for the evaluation itself.
 16 **Q. Okay. And you didn't contact any of**
 17 **the people that wrote these letters?**
 18 A. No, I did not.
 19 **Q. Okay. Anything else that you reviewed**
 20 **from David Rhein besides those three letters of**
 21 **recommendation, that you recall?**
 22 A. Not that I recall, no.
 23 **Q. Okay. Did you request that he bring**
 24 **anything with him?**

1 A. No.

2 **Q. Okay. Was he by himself when he came?**

3 A. His wife dropped him off and picked him

4 up but I did not meet with her.

5 **Q. Did you speak with her at all?**

6 A. I think I remember introducing myself,

7 but I didn't have any conversation with her.

8 **Q. What did David Rhein tell you about his**

9 **interactions with Representative DeLuca?**

10 A. He stated -- if I can review my report

11 really quick?

12 **Q. Please, take your time.**

13 A. He stated that he had sent several

14 petitions to him asking about the reasons that

15 welfare is legal in Illinois, that the

16 constitution -- his interpretation of the

17 constitution would mean that welfare is illegal,

18 and so he had stated that he contacted them to get

19 an answer as to why they were intruding on

20 citizens' rights by allowing the welfare system as

21 it is now.

22 **Q. Anything else?**

23 A. He stated that Representative DeLuca

24 had called him on a Sunday while he was at home and

1 that Representative DeLuca had told him that he

2 should consult a constitutional lawyer, that it

3 wasn't his job to explain the laws, and so

4 Mr. Rhein had stated that he would be running

5 against him in the next election.

6 **Q. Okay. Anything else that he said?**

7 A. As far as Representative DeLuca, I

8 don't recall anything else.

9 **Q. Okay. Did he tell you about any phone**

10 **calls that he made to Representative DeLuca's**

11 **office?**

12 A. Yes. He said that he called several

13 times to try and get an appointment and was told

14 that he had to do that on-line, but he didn't have

15 access to the Internet so he kept trying to call to

16 make the appointment to be able to speak with him

17 in person.

18 **Q. What about -- did he tell you that he**

19 **had actually been to Representative DeLuca's**

20 **office?**

21 A. I do not recall that.

22 **Q. Okay. Did he tell you about any**

23 **interactions he had with Donna Fanning, the**

24 **secretary for Representative DeLuca?**

1 A. Other than making an appointment -- and

2 I don't know that that was the person that he spoke

3 with -- but that was the only interaction I knew of

4 with the office directly.

5 **Q. Did he mention any threats or perceived**

6 **threats that he may have -- he might have made to**

7 **Representative DeLuca or Representative DeLuca's**

8 **office?**

9 A. He just denied that any of his letters

10 were threatening in any way and stated that he was

11 not allowed to see the letters that were

12 interpreted as threatening by the police.

13 **Q. Okay. But these were letters that he**

14 **presumably wrote?**

15 A. He stated that the police told him that

16 he wrote these letters that were interpreted as

17 threatening.

18 **Q. Are you familiar with the Sovereign**

19 **Nation or Sovereign Citizen Movement?**

20 MS. ORELLANO: Objection as to relevance.

21 BY THE WITNESS:

22 A. No, I'm not familiar with that.

23 BY MR. INOUYE:

24 **Q. Okay. Are you familiar with people who**

1 **decline to pay taxes because they don't recognize**

2 **the federal or state government?**

3 A. I have heard of that on the news.

4 **Q. Okay. Did David Rhein make any**

5 **reference to that during your evaluation of him?**

6 A. No, he did not.

7 **Q. Okay. Did he explain to you why he**

8 **made the statements that he made or had the -- why**

9 **he was trying to see Representative DeLuca?**

10 A. He just stated that he was concerned

11 about the state of the welfare program and that's

12 all I'm aware of.

13 **Q. Okay.**

14 A. As far as my recall.

15 **Q. I'm going to show you what we've**

16 **previously marked as Childs Exhibit No. 3. Have**

17 **you seen that document before?**

18 A. No, I have not.

19 **Q. Okay. Now, on the bottom right-hand**

20 **corner there are some Bates numbers, page numbers.**

21 A. Yes.

22 **Q. If you can go to page No. 40, I'll**

23 **represent to you that the handwritten notes in the**

24 **right margin are by David Rhein. This one says,**

1 **"Amendment II, now you know why so many of you**
2 **people or going to be shot because you are too**
3 **selfish to understand the truth."**

4 **Do you see that?**

5 A. Yes.

6 **Q. Okay. This is one of the documents**
7 **that he provided to Representative DeLuca. Would**
8 **you interpret that as being threatening or a**
9 **threat?**

10 MS. ORELLANO: Objection as to speculation,
11 lack of foundation, because Dr. Howell did not
12 review these documents in preparation of her
13 report.

14 You can answer.

15 BY THE WITNESS:

16 A. That is a very difficult question to
17 answer because it is situational, I think. He's
18 not making a direct threat to Representative DeLuca
19 that he's going to shoot Representative DeLuca.
20 With the state of everything that's been happening,
21 and my recall is that is around the time of the
22 Arizona shooting, he might have been referring to
23 that.

24 I can't say. I don't know if that

1 was just referring to the state of the government
2 and the people at the time of what had been
3 happening or if it was a direct threat. It doesn't
4 appear to be a direct threat to me.

5 BY MR. INOUE:

6 **Q. If you could turn to the next page, in**
7 **the right-hand margin it says, "Constitutional**
8 **Convention, Article XII, State, Second Amendment**
9 **Fed," and it says, "Now you know why you may be**
10 **next" and it has that little drawing there.**

11 **Would you perceive that as a threat?**

12 A. If it were made to me, I would be
13 concerned, but, again, it could be situational
14 where he's talking about society at the time and
15 what had been happening. I can't -- I can't say
16 that he was -- again, it doesn't state that he's
17 making a direct threat to him. I would be
18 concerned if I was Representative DeLuca.

19 **Q. Okay. If you could turn to the next**
20 **page, in the right-hand margin it says: You all**
21 **need to take a step back and look at what you are**
22 **doing to the state before we the people go Second**
23 **Amendment on your asses.**

24 **Would you perceive that as a threat?**

1 A. He does give his -- he does say the
2 word "we" in this one, but, again, it could be
3 situational where he's talking about the -- society
4 at the time, where -- you know, in the movements at
5 the time. I can't state for sure whether it would
6 be a direct threat by him to Representative DeLuca
7 or not.

8 **Q. Do you think it would be reasonable to**
9 **interpret these statements as threats if you were**
10 **the recipient of these?**

11 A. If I were the recipient of these, I
12 would be concerned.

13 **Q. Would you characterize them as threats?**

14 A. Threats to make me aware and to make me
15 think, but, again, there's no direct threat in this
16 stating that he would come after me directly. It
17 would be concerning, though.

18 I would take this as threatening as
19 to you need to be aware and to look at the
20 situation, but I can't say that he's giving a
21 direct threat that he's going to go and do bodily
22 harm.

23 **Q. Okay. Would it be unreasonable to**
24 **interpret these as threats?**

1 A. No.

2 **Q. Okay. Now, during your interview with**
3 **David Rhein, did you determine what the catalyst or**
4 **the trigger was for this mindset or these ideas of**
5 **his regarding the state government?**

6 A. He had mentioned one incident -- he had
7 mentioned that there was Section 8 housing that was
8 implemented in his neighborhood that he was upset
9 about and that there had been some graffiti on his
10 property that he had refused to remove as a protest
11 and he received a ticket and then they put a lien
12 on his house.

13 And so I know that that was an
14 upsetting situation for him, and I believe that's
15 when he became interested in politics and the
16 constitution of the United States at that time.

17 **Q. Did he connect the Section 8 housing to**
18 **the graffiti on his own property?**

19 A. I don't recall if that was -- if he
20 blamed the people living in the Section 8 housing
21 or not. I can't recall. But let me review the
22 report really quick.

23 He just stated -- he stated that he
24 refused to remove the graffiti as a protest to

Page 26

1 having Section 8 housing in the city. So he -- I
 2 believe he had stated that it was for that reason,
 3 yes.
 4 **Q. I'm sorry. So he did connect the two?**
 5 A. I believe so, because he stated that he
 6 refused to remove the graffiti as a protest.
 7 **Q. Did he mention anything to you**
 8 **regarding gay rights?**
 9 A. He mentioned that he sent a petition to
 10 Governor Quinn for gay rights and he -- his
 11 statement was that he thought it was interesting
 12 that shortly after he sent the petition, that the
 13 civil union was passed in Illinois.
 14 **Q. Okay. Now, I recall in looking at**
 15 **Dr. Childs' file that there were a number of --**
 16 **pages of handwritten notes. Do you have those same**
 17 **notes?**
 18 A. Those are my personal notes, yeah.
 19 **Q. And, if I recall, he called Governor**
 20 **Quinn's office to ask if Governor Quinn was gay?**
 21 A. Yes.
 22 **Q. What was your understanding of why he**
 23 **did that?**
 24 A. He just said he thought he might be gay

Page 27

1 and he called to verify if it was true or not.
 2 **Q. Okay.**
 3 A. And he mentioned this at the time where
 4 he was talking about sending Governor Quinn the
 5 petition for gay rights.
 6 **Q. Why was it important to know whether or**
 7 **not Governor Quinn was gay?**
 8 A. He didn't state why he thought it was
 9 important. It was just we were talking about his
 10 interest in politics and that's when he mentioned
 11 that he had sent the petition and he kind of
 12 mentioned that offhandedly and it was -- I marked
 13 it in my notes for that reason.
 14 **Q. Okay. Now, can we obtain a copy of**
 15 **your report?**
 16 A. Sure.
 17 **Q. Do you have an extra copy?**
 18 A. Yes.
 19 **Q. Thank you.**
 20 THE WITNESS: Would you like a copy also?
 21 MS. ORELLANO: Yes, thank you.
 22 MR. INOUE: And I'm going to go ahead and
 23 mark this as an exhibit.
 24 (Howell Exhibit No. 2 marked.)

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1 BY MR. INOUE:
 2 **Q. Okay. So we've marked this as Howell**
 3 **Exhibit 2. Is that your report?**
 4 A. Yes.
 5 **Q. Okay. Now, I believe in your report**
 6 **and then in some of your notes you indicated that**
 7 **Mr. Rhein might be prone to depression; is that**
 8 **right?**
 9 A. In the Rorschach it came up as a
 10 possibility as far as situational issues.
 11 **Q. Okay. Did you determine that he was**
 12 **depressed?**
 13 A. I did not do any diagnostic --
 14 diagnosis for him. The goal was for homicidality
 15 and suicidality.
 16 **Q. Okay. But you were able to determine**
 17 **that he was, let's say, hypersensitive to his**
 18 **environment?**
 19 A. Yes.
 20 **Q. Okay. And that also he might have**
 21 **difficulty moderating the way he expresses his**
 22 **ideas or his opinions?**
 23 A. Yes.
 24 **Q. Okay. Why did you make that**

Page 29

1 **determination if you are only looking at whether he**
 2 **is homicidal or suicidal?**
 3 A. That came from the Rorschach
 4 Interpretation. The Rorschach is scored up and
 5 then we enter it into the computer and that was the
 6 computer analysis of his Rorschach scores so -- and
 7 we -- my report is heavily based on a lot of the
 8 Rorschach Interpretation.
 9 **Q. Okay.**
 10 A. And since I was doing this for
 11 Dr. Childs, I gave him all of the information from
 12 the Rorschach.
 13 **Q. Did you also determine that he could be**
 14 **overwhelmed by high levels of stimulation?**
 15 A. I would have to review the report for
 16 that.
 17 **Q. Or situation-related stress? I think**
 18 **it is here.**
 19 A. Okay. It states that he's actually
 20 more able than most to handle situational stress,
 21 stimulation related stress; that he -- well, that
 22 he has -- I'm sorry, let me restate that.
 23 He appears to have sufficient
 24 psychological resources to manage the increased

Page 30

1 level of stress without difficulty. It doesn't
 2 mean that he won't become upset by it but that he
 3 is able to handle it. So he may express that he's
 4 upset but he's able to handle it.

5 **Q. On the next page you say that Mr. Rhein**
 6 **shows a greater degree of psychological complexity**
 7 **than most people. What does that mean?**

8 A. It means that he kind of switches -- he
 9 might seem different to different people at
 10 different times depending on what's going on around
 11 him or depending on the coping mechanisms. He can
 12 be very intellectualized or very emotional
 13 depending on the situation that comes up, so he
 14 might react differently at different times.

15 **Q. And Dr. Childs characterized Mr. Rhein**
 16 **as a lot of bark but no bite. Would you agree with**
 17 **that assessment?**

18 A. He's very verbal. I would give that
 19 assessment. As far as -- as far as action, I
 20 believe he wants to let his thoughts known, but I
 21 didn't see anything that showed that he would
 22 actually act out on it at that time.

23 **Q. That sounds about the same.**

24 A. Yeah.

Page 31

1 **Q. Okay. So in your evaluation of him,**
 2 **did you determine that some of his expression could**
 3 **be interpreted as threatening?**

4 A. When he spoke with me about it, he was
 5 very vehement that he was not threatening; that he
 6 was just trying to explain his position and try to
 7 back it up with proof as far as the constitution
 8 and his interpretation of that. But he never
 9 showed me anything that stated or proved that there
 10 was anything threatening.
 11 (Howell Exhibit No. 3 marked.)

12 BY MR. INOUE:

13 **Q. You have been handed what we've marked**
 14 **as Exhibit No. 3. This is a statement that was**
 15 **written by Donna Fanning, who is the secretary for**
 16 **Representative DeLuca. This was provided to the**
 17 **state police. And I'm not going to represent to**
 18 **you that he actually said this, but this is what**
 19 **Representative DeLuca's office is saying he said.**

20 A. Okay.

21 **Q. Okay. Now, if we look at page 7 from**
 22 **the Bates numbers at the bottom, it says: On**
 23 **January 25th, 2011, David Rhein called and jumped**
 24 **in with we the people have the right to abolish the**

Page 32

1 **government, Representative DeLuca's never answered**
 2 **my petition, why not, one time the state rep called**
 3 **me and blew smoke up my rear end and twice now the**
 4 **rep has ignored my petition, that's why I'm getting**
 5 **angry.**

6 **Next paragraph: I'm not a violent**
 7 **person, I am a member of the Illinois State**
 8 **Militia. He asked me if I know what the militia is**
 9 **for and did I know the militia is to overthrow the**
 10 **government?**

11 **Now, do you perceive that as being**
 12 **threatening?**

13 MS. ORELLANO: Objection as to speculation
 14 and lack of foundation, because Dr. Howell did not
 15 review these documents in preparation of her
 16 report.

17 BY THE WITNESS:

18 A. Well, there are different ways to
 19 overthrow a government. There's not just violence.
 20 There are peaceful ways to try and state your
 21 reasons, and I could see how it would be
 22 interpreted as threatening, but it's -- it's not
 23 stating that it's taking arms against them or
 24 anything there.

Page 33

1 BY MR. INOUE:

2 **Q. Okay. If you could turn to page 8.**

3 A. Yes.

4 **Q. Okay. Third paragraph, it says,**
 5 **"Mr. Rhein says the governor won't answer him and**
 6 **that he has called the governor and threatened to**
 7 **kick his ass if he sees him up here again."**

8 **Would you perceive that as a threat?**

9 A. Yes.

10 **Q. Okay. Now, if you turn to the next**
 11 **page, the third paragraph, it says, "Mr. Rhein**
 12 **stated 'I've never shot anybody in my life and I**
 13 **never would shoot anyone unless I'm forced to to**
 14 **protect my constitutional rights,' and he mentioned**
 15 **the term sacrificed lamb a second time."**

16 **Would you interpret that as**
 17 **threatening?**

18 A. It's not a direct threat of immediate
 19 harm. It's a statement of his position, but I
 20 wouldn't say it is a direct threat of immediate
 21 harm.

22 **Q. Okay. Based on the statements that he**
 23 **made -- and let's assume for a minute that he made**
 24 **the statements that are in that exhibit of**

Page 34

1 **Dr. Childs and these statements -- do you think it**
 2 **was appropriate to revoke his FOID card and**
 3 **confiscate his guns until such time as he was**
 4 **evaluated by a mental health professional?**
 5 A. Yes, I do.
 6 **Q. Since this evaluation, were you ever**
 7 **contacted by David Rhein or his attorney?**
 8 A. No.
 9 **Q. Okay. Did you ever provide this**
 10 **particular evaluation to David Rhein?**
 11 A. No.
 12 **Q. This only went to Dr. Childs?**
 13 A. Dr. Childs, yes.
 14 **Q. Okay. And you did not provide this to**
 15 **David Rhein's attorney; correct?**
 16 A. No, I did not.
 17 **Q. Had you had any interaction with David**
 18 **Rhein's attorney?**
 19 A. No, I had not.
 20 **Q. Just so I'm complete, did you -- are**
 21 **you intending to go into any specialized field of**
 22 **psychology?**
 23 A. Generalized with a focus of medical
 24 patients working with family practice physicians.

Page 35

1 MR. INOUYE: Okay. That's all the questions
 2 that I have. Thank you.
 3 MS. ORELLANO: I don't have any questions.
 4 MR. INOUYE: Thank you, Doctor.
 5 You have the opportunity to review
 6 the transcript and sign it or make changes if you
 7 feel it is necessary or you can waive that. We can
 8 have it provided to your attorney for that purpose.
 9 It is up to you.
 10 THE WITNESS: If you could provide it to the
 11 attorney, that would be great.
 12 MR. INOUYE: Okay.
 13 FURTHER DEPONENT SAITH NOT ...
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 16
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 23
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Page 36

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE NORTHERN DISTRICT OF ILLINOIS
 3 EASTERN DIVISION
 4 KIM AND DAVID RHEIN,)
 5)
 6 Plaintiffs,)
 7)
 8 vs.) No. 13 C 843
 9)
 10 AGENT PRYOR, Star No. 4816,)
 11 et al.,)
 12 Defendants.)
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24

This is to certify that I have read my deposition taken on Tuesday, July 22, 2014, in the foregoing cause, and that the foregoing transcript accurately states the questions asked and the answers given by me, with the changes or corrections, if any, made on the Errata Sheet attached hereto.

MICHELLE HOWELL

No errata sheets submitted (Please initial)
 Number of errata sheets submitted pages

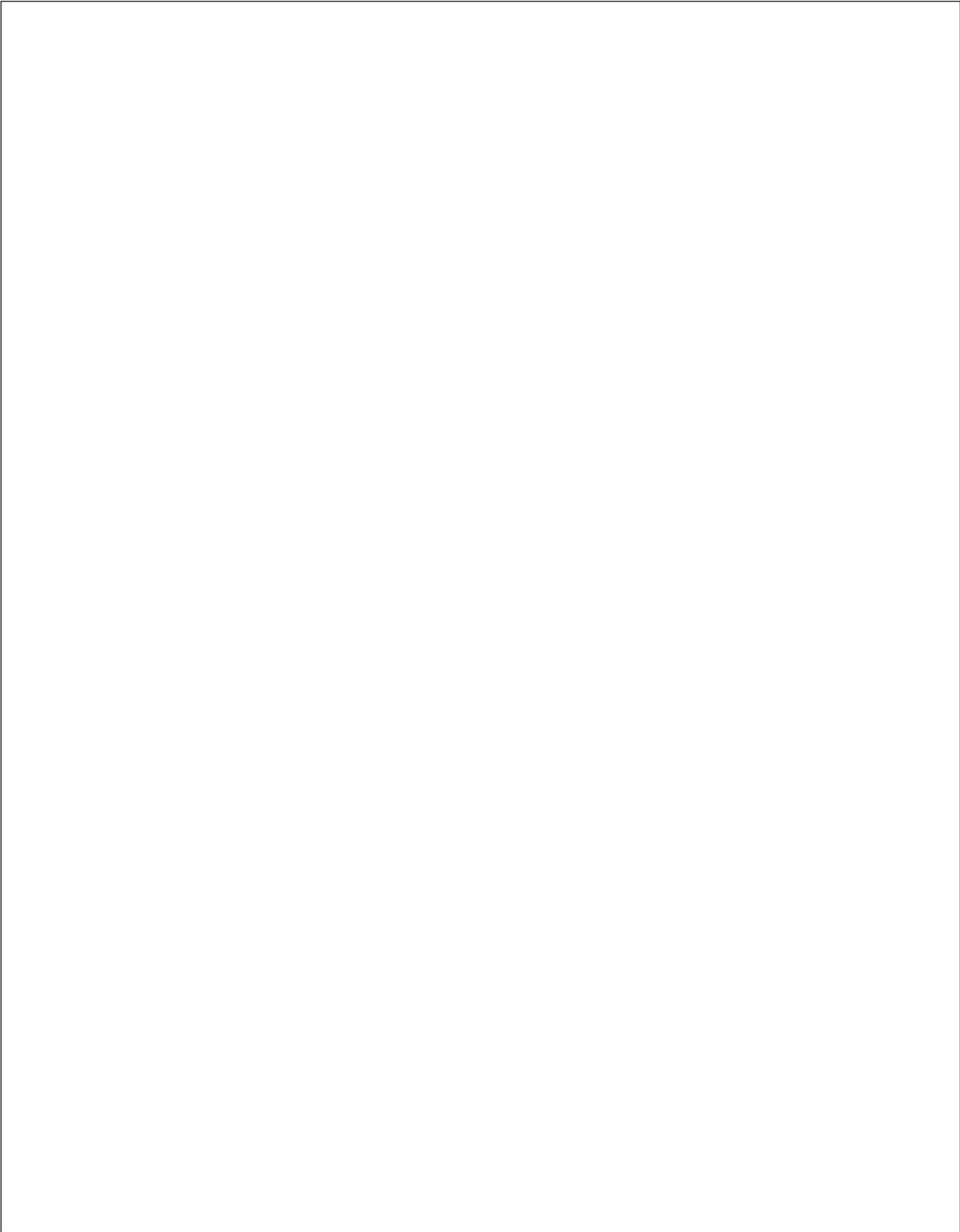
Subscribed and sworn to
 before me this day
 of 2014.

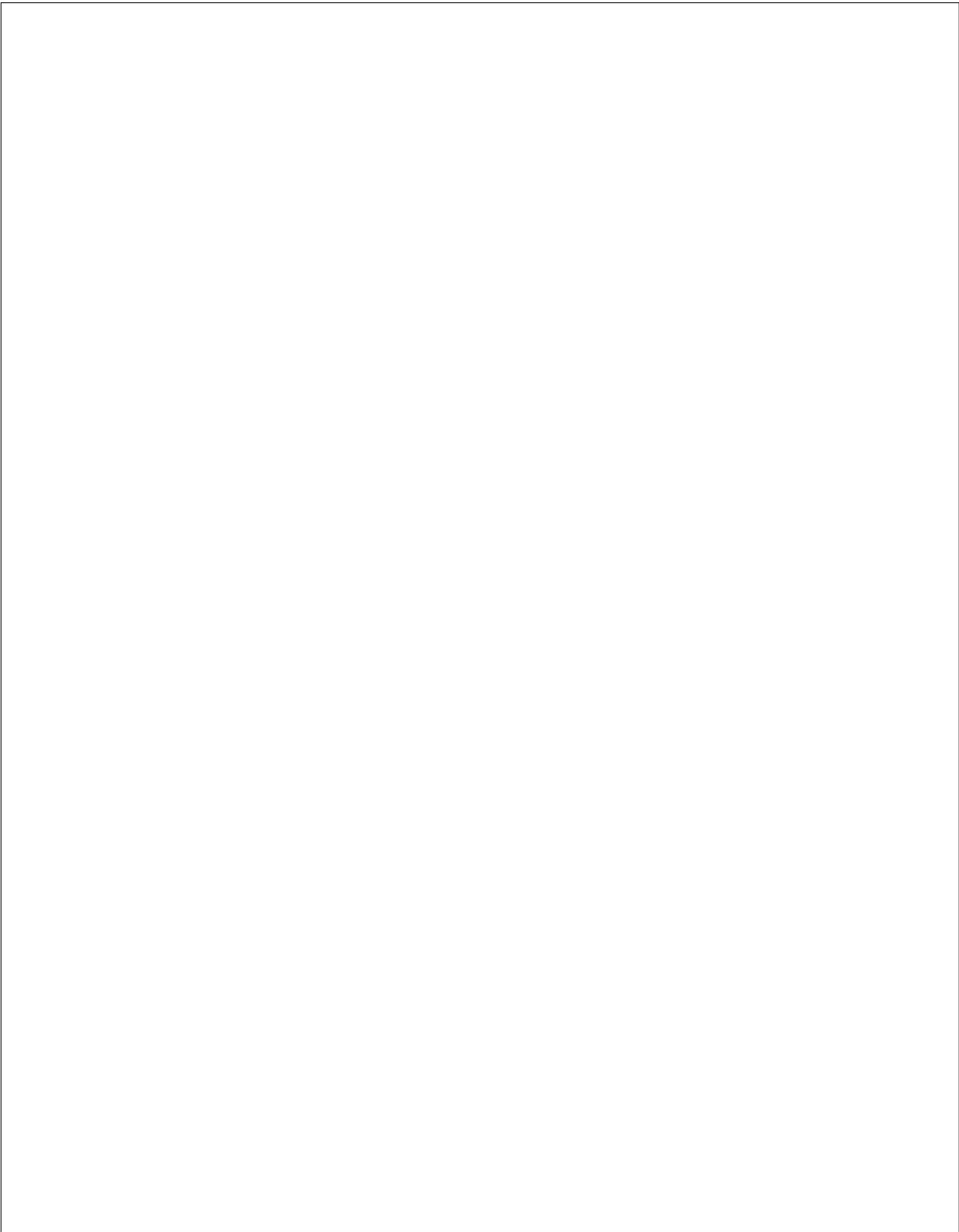
Notary Public

Page 37

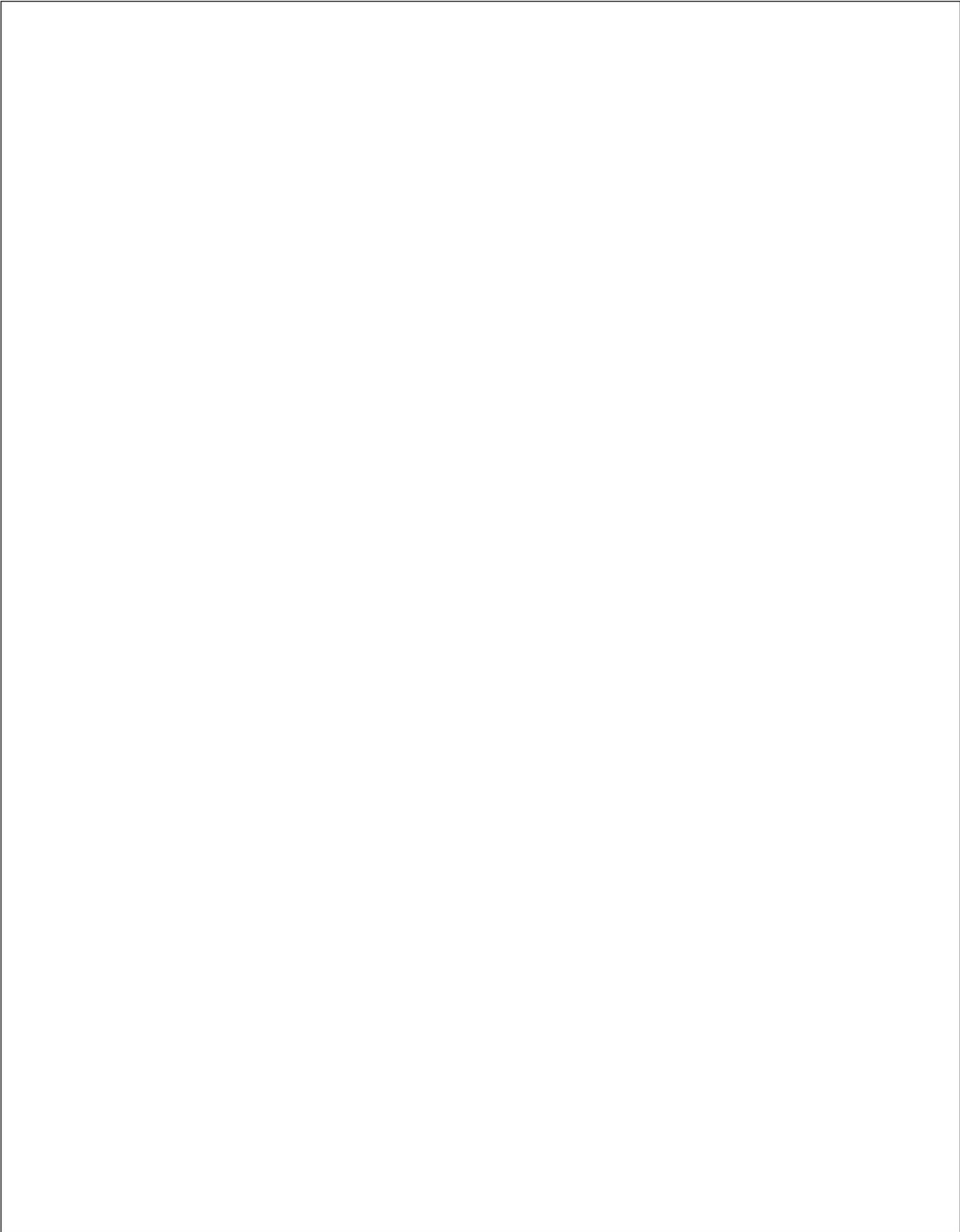
1 STATE OF ILLINOIS)
 2) SS.
 3 COUNTY OF DU PAGE)
 4 I, Lynette J. Neal, CSR No.
 5 84-004363, RPR, do hereby certify that MICHELLE
 6 HOWELL was first duly sworn by me to testify the
 7 truth; that the foregoing deposition, Pages 1
 8 through 37, was recorded stenographically by me and
 9 computer-transcribed under my personal direction;
 10 and that the said deposition constitutes a true
 11 record of the testimony given by the deponent at
 12 the time and place aforesaid.
 13 I further certify that I am not
 14 counsel for nor in any way related to any of the
 15 parties to this suit, nor am I in any way, directly
 16 or indirectly, interested in the outcome thereof.
 17 This certification applies only to
 18 those transcripts, original and copies, produced
 19 under my direction and control; and I assume no
 20 responsibility for the accuracy of any copies which
 21 are not so produced.
 22 IN WITNESS WHEREOF I have hereunto
 23 set my hand this 4th day of August, 2014.
 24

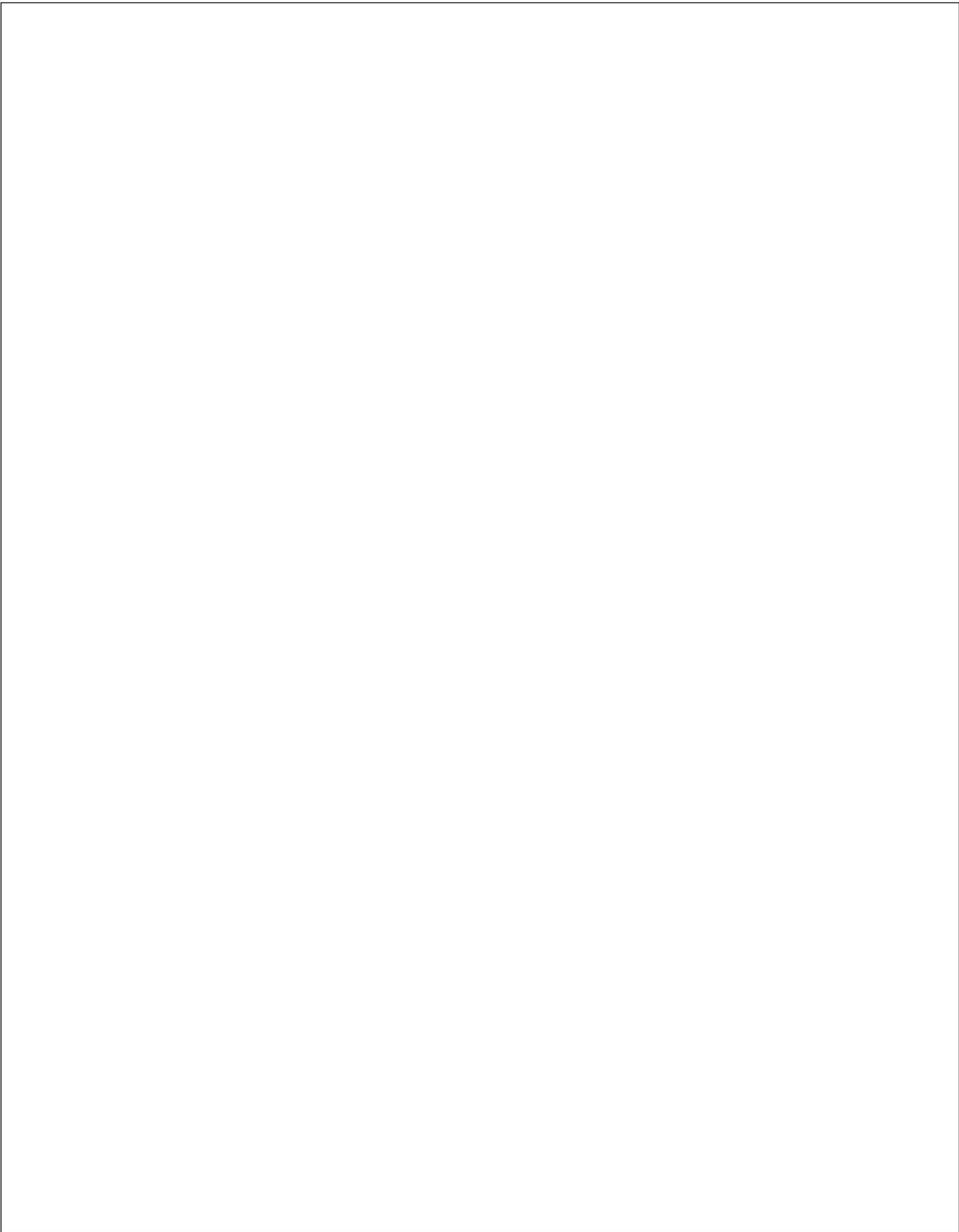
 Certified Shorthand Reporter

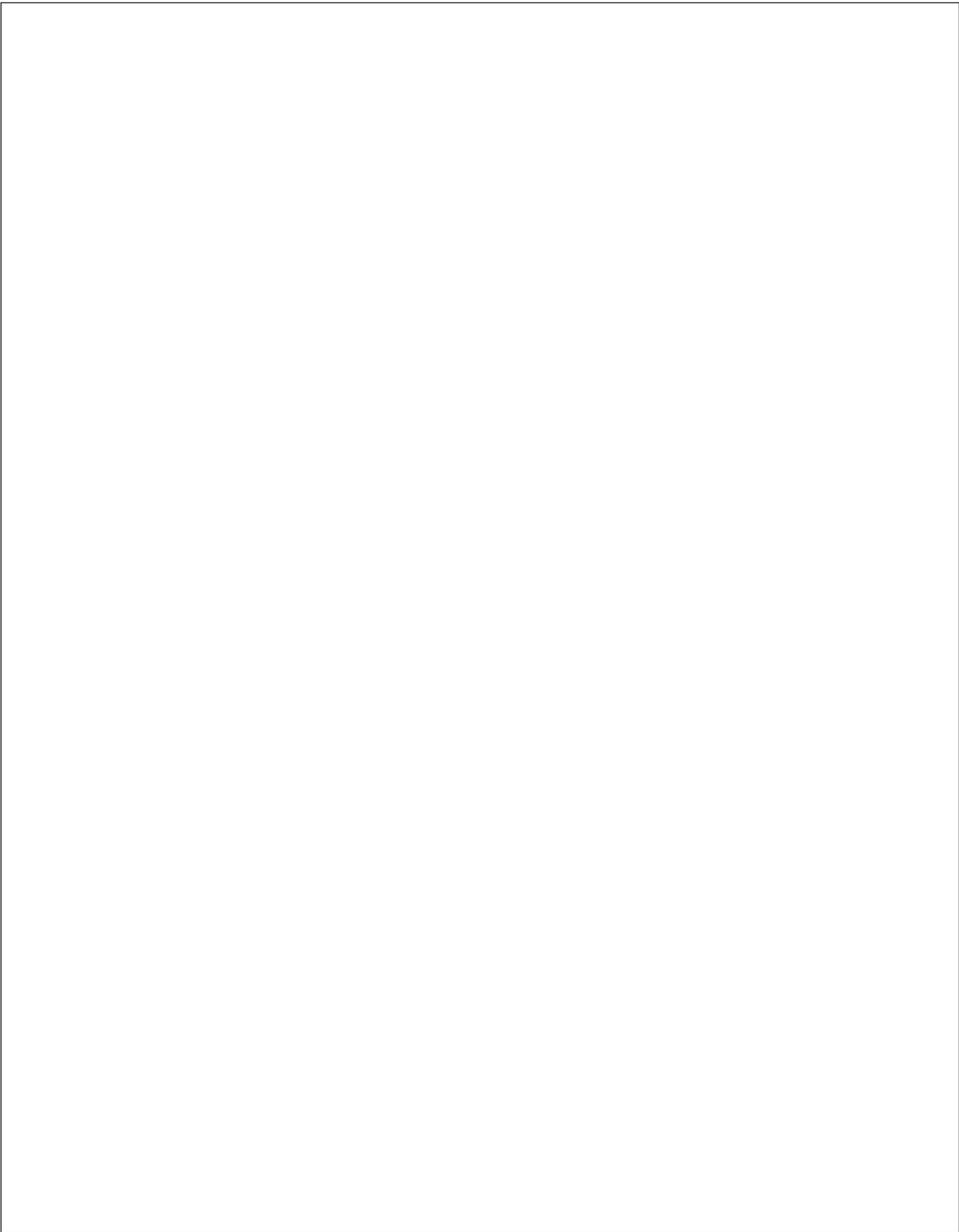


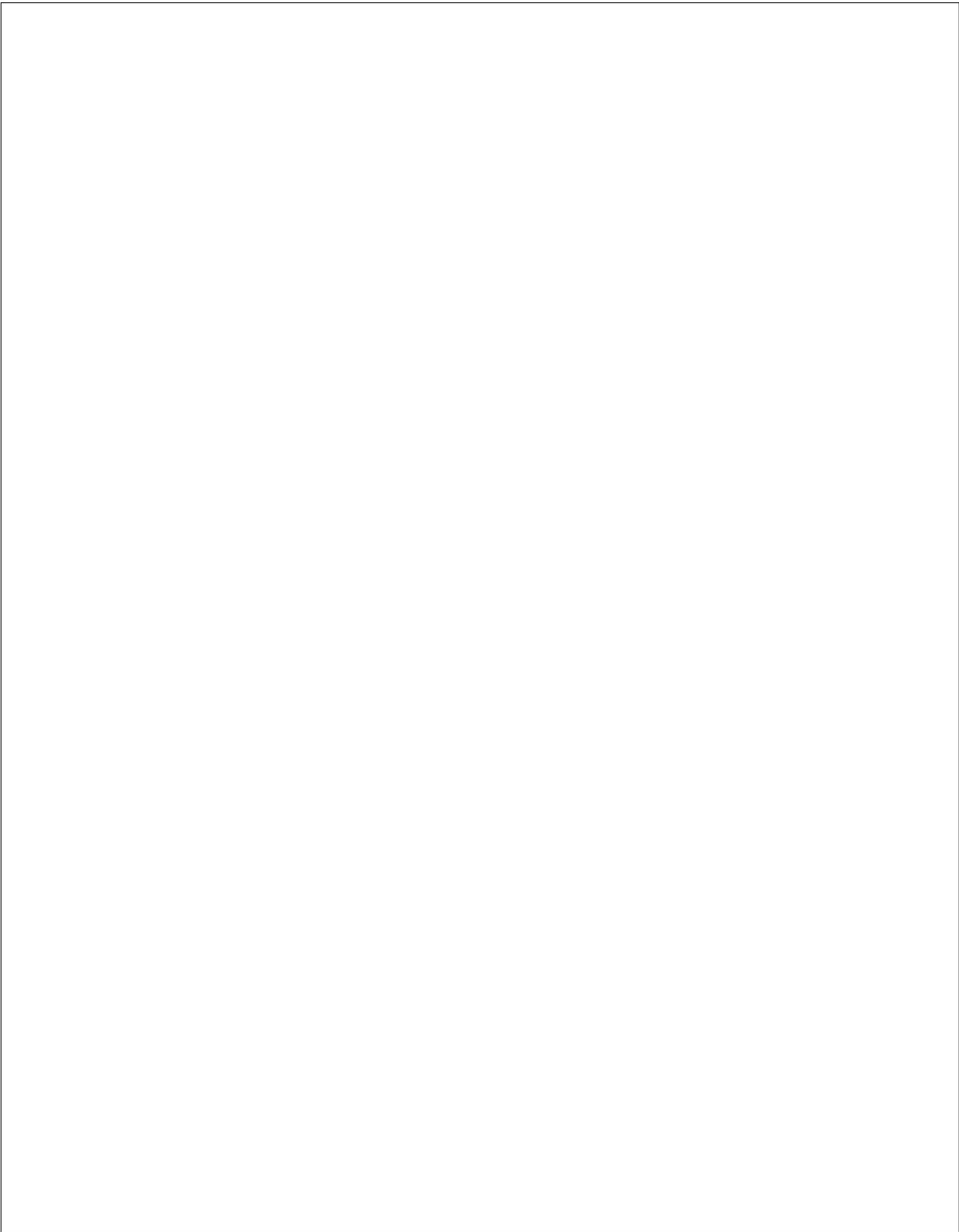












**IN THE UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DAVID RHEIN,)	
)	No. 13 C 843
Plaintiff,)	
)	
vs.)	Hon. Judge Gary Feinerman
)	
LIEUTENANT JOHN COFFMAN,)	Hon. Mag. Judge Young B. Kim
)	
Defendant.)	

Plaintiff's Exhibit 2

Urlaub Bowen & Associates, Inc.

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Page 2

1 APPEARANCES:
 2 THE LAW OFFICE OF RICHARD DVORAK, by
 MS. IVELIZ ORELLANO
 3 (18W140 Butterfield Road, 15th Floor
 Oak Brook Terrace, Illinois 60181
 4 richard.dvorak@civilrightsdefenders.com)
 appeared on behalf of the plaintiffs;
 5
 OFFICE OF THE ATTORNEY GENERAL
 6 STATE OF ILLINOIS, by
 MR. THOR Y. INOUYE
 7 (100 West Randolph Street, 13th Floor
 Chicago, Illinois 60601
 8 tinouye@atg.state.il.us)
 appeared on behalf of the defendants.
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Page 3

1 I N D E X
 2
 3 Witness: Page
 4 DR. ALAN PAUL CHILDS
 Examination by:
 5
 Mr. Inouye..... 4
 6 Ms. Orellano..... 38
 Mr. Inouye..... 39
 7
 8
 9
 10 E X H I B I T S
 11 No. Description Marked/Referenced
 12 1 Notice of Deposition and Subpoena..... 11
 13 2 Dr. Childs' Report..... 21
 14 3 Documents from Mr. Rhein to
 Representative DeLuca..... 25
 15
 (Exhibits attached/scanned.)
 16 - - -
 17
 18
 19
 20
 21
 22
 23
 24

Page 4

1 (Witness sworn.)
 2 DR. ALAN PAUL CHILDS
 3 called as a witness herein, having been first duly
 4 sworn, was examined and testified as follows:
 5 DIRECT EXAMINATION
 6 BY MR. INOUYE:
 7 Q. Could you state your name and spell
 8 your name for the record.
 9 A. Yes. Alan Paul Childs, C-h-i-l-d-s.
 10 Q. And what is your current business
 11 address?
 12 A. 9760 South Roberts Road, Palos Hills,
 13 Illinois 60465.
 14 Q. And we are currently not in your office
 15 for the deposition. We are actually at the office
 16 of Joseph Barbaro; is that correct?
 17 A. That's correct.
 18 Q. Dr. Childs, have you ever been deposed
 19 before?
 20 A. Yes.
 21 Q. And when was the most recent time?
 22 A. I would say probably a year-and-a-half
 23 ago.
 24 Q. Okay. Was that in a civil proceeding?

Page 5

1 A. No.
 2 Q. When was the last time you have been
 3 deposed in a civil proceeding?
 4 A. Would that be family law?
 5 Q. Anything like that.
 6 A. Family law, yes.
 7 Q. How long ago was that?
 8 A. Year-and-a-half ago, yes.
 9 Q. Okay. Was there a Court Reporter?
 10 A. Yes.
 11 Q. Okay. So just to review some of the
 12 rules for a deposition. If you could wait for me
 13 to finish answering -- or asking my question before
 14 you begin answering, it just makes it easier for
 15 the Court Reporter.
 16 A. Yes.
 17 Q. And no head nods or uh-huh or uh-uh,
 18 just to make a clean record.
 19 A. Yes.
 20 Q. Okay. And if at any time you don't
 21 understand my question, if you would just let me
 22 know, I'll be happy to rephrase or restate my
 23 question for you.
 24 A. I appreciate that.

Page 6

1 **Q. Okay. Dr. Childs, I know that we met**
 2 **before, but I'll still refer to you as Dr. Childs;**
 3 **is that okay?**
 4 A. That's no problem. Thank you.
 5 **Q. Dr. Childs, could you tell me where you**
 6 **went to receive your undergraduate and doctorate**
 7 **degree?**
 8 A. Yes. I went to -- graduated from
 9 Westminster College in New Wilmington,
 10 Pennsylvania, where I earned my bachelor of arts in
 11 psychology. I graduated from Edinboro University
 12 of Pennsylvania where I earned my master of arts
 13 degree in clinical psychology, and I graduated from
 14 Forest Institute of Professional Psychology where I
 15 finished by doctorate of psychology in my clinical
 16 psychology degree.
 17 **Q. And, Dr. Childs, what year did you**
 18 **graduate with your doctorate degree?**
 19 A. 1991.
 20 **Q. Okay. And what year did you graduate**
 21 **with your master's degree?**
 22 A. 1983.
 23 **Q. Okay. And undergraduate?**
 24 A. Undergraduate, 1981.

Page 7

1 **Q. So presumably it took you two years to**
 2 **get your master's degree?**
 3 A. Correct.
 4 **Q. And then during the eight years between**
 5 **your master's degree and your doctorate degree,**
 6 **what did you do between that time?**
 7 A. I was in graduate school at Forest
 8 Institute, because I became licensed in '93, so I
 9 earned my doctorate in '91 and became licensed
 10 in '93.
 11 **Q. Okay. So the eight years between 1983**
 12 **and 1991 you were in school to obtain your**
 13 **doctorate?**
 14 A. Correct.
 15 **Q. Okay. Were you employed during that**
 16 **time?**
 17 A. Yes.
 18 **Q. How were you employed?**
 19 A. I was on the adjunct faculty at Oakland
 20 Community College. I was also on the faculty at
 21 Northwestern Illinois University as an adjunct
 22 faculty member.
 23 **Q. What were you teaching?**
 24 A. Developmental psychology, child

Page 8

1 psychology, abnormal psychology, social psychology.
 2 **Q. Okay. And did you have any other**
 3 **employment during that time?**
 4 A. I did work as a therapist for an
 5 agency, Great Lakes Psychological Services.
 6 **Q. What do you mean when you say you**
 7 **worked for an agency? How does that work?**
 8 A. You do testing, you conduct
 9 psychological evaluations, you know, you gain
 10 additional training, experience.
 11 **Q. Is it at a hospital or who --**
 12 A. Well, it's in a hospital and
 13 outpatient. Both at a hospital and outpatient.
 14 **Q. Okay. So how does the agency find**
 15 **patients?**
 16 A. They are referred.
 17 **Q. Okay. So they are referred to the**
 18 **agency and then the agency --**
 19 A. Right, correct.
 20 **Q. I see. Okay. After 1993, what did you**
 21 **do for employment after that?**
 22 A. I've been the head of my practice,
 23 chairman and clinical director, for the last 21
 24 years.

Page 9

1 **Q. And has that been at this location**
 2 **or -- in the Palos Hills?**
 3 A. This location; Downtown at 30 North
 4 Michigan Avenue.
 5 **Q. Okay.**
 6 A. And currently at north side, Peterson
 7 and Cicero, 5901 North Cicero in Chicago.
 8 **Q. Do you have any employees?**
 9 A. I have independent contractors and
 10 employees.
 11 **Q. Okay. I suspect you probably know what**
 12 **my next question is: Is Dr. Howell an employee or**
 13 **independent contractor?**
 14 A. She's an independent contractor.
 15 **Q. Okay. Since graduating in 1993, have**
 16 **you received any type of specialized training or**
 17 **postdoctorate training?**
 18 A. Yes. I've taken continuing education
 19 throughout the last 21 years.
 20 **Q. Okay. Is that part of the requirement**
 21 **for keeping your license?**
 22 A. It is currently in the -- within the
 23 last year. Prior to that, no.
 24 **Q. Okay.**

Page 10

1 A. Just required to take a licensing board
 2 exam in 1993.
 3 **Q. Does your practice require you to**
 4 **specialize in any type of psychology?**
 5 A. Not specialize, but as a clinical
 6 psychologist, it's always important to maintain the
 7 current standards and trends of ethics and
 8 continuing education. I just recently completed
 9 about 16 hours of continuing education.
 10 **Q. Okay.**
 11 A. But it is required now currently.
 12 **Q. Would you describe your practice as**
 13 **specialized in any particular field of psychology?**
 14 A. I would say comprehensive, but we deal
 15 with a lot of high family conflict, high conflict
 16 issues, divorce, marital therapy, psychological
 17 testing. It's comprehensive, eclectic.
 18 **Q. Do you have any publications?**
 19 A. No.
 20 **Q. Okay. Have you ever been asked to**
 21 **perform an evaluation of this sort relating to a**
 22 **Firearm Owner Identification card revocation**
 23 **before?**
 24 A. No. It was actually my first.

Page 11

1 **Q. Okay. Prior to your interview or**
 2 **evaluation of David Rhein, had you ever met him?**
 3 A. No.
 4 **Q. Okay. So you had no relationship**
 5 **whatsoever with him before --**
 6 A. Absolutely not.
 7 **Q. Okay.**
 8 (Childs Exhibit No. 1 marked.)
 9 BY MR. INOUYE:
 10 **Q. Okay. I'm handing you what I've marked**
 11 **as Exhibit No. 1. That is the notice of deposition**
 12 **and then the subpoena for your deposition today.**
 13 **Does that look familiar?**
 14 A. Yes.
 15 **Q. Okay. And you understand that you are**
 16 **here in the matter of Kim and David Rhein versus**
 17 **certain state police officers?**
 18 A. Yeah. My question would be, if I may,
 19 is I know -- I examined David Rhein, I saw him
 20 myself, but Kim Rhein was not part of what I did.
 21 **Q. Okay. How was it that you became**
 22 **involved in this evaluation?**
 23 A. I received a call from Mr. Rhein asking
 24 me if I could conduct a mental evaluation and more

Page 12

1 psychological evaluation because his FOID card was
 2 taken away and I needed to determine his mental
 3 stability.
 4 **Q. Had he been referred to you by someone**
 5 **else?**
 6 A. My understanding, his attorney had
 7 recommended that he give me a call.
 8 **Q. And his attorney at the time was Joseph**
 9 **Barbaro?**
 10 A. Yes.
 11 **Q. Now, I know that we are in the office**
 12 **of Joseph Barbaro, and it is in the same building**
 13 **as your office?**
 14 A. Yes.
 15 **Q. Have you ever worked with Joseph**
 16 **Barbaro before this?**
 17 A. Maybe on one other case. I don't have
 18 a lot of involvement with Joseph Barbaro even
 19 though I'm next door.
 20 **Q. Okay.**
 21 A. Actually, when I walked in, I didn't
 22 know who Joseph Barbaro was. I said, hey, I'm Alan
 23 Childs and he said I'm Joseph Barbaro, so I don't
 24 recall Joseph Barbaro.

Page 13

1 **Q. Did he contact you before David Rhein**
 2 **contacted you?**
 3 A. No.
 4 **Q. Okay. The previous case that you**
 5 **worked with Mr. Barbaro on, was that a civil or**
 6 **criminal case?**
 7 A. I can't recall, counselor, I can't
 8 recall.
 9 **Q. Okay. In cases where you've testified**
 10 **before, have you ever been qualified as an expert?**
 11 A. Yes.
 12 **Q. Okay. In every case you've testified**
 13 **before, were you qualified as an expert?**
 14 A. In family law cases, yes.
 15 **Q. Other than family law cases have you**
 16 **ever testified before?**
 17 A. Yes -- let me think about that. Great
 18 question. Let me think about this.
 19 Yes, I have testified before.
 20 **Q. In civil or criminal?**
 21 A. It would be civil.
 22 **Q. Okay. Can you -- without divulging**
 23 **anything about those cases, can you kind of**
 24 **describe what your role typically is when you are**

Page 14

1 **testifying?**
2 A. Typically it is to the fitness of a
3 person, their, you know, mental stability in family
4 law cases.
5 **Q. And when does that become an issue?**
6 A. Their ability to parent; custody
7 evaluations.
8 **Q. Okay. Have you ever been involved in**
9 **any type of civil commitment cases?**
10 A. No.
11 **Q. Okay. What about a determination of**
12 **competency?**
13 A. Yes. Workmen's compensation.
14 **Q. I'm sorry?**
15 A. With workmen's compensation kind of
16 cases. You mean, competency for fitness and/or --
17 **Q. Yes, competency for work or competency**
18 **to sign contracts.**
19 A. Yes, workmen's compensation.
20 **Q. Any other types?**
21 A. No.
22 **Q. Dr. Childs, do you have a -- do you**
23 **know what a FOID card is?**
24 A. Yes.

Page 15

1 **Q. Okay. Do you possess a FOID card?**
2 A. No.
3 **Q. Have you ever?**
4 A. No.
5 **Q. Have you ever owned a firearm?**
6 A. No.
7 **Q. Okay. Have you ever been a member of**
8 **the NRA or any other type of firearm organization?**
9 A. No, sir.
10 MS. ORELLANO: I'm going to object to
11 relevancy.
12 When I object, you can answer.
13 BY MR. INOUYE:
14 **Q. Okay. So during this process, did you**
15 **ever discuss your evaluation or what was expected**
16 **of you to do the evaluation with Joseph Barbaro?**
17 A. No.
18 **Q. Okay. So the only interaction you've**
19 **had is with David Rhein?**
20 A. That's correct.
21 **Q. Okay. How did you determine what it**
22 **was that you needed to do in order to make this**
23 **evaluation?**
24 A. I was -- well, there was a letter,

Page 16

1 statement, on -- like a form letter that asked for
2 an assessment of Mr. Rhein's stability, mental
3 stability, as to whether he is -- if he was a
4 danger to himself -- that he possessed a danger to
5 himself, if I recall.
6 **Q. Okay. Have you ever been asked to**
7 **perform that type of evaluation in any other**
8 **context?**
9 A. You mean in my career?
10 **Q. Yes.**
11 A. Oh, yes.
12 **Q. In family law context or --**
13 A. In general practice.
14 **Q. Okay.**
15 A. If somebody comes in depressed,
16 suicidal ideations.
17 **Q. Do you perform evaluations to determine**
18 **whether or not they are a danger to themselves or**
19 **to others?**
20 A. Yes.
21 **Q. Specifically for that purpose?**
22 A. Not specifically for that but to assess
23 whether there is a disturbance of thought,
24 perseverated thinking, depression, bipolar.

Page 17

1 **Q. Okay. Is there a -- some type of**
2 **guidelines or any type of treatises that would tell**
3 **you how to determine whether or not someone is a**
4 **danger to themselves or others?**
5 A. Typically there are -- there aren't
6 necessarily guidelines, but there are measures,
7 there are psychometric tests -- that's what we call
8 a mental status examination -- that we perform to
9 determine if they are a danger to themselves or
10 others and we also look at history of the client,
11 prior treatment.
12 **Q. Okay. Now, I see that you brought a**
13 **file with you, and in the subpoena that was given**
14 **to you, it did request that you bring your file.**
15 A. Yes.
16 **Q. What do you have with you?**
17 A. I have notes, handwritten notes, from
18 Michelle Howell.
19 **Q. Were those written by you or --**
20 A. By Michelle.
21 **Q. Okay.**
22 A. I also have a letter that I had
23 submitted.
24 **Q. Okay.**

Page 18

1 A. Psychological evaluation, just a
 2 summary submitted to me by Dr. Howell.
 3 **Q. Okay.**
 4 A. The first amended complaint.
 5 **Q. Okay.**
 6 A. And then my Rorschach Interpretation
 7 Assistance program.
 8 **Q. What is that?**
 9 A. Rorschach Interpretation Assistance
 10 program. He was given a Rorschach to determine his
 11 fitness, so we used an evaluation to assess his
 12 scores and the data.
 13 **Q. Okay.**
 14 A. And then the MMPI answer sheet. MMPI
 15 scoring, which I'm trained in, a specialized test
 16 called the Minnesota Multiphasic, p-h-a-s-i-c,
 17 Personality Inventory, No. 2, and then his
 18 behavioral scale, which assesses his anxiety and
 19 depression; two different forms or tests.
 20 **Q. Okay.**
 21 A. And also what's called an adult
 22 incomplete sentence blank to -- where a client
 23 talks about what they feel, kind of a projected,
 24 where they just write down what's on their -- their

Page 19

1 conscious level of thinking. Also what's called a
 2 Thematic Apperception -- t-h-e-m-a-t-i-c,
 3 a-p-p-e-r-c-e-p-t-i-o-n -- Test responses, and then
 4 two letters from -- that he had submitted to me
 5 from -- Mr. Rhein submitted regarding his
 6 reputation. There's three letters.
 7 **Q. Okay. Did he provide you with any**
 8 **documents that he had sent to Representative**
 9 **DeLuca?**
 10 A. No, I don't have those.
 11 **Q. Okay. Did you ever review those?**
 12 A. No, I never did.
 13 **Q. Okay. Going back for a minute, you**
 14 **said that Dr. Howell is a -- an independent**
 15 **contractor?**
 16 A. Yes.
 17 **Q. Is she a former student of yours, or**
 18 **how do you know her?**
 19 A. She came -- she's a postdoctoral
 20 intern, slash, what they call resident, per se.
 21 They use that term also, but more I call her a
 22 postdoctoral level intern whereby she is providing
 23 services for me as a diagnostician.
 24 **Q. Okay.**

Page 20

1 A. And then we review the documentation
 2 and her data and then I compile my final -- you
 3 know, my letter and/or report. So she's under my
 4 supervision and direction. She does 85 to 90
 5 percent of the work.
 6 **Q. Were you present during the interview**
 7 **of David Rhein? Or the examination?**
 8 A. I met him initially and interviewed him
 9 briefly to determine his motivational capacity to
 10 want to sit for the examination with Dr. Howell,
 11 but I was not present during the actual interview,
 12 no.
 13 **Q. Okay. About how long did you spend**
 14 **with David Rhein?**
 15 A. Maximum, 15 minutes.
 16 **Q. Okay. Was his wife present when you --**
 17 A. She was in the waiting area and I
 18 introduced myself and said hello to her.
 19 **Q. That's the extent of your conversation**
 20 **with her?**
 21 A. That was the extent of my conversation.
 22 **Q. Okay. What was the date of your brief**
 23 **conversation with David Rhein?**
 24 A. If I recall, it was one week prior to

Page 21

1 Dr. Howell conducting the examination, so it was on
 2 or about early June of 2011.
 3 **Q. Okay.**
 4 (Childs Exhibit No. 2 marked.)
 5 BY MR. INOUYE:
 6 **Q. Handing you what I've marked as Exhibit**
 7 **No. 2. Does that look familiar to you?**
 8 A. Yes.
 9 **Q. Is that your report in -- your report**
 10 **of examination of David Rhein?**
 11 A. Yes, sir. Yes.
 12 **Q. Okay. Now, this is -- about halfway**
 13 **down it says "Attorney, Joseph Barbaro," and has an**
 14 **e-mail address. Why did you send it to Joseph**
 15 **Barbaro?**
 16 A. The client had requested that we send
 17 him a copy of the report.
 18 **Q. Okay. Did you receive any type of**
 19 **response from Joseph Barbaro after you sent it?**
 20 A. No, sir.
 21 **Q. Okay. Did David Rhein review the**
 22 **report before you finalized it?**
 23 A. Yes.
 24 **Q. Okay. Did he have any changes?**

Page 22

1 A. No.

2 **Q. Did you write the report or did**

3 **Dr. Howell write the report?**

4 A. I wrote this report.

5 **Q. Okay.**

6 A. Dr. Howell had written another report

7 herself.

8 **Q. And this is -- this report is dated**

9 **July 24th, 2011?**

10 A. That's correct.

11 **Q. Okay.**

12 A. Exactly three years ago.

13 **Q. Do you recall when it was that the --**

14 **the specific date that you met with David Rhein?**

15 A. I don't know the exact date, but I know

16 it was on or around the first week of June.

17 I was actually trying to pull my

18 2011 calendar to look at that, my notations, it has

19 been so long, because I know I referred it to

20 Dr. Howell pretty quickly for examination. I

21 didn't want to delay it.

22 **Q. So did you meet him at this office?**

23 A. Yes, next door.

24 **Q. Okay. And he just came in for 15**

Page 23

1 **minutes, you determined that he was ready to**

2 **proceed with an evaluation, and you scheduled an**

3 **appointment with Dr. Howell?**

4 A. Called Dr. Howell, consulted with her,

5 and said I would get this going pretty quickly.

6 **Q. And then he left?**

7 A. Yes.

8 **Q. Okay. So he didn't meet with**

9 **Dr. Howell that day?**

10 A. No.

11 **Q. And you didn't actually -- you weren't**

12 **there when he met with Dr. Howell?**

13 A. No.

14 **Q. Okay. And I guess that was a poor**

15 **question, because I'm not sure that you said -- are**

16 **you saying that you were there or you were not**

17 **there?**

18 A. I was there when I met with him alone,

19 but I was not there when he met with Dr. Howell,

20 no. It was a good question.

21 **Q. And so this letter, is it based on --**

22 **it is not based on the 15 minutes that you spent**

23 **with him but more on the report that Dr. Howell --**

24 A. Correct, and me, and my review of her

Page 24

1 data and the data on my own. I do my own review of

2 the data as well.

3 **Q. Okay. Now, in the third paragraph of**

4 **this report, it says, about midway through, "He**

5 **presented as non-defensive and clearly responded to**

6 **the fact that the only part to his position and may**

7 **have been taken as a threat is where the part he**

8 **had written, quote, 'this could be the reasons why**

9 **some of you people might be shot.'"**

10 A. Correct.

11 **Q. Okay. So did he admit that: This**

12 **could be the reason why some of you people might be**

13 **shot, was actually a threat or was he denying that**

14 **that was a threat?**

15 A. He denied that that was a threat.

16 **Q. And according to his statements, he**

17 **never threatened anybody; is that right?**

18 A. That's correct.

19 **Q. Okay.**

20 A. May I elaborate on your statement?

21 **Q. Please.**

22 A. On that same paragraph, I indicated

23 here he strongly exclaimed that his intentions were

24 not written in any way as to -- a personal threat

Page 25

1 on anybody's life. I wanted to elaborate on that.

2 I thought it was important.

3 **Q. Okay.**

4 (Childs Exhibit No. 3 marked.)

5 BY MR. INOUYE:

6 **Q. I'm showing you what we've marked as**

7 **Exhibit No. 3. Have you ever seen these documents**

8 **before?**

9 A. No, sir.

10 **Q. Okay. I'll represent to you that these**

11 **were documents that were given to the office of**

12 **Representative DeLuca by David Rhein.**

13 **Now, if you go to -- on the bottom**

14 **right-hand corner --**

15 A. Yes.

16 **Q. -- there are Bates numbers.**

17 A. Yes.

18 **Q. And one says A-G-O and then it is 40.**

19 A. Yes.

20 **Q. Now, in the right-hand column, there's**

21 **some handwritten notes, which I'll represent to you**

22 **were written by David Rhein, and it says,**

23 **"Amendment II" and then underneath that it says,**

24 **"Now you know why so many of you people or going to**

1 be shot because you're too selfish to understand
2 the truth."

3 Now, this appears to be the same
4 comment that he's referencing in your report; does
5 that sound right?

6 A. Yes.

7 MS. ORELLANO: I'm going to object as to
8 asking him to speculate and lack of foundation,
9 because he didn't consider these documents when he
10 wrote his report.

11 You can go ahead and answer the
12 question.

13 BY MR. INOUE:

14 Q. Okay. In your opinion, do you
15 interpret this statement as threatening?

16 A. Yes.

17 Q. If you could turn to the next page,
18 which is page No. 41, again there's some
19 handwritten comments in the right-hand side, which
20 I'll represent to you were written by David Rhein.

21 And it says -- there's a -- it says,
22 "Constitutional Convention, Article XII, State,
23 Second Amendment, Fed." And then underneath that
24 it says, "Now you know why you may be next" and

1 then it has a little drawing there, which is a
2 circle with a cross through it.

3 A. Uh-huh.

4 Q. Would you interpret that as a threat?

5 A. Yes.

6 Q. On the next page, which is page 42,
7 again in the right-hand column there's some
8 handwritten notes, which I'll represent to you were
9 written by David Rhein. It says: You all need to
10 take a step back and look at what you are doing to
11 the state before we the people go Second Amendment
12 on your asses.

13 Now, would you interpret that as a
14 threat?

15 A. Yes, sir.

16 Q. Okay. Now, when you interviewed and
17 examined -- or had David Rhein examined or
18 interviewed, was it the goal to determine his
19 mental state at that time or was it the goal to
20 determine his mental state at the time that he had
21 these interactions with the Representative's
22 office?

23 A. His ability at the time; at that time.

24 Q. Okay. Did you form an opinion as to

1 his mental state at the time he had the
2 interactions with Representative DeLuca's office?

3 A. I did not see this document so I
4 formulated -- I did not formulate an opinion, but I
5 had a concern, in my professional and clinical
6 opinion, as to his level of fitness and his thought
7 process; that's correct.

8 Q. Okay. And you said you "had a
9 concern." Could you describe what you mean by
10 that?

11 A. Whether he was a danger to himself or
12 others.

13 Q. Okay. And just so the record's clear,
14 these documents were apparently given to -- I'll
15 represent to you they were apparently given to
16 Representative DeLuca between March of 2010 and
17 January of 2011. You had not met David Rhein until
18 several months after that; is that right?

19 A. Based upon your statement, it would be
20 six months after; correct.

21 Q. Okay. And as you sit here today, are
22 you able to give a professional opinion as to his
23 mental state in January of 2011?

24 A. No.

1 Q. Okay. Have you ever heard of the
2 Sovereign Nation Movement?

3 MS. ORELLANO: Objection as to relevance.

4 BY THE WITNESS:

5 A. Vaguely.

6 BY MR. INOUE:

7 Q. Okay. Have you heard of people who
8 decide they don't have to pay taxes because they
9 don't recognize the federal government or some
10 other government?

11 A. Yes, I have heard of that.

12 Q. Okay. And I'm assuming that you are
13 not a member of that movement.

14 A. Most definitely I'm not a member of
15 that movement.

16 Q. Okay. Now, did David Rhein ever
17 identify himself as part of that belief?

18 A. Not to me.

19 Q. Given that he never -- well, let me go
20 back for a second.

21 He did indicate that he had problems
22 with state government; is that right? Would that
23 be fair to say?

24 A. Yes.

1 **Q. Did he describe or were you able to**
2 **make a determination of how he came to those**
3 **conclusions or ideas?**

4 A. Just seemed to possess a lot of
5 frustration and anger with government.

6 **Q. Okay. Did he say why he was so**
7 **frustrated with government?**

8 A. He just felt that -- there was a lot of
9 comment about, you know, anti-liberality. He was
10 against Governor Quinn's statement about same-sex
11 marriage. He expressed frustration with
12 Mr. DeLuca. He felt like he wasn't being given the
13 support from the government as a citizen.

14 **Q. Okay. Did he go into how he came to**
15 **this understanding or these beliefs what triggered**
16 **it?**

17 A. He expressed there was graffiti on the
18 property, that he was required to have moved. He
19 mentioned about Section 8 housing coming into his
20 area. He talked about the whole notion of the --
21 the beginnings of the discussion about same-sex
22 marriage, you know, that kind of thing; that in the
23 State of Illinois, there wasn't a lot of support.
24 He was angry about that. He just had a lot of

1 frustration with the state or city governments.

2 **Q. Did he tell you or describe for you or**
3 **Dr. Howell his -- what his interactions were with**
4 **Representative DeLuca's office?**

5 A. If I recall, it was correspondence and
6 telephone -- telephonic messages, that I recall.

7 **Q. Do you recall whether or not he told**
8 **you that he had actually physically been at the --**
9 **at Representative DeLuca's office?**

10 A. If I recall, yes.

11 **Q. Okay. Did he tell you that he had**
12 **interacted with the secretary, Donna Fanning?**

13 A. I don't recall that.

14 **Q. And I have to apologize, I'm not**
15 **well-versed in psychology. Would you describe**
16 **David Rhein as what you would just describe as**
17 **normal, I mean, average, in terms of his testing**
18 **scores?**

19 A. May I elaborate?

20 **Q. Please.**

21 A. I find him to be average in his testing
22 scores. He was not given -- administered
23 intellectual testing. However, Dr. Howell and I
24 both came to the conclusion that he's at least of

1 average intelligence, certainly not higher than
2 that. In terms of his verbal intelligence, in
3 terms of his ability to write or to express, he's
4 capable of expressing himself, yes.

5 **Q. Okay.**

6 A. Did you want more elaboration on my --
7 kind of a summary on my psychological perception of
8 him at this point?

9 **Q. Yes, please.**

10 A. I find, based on reviewing all of this
11 again and going through my notes and the data and
12 everything and me and Dr. Howell reviewing the
13 entire file, you know, it's my opinion that he
14 seems to be an individual who becomes very
15 hypersensitive to social situations, which
16 therefore increases his, you know, anxiety and puts
17 him in a position to be aggressively verbal.

18 I would not perceive -- observe him
19 and/or perceive him to be, based upon the test
20 data, a violent individual but a highly expressive
21 individual in terms of maybe coming across as
22 aggressive. Assertive, threatening, but not
23 following through, almost like an individual who
24 has the -- a lot of bark and no bite, I guess, to

1 put it in those terms.

2 **Q. Okay. Thank you.**

3 A. I think it's more he -- based upon his,
4 you know, Rorschach Ink Blot scores -- which is not
5 my specialty. Mine is more the MMPI test. On the
6 MMPI, for instance, he -- his defensive scales were
7 actually not elevated. They were pretty
8 normalized. There's what's called a lie scale, a
9 faking-to-look-good scale, and what's called a
10 K scale, which is a defensiveness scale, and it
11 actually wasn't elevated. Those weren't elevated
12 scales.

13 Any scales that would depict that he
14 is a criminal personality, even those scales were
15 not elevated. On the MMPI, the scale of 4 and 9
16 are considered, you know, to be the criminal
17 personality profile, people who are incarcerated.
18 I've administered over thousands of those when I
19 was in prisons in undergraduate school and usually
20 those scores would be elevated.

21 But in this case he had one
22 elevation, which was hypochondriasis, which was
23 because of his medical issues. There seemed to be
24 a lot of preoccupation with some of his physical

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1 anomalies and that came through on that test.
 2 That's what I found there. There wasn't any
 3 psychosis. There wasn't any high levels of
 4 neurosis on the MMPI.
 5 On the Rorschach, his thought
 6 processes tended to get -- he got overwhelmed when
 7 he would see a high level of stimulation on the --
 8 on the protocol, as they called it, the Ink Blot
 9 cards, but, again, there wasn't any indication of
 10 him describing violence, there wasn't any blood
 11 description, gore, anything that would depict that
 12 he wanted to harm or hurt anyone.
 13 If anything, it seemed like -- in
 14 further testing on the incomplete sentence blank,
 15 on the depression inventory, on the anxiety -- on
 16 his anxiety scales, they were actually lower than
 17 what I would have expected. So, I didn't, you
 18 know, see anything that would -- you know, from a
 19 clinical perspective that would show that he was a
 20 violent individual.
 21 Is he aggressive, assertive,
 22 expressive? Is there an impulsivity there where
 23 he'll say things off the cuff and get upset and
 24 frustrated? Yes.

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1 **Q. Okay. Now, you described him as bark**
 2 **with no bite. Your determination that he's -- that**
 3 **there's really no substance to the threat itself is**
 4 **based on your evaluation; is that correct?**
 5 A. That's strictly solely it; right.
 6 **Q. Okay. So if you were looking at the**
 7 **threats or the threatening behavior by itself, it**
 8 **wouldn't tell you whether or not he was actually a**
 9 **threat.**
 10 A. That's correct.
 11 **Q. Okay. And you said that he's very**
 12 **sensitive to his environment. Am I phrasing that**
 13 **correctly?**
 14 A. Yes.
 15 **Q. So --**
 16 A. I would even say hypersensitive to the
 17 environment; actually, governmental issues.
 18 **Q. So things that are happening to him or**
 19 **that he perceives are happening to him, he's more**
 20 **sensitive to that than other people might be; is**
 21 **that right?**
 22 A. That's correct.
 23 **Q. You also said that he could become**
 24 **overwhelmed by a high level of stimulation?**

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1 A. Yes.
 2 **Q. Can you describe what you mean by that?**
 3 A. Yes. If he is, you know, being told
 4 that -- you know, in terms of new laws or there's
 5 amendments being passed or there are situations
 6 regarding say racial issues or something of that
 7 nature, I would see him becoming more sensitized
 8 and more reactionary to those kind of situations in
 9 terms of rights; individual rights seemed to be a
 10 lot of what he focused on throughout the theme.
 11 **Q. And, Dr. Childs, just so I'm clear, did**
 12 **Dr. Howell make similar conclusions or was her role**
 13 **just collecting the data itself?**
 14 A. Her role is more collecting data and
 15 also being more conservative in terms of her
 16 findings, in terms of her training under my
 17 direction.
 18 **Q. But she did make findings?**
 19 A. Yes.
 20 **Q. Okay. Now, are you familiar with**
 21 **the -- with -- or did David tell you what happened**
 22 **with his FOID card?**
 23 A. He said that he was told by -- if I
 24 recall, a police officer told him to give it up, he

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1 needed to give it up, and he potentially could get
 2 it back easily or something of that nature.
 3 **Q. Did he tell you why it was revoked?**
 4 A. Because of his threatening statements.
 5 **Q. And did he explain to you what happened**
 6 **as a result of his FOID card being revoked?**
 7 **Let me be more specific. Did he**
 8 **tell you that his guns were taken as a result of**
 9 **not having a FOID card anymore?**
 10 A. Yes.
 11 **Q. Okay. And did he describe to you or to**
 12 **Dr. Howell how that affected him? Having his guns**
 13 **or FOID card taken?**
 14 A. Yes.
 15 **Q. And what did he --**
 16 A. Made him angry.
 17 **Q. Okay. Anything else? Depression or**
 18 **fear of other people or fear of the government or**
 19 **anything like that?**
 20 A. I think it just heightened his anxiety.
 21 My perception, if I recall, it heightened his
 22 anxiety and his anger.
 23 **Q. Okay. Based on the statements that**
 24 **I've shown you in -- and I'm assuming for the**

Page 38

1 purpose of my question that these are actually his
2 statements -- do you think it was appropriate for
3 him to have his FOID card revoked until he could be
4 evaluated for his mental state?
 5 MS. ORELLANO: Again, objection to
 6 speculation, lack of foundation. He did not review
 7 these documents in making his report.
 8 You can answer.
 9 BY THE WITNESS:
 10 A. Can you repeat the question again?
 11 BY MR. INOUYE:
12 Q. No problem. Based on the statements he
13 made in these writings, do you believe that it was
14 inappropriate to revoke his FOID card pending
15 evaluation by a mental health professional?
 16 A. I think it was appropriate for his FOID
 17 card to be revoked until he's evaluated.
 18 MR. INOUYE: Okay. I don't have any other
 19 questions. Thank you, Doctor.
 20 MS. ORELLANO: Just one question.
 21 CROSS-EXAMINATION
 22 BY MS. ORELLANO:
23 Q. Dr. Childs, were you ever contacted by
24 anybody in the Illinois State Police to review the

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1 contents of the report?
 2 A. No, ma'am.
 3 MS. ORELLANO: No further questions.
 4 REDIRECT EXAMINATION
 5 BY MR. INOUYE:
6 Q. Doctor, does Dr. Howell have the same
7 file or --
 8 A. Yes, same file.
9 Q. So she has all the same content?
 10 A. She should, unless there's something
 11 she didn't give to me.
12 Q. Okay. So the other two documents, your
13 report and the subpoena itself, you will have to
14 give to the Court Reporter as well.
 15 A. Can I get copies? How do you do this?
16 Q. This here. You can get copies?
 17 A. Oh, no, that's fine. This is my
 18 report.
19 Q. And also the subpoena.
 20 A. Okay. Thank you.
 21 MR. INOUYE: Dr. Childs, if you would like to
 22 review your the transcript of your deposition, we
 23 can make it available for you to review and sign
 24 and make any changes or amendments you think are

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1 necessary or you can waive signature. It is up to
 2 you.
 3 THE WITNESS: I would like to review and have
 4 my attorney look at it as well.
 5 MR. INOUYE: Okay.
 6 THE WITNESS: If I need to.
 7 MR. INOUYE: Okay.
 8 FURTHER DEPONENT SAITH NOT ...
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 24

Page 41

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE NORTHERN DISTRICT OF ILLINOIS
 3 EASTERN DIVISION
 4 KIM AND DAVID RHEIN,)
 5)
 6 Plaintiffs,)
 7)
 8 vs.) No. 13 C 843
 9)
 10 AGENT PRYOR, Star No. 4816,)
 11 et al.,)
 12)
 13 Defendants.)
 14)
 15)
 16)
 17)
 18)
 19)
 20 This is to certify that I have read my
 21 deposition taken on Tuesday, July 22, 2014, in the
 22 foregoing cause, and that the foregoing transcript
 23 accurately states the questions asked and the
 24 answers given by me, with the changes or
 corrections, if any, made on the Errata Sheet
 attached hereto.
 DR. ALAN PAUL CHILDS
 No errata sheets submitted (Please initial)
 Number of errata sheets submitted pages
 Subscribed and sworn to
 before me this day
 of 2014.
 Notary Public

